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1999

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ACTS

OF THE

Second Annual Session

OF THE

Two Hundred and Eighth Legislature

OF THE

STATE OF NEW JERSEY

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1999

The following laws, enacted by the Second Annual Session of the Two Hundred and Eighth Legislature, and an index of the laws are published in accordance with R. S. 1:3-1 et seq.

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LAWS

(13)

ACTS

ENACTED BY THE

Second Annual Session

OF THE

Two Hundred and Eighth Legislature

CHAPTER 1

AN ACT appropriating $3,166,577 from the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, for lake restoration projects in northern New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. There is appropriated from the "1996 Lake Restoration Fund," established pursuant to section 21 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, to the Department of Environmental Protection the sum of $3,166,577 for the purpose of providing grants to local government units and State agencies, and loans to private lake associations or similar organizations or owners of private lakes, to meet the cost, in whole or in part, of lake restoration projects in northern New Jersey listed in subsections b., c., and d. of this section.

b. The following local government units are eligible to receive grants in the following amounts to meet the cost, in whole or in part, of the following respective lake restoration projects:

LAKE NAME/ PROJECT	RECIPIENT	COUNTY	MUNICIPALITY	GRANT AMOUNT
Poricy Lake	Middletown Twp.	Monmouth	Middletown Twp.	$ 7,500
Budd Lake	Mount Olive Twp.	Morris	Mount Olive Twp.	$207,500
Lake Hopatcong	Mount Arlington Boro.	Morris	Mount Arlington Boro.	$ 50,625
Greenwood Lake	West Milford Twp.	Passaic	West Milford Twp.	$246,000
Cranberry Lake	Byram Twp.	Sussex	Byram Twp.	$234,100
Swartswood Lake	Sussex County	Sussex	Hampton Twp. & Stillwater Twp.	$104,202

c. The following State agencies are eligible to receive grants in the following amounts to meet the cost, in whole or in part, of the following respective lake restoration projects undertaken by the State for lakes owned, leased, or managed by the State:

LAKE NAME/ PROJECT	RECIPIENT	COUNTY	MUNICIPALITY	GRANT AMOUNT
Round Valley Reservoir	NJ Div. of Parks & Forestry	Hunterdon	Clinton Twp.	$25,000
Hooks Creek Lake	NJ Div. of Parks & Forestry	Middlesex	Old Bridge Twp.	$54,000
Lake Hopatcong	NJ Div. of Parks & Forestry	Morris & & Sussex	Jefferson Twp., Mount Arlington Boro., Roxbury Twp., &Hopatcong Boro.	$480,000
Lake Musconetcong	NJ Div. of Parks & Forestry	Morris & Sussex	Netcong Boro., Roxbury Twp., Byram Twp., & Stanhope Boro.	$150,000
Swartswood Lake	NJ Div. of Parks & Forestry	Sussex	Hampton Twp. & Stillwater Twp.	$72,650
Ghost Lake	NJ Div. of Parks & Forestry	Warren	Hope Twp.	$35,000

d. The following private lake associations or similar organizations or owners of private lakes, as co-applicants with local government units, are eligible to receive loans in the following amounts to meet the cost, in whole or in part, of the following respective lake restoration projects:

LAKE NAME/ PROJECT	RECIPIENT	COUNTY	MUNICIPALITY	LOAN AMOUNT
Swannanoa Lake	Swannanoa Sentinel Society	Morris	Jefferson Twp.	$375,000
Upper Greenwood Lake	Upper Greenwood Lake Property Owners Association	Passaic	West Milford Twp.	$375,000
Lake Mohawk	Lake Mohawk Country Club	Sussex	Sparta Twp.	$750,000

e. Any unexpended funds from the projects listed in subsection b., c., or d. of this section shall be returned to the "1996 Lake Restoration Fund" for reappropriation to fund additional projects authorized by law.

f. Any transfer of any funds or project sponsor, or change in project site, listed in subsection b., c., or d. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

g. The expenditures of sums appropriated by this act are subject to the provisions and conditions of P.L.1996, c.70.

2. This act shall take effect immediately.

Approved January 21, 1999.

CHAPTER 2

AN ACT appropriating $1,833,423 from the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, for lake restoration projects in southern New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. There is appropriated from the "1996 Lake Restoration Fund," established pursuant to section 21 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, to the Department of Environmental Protection the sum of $1,833,423 for the purpose of providing grants to local government units and State agencies to meet the cost, in whole or in part, of lake restoration projects in southern New Jersey listed in subsections b. and c. of this section.

b. The following local government units are eligible to receive grants in the following amounts to meet the cost, in whole or in part, of the following respective lake restoration projects:

LAKE NAME/ PROJECT	RECIPIENT	COUNTY	MUNICIPALITY	GRANT AMOUNT
Hammonton Lake	Hammonton Town	Atlantic	Hammonton Town	$232,500
Lower Sylvan Lake	Burlington Twp.	Burlington	Burlington Twp.	$924,473
Grenloch Lake	Washington Twp.	Gloucester	Washington Twp.	$47,500
Como Lake	Spring Lake Boro.	Monmouth	Spring Lake Boro.	$42,500
Deal Lake	Deal Lake Commission	Monmouth	Allenhurst Boro., Asbury Park City, Deal Boro., Interlaken Boro., Neptune Twp., & Ocean Twp.	$350,000
Fletcher Lake	Bradley Beach Boro.	Monmouth	Bradley Beach Boro.	$42,500
Wreck Pond	Spring Lake Boro.	Monmouth	Spring Lake Boro.	$42,500
Pine Lake	Manchester Twp.	Ocean	Manchester Twp.	$42,500

c. The following State agencies are eligible to receive grants in the following amounts to meet the cost, in whole or in part, of the following respective lake restoration projects undertaken by the State for lakes owned, leased, or managed by the State:

LAKE NAME/ PROJECT	RECIPIENT	COUNTY	MUNICIPALITY	GRANT AMOUNT
Absegami Lake	NJ Div. of Parks & Forestry	Burlington	Bass River Twp.	$ 75,000
Harrisonville Lake	NJ Div. of Fish, Game & Wildlife	Gloucester & Salem	South Harrison Twp. & Pilesgrove Twp.	$ 33,950

d. Any unexpended funds from the projects listed in subsection b. or c. of this section shall be returned to the "1996 Lake Restoration Fund" for reappropriation to fund additional projects authorized by law.

e. Any transfer of any funds or project sponsor, or change in project site, listed in subsection b. or c. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

f. The expenditures of sums appropriated by this act are subject to the provisions and conditions of P.L.1996, c.70.

2. This act shall take effect immediately.

Approved January 21, 1999.

CHAPTER 3

AN ACT concerning public employee labor organizations and supplementing P.L.1941, c.100, (C.34:13A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:13A-30 Employment with public employee labor organizations, certain; prohibited.

1. During the period in which an individual, pursuant to section 504 of Pub.L.86-257 (29 U.S.C.s.504), is prohibited from serving: as a consultant or adviser to any labor organization; as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee or representative in any capacity of any labor organization; as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce; in a position which permits the individual to receive a share of the proceeds from providing goods or services to any labor organization, or as an officer, executive or administra-

tive employee of any entity, the activities of which are in whole or substantial part devoted to providing goods or services to any labor organization; or in any capacity involving decision-making authority over, or custody or control of, the moneys, funds, assets or property of a labor organization, the individual shall also be prohibited from serving:

(a) As a consultant or adviser to any organization representing public employees;

(b) As an officer, director, trustee, member of any governing body, business agent, manager, organizer, employee or representative in any capacity of any organization representing public employees;

(c) As a labor relations consultant or adviser to any public employer, or as an officer, director, agent or employee of any group or association of public employers, or in a position in which the individual has collective bargaining authority or responsibility in the area of labor-management relations for a public employer;

(d) In a position which permits the individual to receive a share of the proceeds from providing goods or services to any organization representing public employees, or as an officer, executive or administrative employee of any entity the activities of which are in whole or substantial part devoted to providing goods or services to any organization representing public employees; or

(e) In any capacity involving decision-making authority over, or custody or control of, the moneys, funds, assets or property of an organization representing public employees.

For the purposes of this section, "labor organization" means a labor organization as defined in section 3 of Pub.L.86-257 (29 U.S.C. s.402).

2. This act shall take effect immediately.

Approved January 21, 1999.

CHAPTER 4

AN ACT increasing penalties for violations in the apparel industry of certain laws regarding workplace standards and amending P.L.1987, c.458.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 6 of P.L.1987, c.458 (C.34:6-149) is amended to read as follows:

C.34:6-149 Powers of apparel industry unit.

6. The apparel industry unit shall have the following powers:

a. To investigate and conduct inspections at locations where an apparel industry manufacturer or contractor is operating to ensure compliance with this act;

b. To inspect books, records and premises of manufacturers and contractors, with respect to their production employees, to determine compliance with the State's labor laws, including but not limited to, laws concerning wages, overtime compensation, unemployment compensation and temporary disability insurance, workers' compensation coverage, child labor, and industrial homework laws, and, if the apparel industry unit determines that a manufacturer or contractor has violated a provision of any of those laws with respect to its production employees, to assess and collect, on behalf of the commissioner, any administrative penalty authorized by law. If the violation is of a provision of a labor law for which the assessment and collection of an administrative penalty is not otherwise authorized, the apparel industry unit is hereby authorized to assess and collect an administrative penalty of not less than $250 and not more than $500 for a first violation and not less than $500 and not more than $1,000 for each subsequent violation, specified in a schedule of penalties promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). No administrative penalty shall be levied pursuant to this subsection unless the commissioner or his designee provides the violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing within 15 days following the receipt of the notice. If a hearing is requested, the commissioner, or his designee, may issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon the expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any penalty imposed under this subsection shall be paid to the Division of Workplace Standards and applied to enforcement and administrative costs of the division; and

c. To serve as the designee of the commissioner for the purpose of taking any action authorized by this act necessary to implement its provisions.

2. Section 7 of P.L.1987, c.458 (C.34:6-150) is amended to read as follows:

C.34:6-150 Violations, penalties.

7. a. Any manufacturer or contractor who has failed to comply with the registration requirements of section 3 of this act shall be deemed to have violated this act.

b. Any manufacturer or contractor who has failed to comply, for the second time within any three-year period, with an order issued by the commissioner to comply with the registration requirements of section 3 of this act shall be deemed to have violated this act.

c. Any manufacturer or contractor who contracts for the performance of any apparel industry service, as identified in subsection a. of section 2 of this act, with any other manufacturer or contractor whom the manufacturer or contractor knows does not hold a valid registration shall be deemed to have violated this act. A contractor or manufacturer who knowingly violates this subsection c. within three years after having been found liable for a civil or administrative penalty for violating this subsection c. is guilty of a crime of the fourth degree.

d. No manufacturer or contractor shall perform services or hold himself out as being able to perform services as a registered manufacturer or contractor unless he holds a valid registration pursuant to this act. A contractor or manufacturer who knowingly violates this subsection d. within three years after having been found liable for a civil or administrative penalty for violating this subsection d. is guilty of a crime of the fourth degree.

e. If the commissioner or his designee determines that any manufacturer or contractor commits a violation as provided in subsection a., b., or c. of this section, or violates subsection d. of this section, the commissioner or his designee may impose a civil penalty, and such penalty shall be made with due consideration of the size and past experience of the manufacturer or contractor and the seriousness of the violation, upon the manufacturer or contractor of not less than $1,000 and not more than $2,000 for an initial violation and not less than $2,000 and not more than $4,000 for each subsequent violation, and, as an alternative or in addition to the civil penalty, the commissioner or his designee is authorized to assess and collect an administrative penalty, of not less than $250 and not more than $500 for a first violation and not less than $500 and not more than $1,000 for each subsequent violation, specified in a schedule of penalties to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). No administrative penalty shall be levied pursuant to this subsection unless the

commissioner or his designee provides the violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing within 15 days following the receipt of the notice. If a hearing is requested, the commissioner, or his designee, may issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon the expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The civil or administrative penalties shall be paid to the Division of Workplace Standards and applied to enforcement and administrative costs of the division, except as provided in subsection b. of section 11 of this act. Any civil penalty imposed pursuant to this section shall be enforceable in a summary manner pursuant to Rule 4:70 of the Rules Governing the Courts of the State of New Jersey.

f. If any manufacturer or contractor fails to comply with an order by the commissioner to register or renew registration, the commissioner may seek and obtain in a summary action in Superior Court an injunction prohibiting such unlawful activity.

g. An intentional failure to comply with the registration requirements of section 3 of this act shall be a crime of the fourth degree.

h. The commissioner or his designee may, after a hearing thereon, and after due consideration of the size and past experience of the manufacturer or contractor and the seriousness of the violation, require as a condition of continued registration, the payment of a surety bond or may revoke, by order, the registration of any manufacturer or contractor for any period ranging from 30 days to one year upon being found guilty of:

(1) A second violation of the same provision of this act within any three-year period; or

(2) A second violation within any three-year period of the same provision of any other labor law applicable to the employment of production employees.

The surety bond shall be payable to the State and shall be for the benefit of production employees damaged by any failure of the manufacturer or contractor to pay wages or benefits or otherwise comply with the provisions of law. The surety bond shall be in the sum and form that the commissioner deems necessary for the protection of the production employees, but shall not exceed $2,500 per production employee.

i. Any manufacturer or contractor who contracts, for the second time within any three-year period, for the performance of any apparel industry service with any other manufacturer or contractor whom the manufacturer

or contractor knows has failed to comply with the registration requirements of section 3 of this act, shall, if the other manufacturer or contractor has failed to pay any civil penalty assessed under subsection e. of this section, be liable to pay a civil penalty equal to the civil penalty that the other manufacturer or contractor has been assessed.

j. Nothing herein shall affect either the authority of the department to enforce the industrial homework laws of this State or the right of any manufacturer to possess or repossess any apparel, or sections or components of apparel, that are located at any contractor with whom it has contracted.

3. This act shall take effect immediately.

Approved January 21, 1999.

CHAPTER 5

AN ACT concerning the inspection of school buses, supplementing chapter 3B of Title 39 of the Revised Statutes and amending R.S.39:8-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:3B-18 Short title.

1. This act shall be known and may be cited as the "School Bus Enhanced Safety Inspection Act."

C.39:3B-19 Findings, declarations relative to school bus safety.

2. The Legislature finds and declares that school bus safety is of paramount importance to the health and welfare of the school children of this State. The Legislature further finds that school buses are cited for safety violations during scheduled and random inspections at an unacceptably high level and that recent random school bus inspections conducted by the Division of State Police and the Division of Motor Vehicles found a high percentage of school buses operating with significant violations that warranted the removal of these vehicles from service.

The Legislature concurs with the findings of the Governor's School Bus Safety Task Force that it is appropriate and necessary to revise the existing system of in-lane inspections to a system of in-terminal inspections conducted by motor vehicle inspectors at the facility of the school bus operator. Such a system would provide insight into the carrier's overall operation and commitment to maintenance; allow interaction with the carrier's mechanics and operational personnel to facilitate the immediate

repair of vehicles; provide a mechanism for the audit of a carrier's maintenance records, including daily defect slips, vehicle history records, and driver history and credential records; and, insure the timely inspection of all school buses.

C.39:3B-20 Definitions relative to school bus safety.

3. As used in this act:

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation;

"Division" means the Division of Motor Vehicles in the Department of Transportation;

"In-terminal inspection" means an inspection conducted by the Division of Motor Vehicles at the operator's terminal of any motor vehicle required to meet the safety regulations for school buses adopted by the Department of Transportation pursuant to R.S.39:3B-5 and P.L.1986, c.92 (C.18A:3B-5.4) and vehicle emissions standards established for engine type pursuant to R.S.39:8-2 and section 3 of P.L.1995, c.157 (C.39:8-61);

"Operator" means the owner or person responsible for the day to day operation and maintenance of school buses;

"School bus" means all Type I and Type II school buses as defined in R.S.39:1-1 and school buses retired pursuant to P.L.1986, c.92 (C.39:3B-5.4), under the jurisdiction of the division.

C.39:3B-21 Establishment of school bus enhanced safety inspection program.

4. a. The director shall establish a school bus enhanced safety inspection program which shall include, but not be limited to, the following elements:

(1) an in-terminal school bus inspection program which provides for the semi-annual or annual inspection of school buses by division inspection teams;

(2) standards and requirements pertaining to the equipment, maintenance, and repair of school buses subject to inspection pursuant to this act; all in-terminal inspections, including those involving diesel vehicles, shall include an emission inspection to determine whether that vehicle meets the State's emission specifications and standards;

(3) standards and requirements pertaining to the establishment and maintenance of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and

(4) standards and requirements pertaining to the establishment and maintenance of driver employment records, including records which demonstrate a driver's compliance with all statutory and regulatory requirements for authorization to operate a school bus, and any other records and credentials deemed necessary by the director for school bus drivers

employed by the operator. The records shall be made available to division inspectors during each in-terminal inspection.

b. If an operator does not have adequate terminal facilities to allow for a proper and thorough in-terminal inspection, the director shall designate an in-lieu-of terminal site and direct the operator to present his buses and records to that site for inspection on such terms and conditions as determined by the director.

c. The time and location of any inspection or reinspection conducted pursuant to this section shall be determined by the director. Unless an owner agrees to a different time schedule, the director shall schedule a reinspection within three days of the date of the inspection that necessitated the reinspection.

C.39:3B-22 Violations, penalties.

5. a. Any operator who violates the standards for driver employment records established pursuant to subsection a. of section 4 of this act, or who fails to retain proper records for inspection as required, or who fails to make available any record or document required at the time of inspection, or who falsifies any record, or who fails to present or otherwise make available any school bus or buses due for inspection, as requested by an examiner, unless notification of the intent to withhold a bus or buses from an examiner is made in writing at least 24 hours prior to the scheduled inspection, shall be fined not less than $50 and not more than $500 per violation, in accordance with a schedule of fines to be established by the director. The director shall waive the requirement of notice upon a showing of good cause by an operator. A bus withheld from an examiner pursuant to this section shall be inspected within 30 days of the date of the originally scheduled inspection, unless otherwise agreed by the operator and the director. The operator shall be responsible for all fines.

Nothing in this subsection shall be deemed to preclude any other enforcement actions provided by law.

b. Any fine imposed pursuant to the provisions of this section may be collected, with costs, in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior Court or municipal court of the county or municipality in which the violation occurs or in which the operator resides or has a place of business or principal office in this State, shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with any violation of this act.

The director or any duly authorized representative of the director may issue a summons and complaint returnable in any court of competent jurisdiction for a violation of this act or any rule or regulation adopted pursuant to this act. A municipal, county, or State prosecutor is authorized

to assist the director in the enforcement of this act. The director may institute an action in the Superior Court for injunctive relief to prevent or restrain any violation of this act, or any rule or regulation adopted, or any administrative or judicial order issued, pursuant to this act.

c. Any officer charged with the enforcement of State and municipal laws is authorized to assist the director or any duly authorized representative of the director in the enforcement of the provisions of this act, or any rule or regulation adopted, or any administrative or judicial order issued, pursuant to this act.

C.39:3B-23 Removal from service upon failure of inspection.

6. Any school bus that fails an inspection based on out-of-service criteria as established by the director shall be immediately removed from service.

C.39:3B-24 Rules, regulations.

7. The director shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to implement the provisions of this act, including the schedule of fines required pursuant to section 5 of this act and the out of service criteria required pursuant to section 6 of this act.

8. R.S.39:8-2 is amended to read as follows:

Examiners of motor vehicles; rules; regulations; inspections; requirements, etc.

39:8-2. a. The director may designate and appoint, subject to existing laws, competent examiners of motor vehicles to conduct examinations, other than the periodic inspections required pursuant to subsection b. of this section, of motor vehicles required to be inspected in accordance with the provisions of this chapter. The examiners may be delegated to enforce the provisions of the motor vehicle and traffic law.

b. (1) The director shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and with the requirements of the federal Clean Air Act with respect to the type and character of the inspections to be made, the facility at which the vehicle shall be inspected, the frequency of inspections of motor vehicles and the approval or rejection of motor vehicles as a result of these inspections. These rules and regulations shall require the use of inspection tests that are designed to meet the enhanced inspection and maintenance requirements of the federal Clean Air Act and that have been proven to be feasible and effective for the inspection of large numbers of motor vehicles, except that these tests shall not include the "I/M 240" test. Nothing in this subsection shall preclude the

use of the "I/M 240" test in sampling for performance evaluations only or the use of the test at the option of a private inspection facility. The rules and regulations may distinguish between vehicles based on model year, type, or other vehicle characteristics in order to facilitate inspections or to comply with the federal Clean Air Act. A low mileage vehicle shall not be subject to a tailpipe inspection test utilizing a dynamometer but may be subject to an idle test and a purge and pressure test. For the purpose of this paragraph, "low mileage vehicle" means a motor vehicle that is driven less than 10,000 miles during the biennial inspection period, except that the director may set the qualifying number of miles for this exemption at a lower number in order to meet the federal enhanced inspection and maintenance performance standard.

(2) The Department of Environmental Protection and the director shall investigate advanced testing technologies, including but not limited to remote sensing and onboard diagnostics, and shall, to the extent permitted by law, pursue the use of such technologies, other than the "I/M 240" test, in motor vehicle emission inspections required by the United States Environmental Protection Agency pursuant to the federal Clean Air Act. The director shall adopt, to the extent practicable, advanced technologies to facilitate the retrieval of testing and other information concerning motor vehicles, which technologies shall include but not be limited to the use of computer bar codes and personal cards containing encoded information, such as a person's operating license, motor vehicle registration, and motor vehicle insurance, the inspection status of a motor vehicle, and mass transit fares, that can be accessed quickly by a computer.

c. Except as modified by the director to distribute evenly the volume of inspections, all motor vehicles required by the director, in accordance with the provisions of R.S.39:8-1, to be inspected under this chapter shall be inspected biennially, except that classes of vehicles that require more frequent inspections, such as school buses, shall be inspected at such shorter intervals as may be established by the director after consultation with the Department of Environmental Protection. At any time, the director may require the owner, lessee, or operator of a motor vehicle to submit the vehicle for inspection.

d. The director shall furnish to designated examiners or to other persons authorized to conduct inspections or to grant waivers official certificates of approval, rejection stickers or waiver certificates, the form, content and use of which he shall establish. The certificates of approval, rejection stickers and waiver certificates shall be of a type, such as a windshield sticker or license plate decal, that can be attached to the vehicle or license plate in a location that is readily visible to anyone viewing the vehicle. If a certificate of approval cannot be issued, the driver shall be

provided with a written inspection report describing the reasons for rejection and, if appropriate, the repairs needed or likely to be needed to bring the vehicle into compliance with applicable standards.

e. The director may, with the approval of the State House Commission, purchase, lease or acquire by the exercise of the power of eminent domain any property for the purpose of assisting him in carrying out the provisions of this chapter. This property may also be used by the director for the exercise of the duties and powers conferred upon him by the other chapters of this Title.

f. For the purpose of implementing the motor vehicle inspection requirements of the federal Clean Air Act and subject to the approval of the Attorney General, the State Treasurer, prior to January 1, 1997, may:

(1) Purchase, lease or acquire by eminent domain any property for vehicle inspection purposes. Any other provision of law to the contrary notwithstanding, no further approval shall be required for transactions authorized by this paragraph, except that a proposed purchase, lease or acquisition by eminent domain shall require the approval of the Joint Budget Oversight Committee, and shall be submitted to the Joint Budget Oversight Committee, which shall review the proposed purchase, lease or acquisition by eminent domain within 15 business days; and

(2) Sell or lease, or grant an easement in, any property acquired, held or used for vehicle inspection purposes or any other suitable property held by the State that is not currently in use or dedicated to another purpose. For the purpose of this paragraph and notwithstanding any provision of R.S.52:20-1 et seq. to the contrary, the sale or lease of, or the granting of an easement in, real property owned by the State shall be subject to the approval of the State House Commission, which shall meet at the call of the Governor to act on a proposed sale or lease or grant of an easement pursuant to this paragraph. A member of the State House Commission may permit a representative to act on that member's behalf in considering and voting on a sale or lease or grant of an easement pursuant to this paragraph. Any other provision of law to the contrary notwithstanding, any moneys derived from a sale, lease or granting of an easement by the State pursuant to this paragraph shall not be expended unless approved by the Joint Budget Oversight Committee for the purpose of purchasing, leasing or acquiring property pursuant to paragraph (1) of this subsection, except that any moneys derived therefrom and not approved for that purpose shall be appropriated to the Department of Transportation to provide for mass transit improvements.

g. The director shall conduct roadside examinations of motor vehicles required to be inspected, using such inspection equipment and procedures, and standards established pursuant to section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited to, remote sensing technology, as

the director shall deem appropriate to provide for the monitoring of motor vehicles pursuant to this subsection. At least 20,000 vehicles or 0.5 percent of the total number of motor vehicles required to be inspected under this chapter, whichever is less, shall be inspected during each inspection cycle by roadside examination teams under the supervision of the director. The director may require any vehicle failing a roadside examination to be inspected at an official inspection facility or a private inspection facility within a time period fixed by the director. Failure to appear and pass inspection within the time period fixed by the director shall result in registration suspension in addition to any other penalties provided in this Title. The director shall conduct an aggressive roadside inspection program to ensure that all motor vehicles that are required to be inspected in this State are in compliance with State law.

h. The director, and, when appropriate, the Department of Environmental Protection, shall conduct inspections and audits of licensed private inspection facilities, official inspection facilities and designated examiners to ensure accurate test equipment calibration and use, and compliance with proper inspection procedures and with the provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any regulations adopted pursuant thereto by the Division of Motor Vehicles or by the Department of Environmental Protection. These inspections and audits shall be conducted at such times and in such manner as the director, upon consultation with the Department of Environmental Protection, shall determine in order to provide quality assurance in the performance of the inspection and maintenance program.

i. (1) The director shall make a charge of $2.50 for the initial inspection for each vehicle subject to inspection, which amount shall be paid to the director or his representative when payment of the registration fees fixed in chapter 3 of this Title is made; provided however, that on and after January 1, 1999, a school bus as defined pursuant to section 3 of P.L.1999, c.5 (C.39:3B-20) and having a registration period commencing on or after January 1, 1999, shall be subject to an inspection fee for each in-terminal or in-lieu-of terminal inspection in accordance with the following schedule:

School Bus Specification Inspection	$50 per bus
School Bus Inspection	$25 per bus

The specification inspection is required when a school bus is put into service in New Jersey, whether a new bus or a bus from another state. The specification inspection is conducted to ensure that the school bus meets New Jersey specification standards. The school bus inspection fee shall be charged to the operator for each in-terminal or in-lieu-of terminal inspection. School Vehicle Type I and School Vehicle Type II buses shall be

inspected semiannually. Retired school buses shall be inspected annually. No school bus inspection fee shall be charged for any reinspection conducted by the division on a previously scheduled trip or if the reinspection is conducted on the same day as the inspection that necessitated the reinspection. If an additional trip is required by the division's inspectors for a reinspection for out of service criteria, a fee of $25 per bus shall be charged. Inspection fees shall be paid to the director or the director's designee subject to the terms and conditions prescribed by the director. Any law or rule or regulation adopted pursuant thereto to the contrary notwithstanding, a registration fee authorized pursuant to chapter 3 of Title 39 of the Revised Statutes shall not be increased for the purpose of paying any costs associated in any manner with the establishment, implementation or operation of the motor vehicle inspection and maintenance program established pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

(2) The director shall establish by regulation a fee to cover the costs of inspecting any vehicle that is required, or has the option, under federal law to be inspected in this State but is registered in another state or is owned or leased by the federal government. In determining these costs, the director shall include all capital and direct and indirect operating costs associated with the inspection of these vehicles including, but not limited to, the costs of the actual inspection, the creation and maintenance of the vehicle inspection record, administrative, oversight and quality assurance costs and the costs associated with reporting inspection information to the owner, the federal government and agencies of other states. All fees collected pursuant to this subsection shall be paid to the State Treasurer and deposited in the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of this section.

j. There is established in the General Fund a special dedicated, non-lapsing fund to be known as the "Motor Vehicle Inspection Fund," which shall be administered by the State Treasurer. The State Treasurer shall deposit into the "Motor Vehicle Inspection Fund" $11.50 from each motor vehicle registration fee received by the State after June 30, 1995. The Legislature shall annually appropriate from the fund an amount necessary to pay the reasonable and necessary expenses of the implementation and operation of the motor vehicle inspection program. The State Treasurer shall:

(1) Pay to a private contractor or contractors contracted to design, construct, renovate, equip, establish, maintain and operate official inspection facilities under a contract or contracts entered into with the State Treasurer pursuant to subsection a. of section 4 of P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary to meet the costs agreed to under the contract or contracts; and

(2) Transfer from the fund to the Division of Motor Vehicles and the Department of Environmental Protection the amounts necessary to finance the costs of administering and implementing all aspects of the inspection and maintenance program, and to the Office of Telecommunications and Information Systems in the Department of
the Treasury the amount necessary for computer support upgrades;

Moneys remaining in the fund and any unexpended balance of appropriations from the fund at the end of each fiscal year shall be reappropriated for the purposes of the fund. Any interest earned on moneys in the fund shall be credited to the fund.

9. This act shall take effect on January 1, 1999 except that the division may immediately take such administrative and regulatory action as may be necessary to implement the provisions of this act.

Approved January 21, 1999.

CHAPTER 6

AN ACT concerning the minimum wage and amending P.L.1996, c.113.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 5 of P.L.1966, c.113 (C.34:11-56a4) is amended to read as follows:

C.34:11-56a4 Minimum wage rate; exemptions.

5. Every employer shall pay to each of his employees wages at a rate of not less than $5.05 per hour as of April 1, 1992 and, after January 1, 1999 the minimum hourly wage rate set by section 6(a)(1) of the federal "Fair Labor Standards Act of 1938" (29 U.S.C. s.206(a)(1)) for 40 hours of working time in any week and 1 1/2 times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C.34:11-56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to part-time employees primarily engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing

a special vocational school graduate permit issued pursuant to section 15 of P.L.1940, c.153 (C.34:2-21.15), or to persons employed as salesmen of motor vehicles, or to persons employed as outside salesmen as such terms shall be defined and delimited in regulations adopted by the commissioner, or to persons employed in a volunteer capacity and receiving only incidental benefits at a county or other agricultural fair by a nonprofit or religious corporation or a nonprofit or religious association which conducts or participates in that fair.

The provisions of this section for the payment to an employee of not less than 1 1/2 times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm or employed in a hotel or to an employee of a common carrier of passengers by motor bus or to a limousine driver who is an employee of an employer engaged in the business of operating limousines or to employees engaged in labor relative to the raising or care of livestock.

Employees engaged on a piece-rate or regular hourly rate basis to labor on a farm shall be paid for each day worked not less than the minimum hourly wage rate multiplied by the total number of hours worked.

Full-time students may be employed by the college or university at which they are enrolled at not less than 85% of the effective minimum wage rate.

2. This act shall take effect immediately.

Approved January 21, 1999.

CHAPTER 7

AN ACT establishing a Task Force on Diabetes and the Schools and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is established a Task Force on Diabetes and the Schools to consist of the following 14 members: one member to be appointed by the President of the Senate, and one member to be appointed by the Speaker of the General Assembly, both of whom shall be a parent of a student with diabetes attending the public schools; one member to be appointed by the Governor who shall be a representative of a non-public school; the

Commissioner of Education, or his designee; one school administrator selected by the New Jersey Association of School Administrators; one local school board member selected by the New Jersey School Boards Association; one public school teacher selected by the New Jersey Education Association; one public school principal or supervisor selected by the New Jersey Principals and Supervisors Association; a pediatric endocrinologist selected by the Academy of Pediatrics-New Jersey; a certified school nurse selected by the New Jersey State Nurses Association; a certified school nurse selected by the New Jersey State School Nurses Association; a certified diabetes educator selected by the Garden State Association for Diabetes Educators; a registered dietician selected by the American Dietetics Association, New Jersey Chapter; and one representative from the American Diabetes Association.

2. All appointments shall be made within 30 days after the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made. Members of the task force shall serve without compensation.

3. The task force shall organize within 30 days after the appointment of its members and shall select a chairperson and a vice- chairperson from among its members and a secretary who need not be a member of the task force.

4. It shall be the duty of the task force to develop guidelines on the most appropriate and effective means of providing for the needs of students with diabetes in the school setting. In particular, the guidelines shall include, but need not be limited to:

a. the establishment of a standardized but flexible system of procedures to enable a school to implement an individualized treatment plan for a diabetic student;

b. the establishment of basic procedures to ensure that a school works in conjunction with the student's parents and medical care providers; and

c. the establishment of procedures to ensure that a student's diabetes care is integrated into the usual school routine to the greatest extent possible.

5. Staff and related support services shall be provided to the task force by the Department of Education. The task force shall also be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

6. a. The task force may meet and hold hearings at the place or places it designates during the sessions or recesses of the Legislature and shall present its guidelines to the State Board of Education no later than six months following its organizational meeting.

b. After review by the State board, the Department of Education shall disseminate the guidelines to all public school districts and nonpublic schools. The department shall periodically update the guidelines as required to incorporate revised protocols on the care of diabetic students.

7. There is appropriated from the General Fund to the task force $5,000 to effectuate the purposes of this act.

8. This act shall take effect immediately and shall expire 30 days after the submission of the task force guidelines.

Approved January 25, 1999.

CHAPTER 8

AN ACT concerning abandonment of elderly persons or disabled adults and amending P.L.1989, c.23.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1989, c.23 (C.2C:24-8) is amended to read as follows:

C.2C:24-8 Abandonment, neglect of elderly person, disabled adult; third degree crime.

1. a. A person having a legal duty to care for or who has assumed continuing responsibility for the care of a person 60 years of age or older or a disabled adult, who abandons the elderly person or disabled adult or unreasonably neglects to do or fails to permit to be done any act necessary for the physical or mental health of the elderly person or disabled adult, is guilty of a crime of the third degree. For purposes of this section "abandon" means the willful desertion or forsaking of an elderly person or disabled adult.

b. A person shall not be considered to commit an offense under this section for the sole reason that he provides or permits to be provided nonmedical remedial treatment by spiritual means through prayer alone in lieu of medical care, in accordance with the tenets and practices of the

elderly person's or disabled adult's established religious tradition, to an elderly person or disabled adult to whom he has a legal duty to care for or has assumed responsibility for the care of.

c. Nothing in this section shall be construed to preclude or limit the prosecution or conviction for any other offense defined in this code or in any other law of this State.

2. This act shall take effect immediately.

Approved January 25, 1999.

CHAPTER 9

AN ACT concerning prostitution and amending N.J.S.2C:34-1.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:34-1 is amended to read as follows:

Prostitution and related offenses.

2C:34-1. Prostitution and Related Offenses.

a. As used in this section:

(1) "Prostitution" is sexual activity with another person in exchange for something of economic value, or the offer or acceptance of an offer to engage in sexual activity in exchange for something of economic value.

(2) "Sexual activity" includes, but is not limited to, sexual intercourse, including genital-genital, oral-genital, anal-genital, and oral-anal contact, whether between persons of the same or opposite sex; masturbation; touching of the genitals, buttocks, or female breasts; sadistic or masochistic abuse and other deviate sexual relations.

(3) "House of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

(4) "Promoting prostitution" is:

(a) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business;

(b) Procuring an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate;

(c) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;

(d) Soliciting a person to patronize a prostitute;

(e) Procuring a prostitute for a patron;

(f) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

(g) Leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means.

b. A person commits an offense if:

(1) The actor engages in prostitution;

(2) The actor promotes prostitution;

(3) The actor knowingly promotes prostitution of a child under 18 whether or not the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable;

(4) The actor knowingly promotes prostitution of the actor's child, ward, or any other person for whose care the actor is responsible;

(5) The actor compels another to engage in or promote prostitution;

(6) The actor promotes prostitution of the actor's spouse; or

(7) The actor knowingly engages in prostitution with a person under the age of 18, or if the actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18, or if the actor solicits or requests a child under the age of 18 to engage in sexual activity. It shall be no defense to a prosecution under this paragraph that the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable.

c. Grading of offenses under subsection b.

(1) An offense under subsection b. constitutes a crime of the second degree if the offense falls within paragraph (3) or (4) of that subsection.

(2) An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5), (6) or (7) of that subsection.

(3) An offense under paragraph (2) of subsection b. constitutes a crime of the third degree if the conduct falls within subparagraph (a), (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is a crime of the fourth degree.

(4) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (1) of that subsection except that a second or subsequent conviction for such an offense constitutes a crime of the fourth degree. In addition, where a motor vehicle was used in

the commission of any offense under paragraph (1) of subsection b. the court shall suspend for six months the driving privilege of any such offender who has a valid driver's license issued by this State. Upon conviction, the court shall immediately collect the offender's driver's license and shall forward it, along with a report stating the first and last day of the suspension imposed pursuant to this paragraph, to the Division of Motor Vehicles.

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution.

2. This act shall take effect immediately.

Approved January 25, 1999.

CHAPTER 10

AN ACT concerning continuing education requirements for electrical contractors and supplementing P.L.1962, c.162 (C.45:5A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:5A-13.1 Continuing education requirements for electrical contractors.

1. The Board of Examiners of Electrical Contractors shall require each electrical contractor, as a condition for triennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to complete 34 credits of continuing education requirements imposed by the board pursuant to sections 2 and 3 of this act.

C.45:5A-13.2 Responsibilities of board as to courses and programs.

2. a. The board shall:

(1) Establish standards for continuing electrical contracting education regarding the subject matter and content of continuing education courses;

(2) Approve educational programs offering credit towards the continuing electrical contracting education requirements; and

(3) Approve other equivalent educational programs including, but not limited to, programs provided by electrical contracting associations and other relevant professional and technical associations, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

b. In the case of education courses and programs, each hour of instruction shall be equivalent to one credit.

C.45:5A-13.3 Contents of educational course of study.

3. The educational course of study required of licensed electrical contractors for each triennial registration period shall include 34 hours of continuing education as follows:

a. A 10-hour course of study relating to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code and one hour of which shall pertain to applicable State statutes and regulations; and

b. Twenty-four hours of instruction approved by the board covering one or more of the following subjects:

(1) Installation, erection, repair or alteration of electrical equipment for the generation, transmission or utilization of electrical energy;

(2) Transmission or utilization of electrical energy;

(3) Job estimating, management and business practices;

(4) Supervisory responsibilities required of licensees pursuant to the laws of this State; and

(5) Any other subject relevant to electrical contracting and construction as determined by the board.

C.45:5A-13.4 Waiver of continuing education requirement.

4. The board may, in its discretion, waive requirements for continuing education under this act on an individual basis for reasons of hardship such as illness or disability, retirement of the license or other good cause.

C.45:5A-13.5 Continuing education credits not required under certain circumstances.

5. The board shall not require completion of continuing education credits for initial registrations. The board shall not require completion of continuing education credits for any registration periods commencing within 12 months of the effective date of this act. The board shall require completion of continuing education credits on a pro rata basis for any registration periods commencing more than 12 but less than 36 months following the effective date of this act.

C.45:5A-13.6 Carryover of credit hours permitted under certain circumstances.

6. In the event an electrical contractor completes a number of continuing education credit hours in excess of the number required by the board pursuant to section 1 of this act, the board shall allow a maximum of eight credit hours to be carried over to satisfy the electrical contractor's continuing education requirement for the next triennial licensure period, but these credit hours shall not be applicable thereafter.

C.45:5A-13.7 Differential in registration fees for non-members.

7. The board shall permit any electrical contracting association or other professional or technical association offering a continuing electrical contracting education program approved by the board pursuant to section 2 of this act to impose a reasonable differential in registration fees for courses upon licensed electrical contractors who are not members of that association.

8. This act shall take effect on the 90th day following enactment, except that the Board of Examiners of Electrical Contractors may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate regulations necessary to effectuate the provisions of this act during the 90 days.

Approved January 25, 1999.

CHAPTER 11

AN ACT concerning certain sewerage and municipal authorities' escrow accounts, and supplementing P.L.1946, c.138 (C.40:14A-1 et seq.) and P.L.1957, c.183 (C.40:14B-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:14A-38 Findings, declarations relative to utility improvements for sewers.

1. The Legislature hereby finds and declares that:

a. It is necessary for the protection of the public health and safety that sewerage authorities review and approve plans for utility improvements which developers will convey to sewerage authorities or which will serve more than one user or service unit;

b. Changes in the operation and lending procedures of financial institutions have significantly restricted the amount of financing available for development activities prior to the initiation of construction;

c. It is in the public interest to improve regulatory efficiency through standardized sewerage authority procedures;

d. The public interest is best served through the use of standardized procedures to govern the approval and installation of utility improvements which are consistent with and follow the accepted procedures established in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

C.40:14A-39 Definitions relative to utility improvements for sewers.

2. As used in sections 3 through 8 of P.L.1999, c.11 (C.40:14A-40 through C.40:14A-45), "developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, and who is submitting an application for the installation of utility improvements pursuant to P.L.1999, c.11 (C.40:14A-38 et al.). For the purposes of sections 1 through 8 of P.L.1999, c.11 (C.40:14A-38 through C.40:14A-45), "chief financial officer" means the authority official designated by Board of Commissioners to be responsible for the proper administration of the finances of the authority under the Local Bond Law, Local Fiscal Affairs Law, the Local Authorities Fiscal Control Law, the Local Public Contracts Law, and such other statutes, and such rules and regulations promulgated by the Director of the Division of Local Government Services, the Local Finance Board, or any other State agency as may pertain to the financial administration of the authority.

C.40:14A-40 Conditions of final site plan approval.

3. a. Before recording of final subdivision plats or as a condition of final site plan approval, the sewerage authority may require and shall accept in accordance with the standards adopted pursuant to sections 3 through 8 of P.L.1999, c.11 (C.40:14A-40 through C.40:14A-45) for the purpose of assuring the installation and maintenance of on-tract sewer facility improvements:

(1) The furnishing of a performance guarantee in favor of the sewerage authority in an amount not to exceed 120% of the cost of installation, which cost shall be determined or approved by the sewerage authority engineer according to the method of calculation set forth in section 7 of P.L.1999, c.11 (C.40:14A-44), for improvements which the sewerage authority may deem necessary or appropriate including sanitary sewers and related sewer facilities and improvements.

The sewerage authority engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, or approve an itemized cost estimate of the improvements as prepared by the developer's engineer, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(2) The furnishing of a maintenance guarantee to be posted with the sewerage authority for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the sewerage authority

engineer according to the method of calculation set forth in section 7 of P.L.1999, c. 11 (C.40:14A-44).

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the sewerage authority by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the sewerage authority engineer according to the method of calculation set forth in section 7 of P.L.1999, c.11 (C.40:14A-44) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the sewerage authority for the reasonable cost of the improvements not completed or corrected and the sewerage authority may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required utility improvements, and the connection of same to the public system, the obligor may request of the sewerage authority in writing, by certified mail addressed in care of the chief administrative officer of the sewerage authority, that the sewerage authority prepare, in accordance with the itemized cost estimate prepared or approved by the sewerage authority engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the sewerage authority engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the sewerage authority shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the sewerage authority, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the sewerage authority shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the sewerage authority shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee

relating to the completed and satisfactory improvements, in accordance with the itemized cost estimate prepared or approved by the sewerage authority engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The sewerage authority, by resolution, shall either approve the improvements determined to be complete and satisfactory by the sewerage authority, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared or approved by the sewerage authority engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the sewerage authority. Upon adoption of the resolution by the sewerage authority, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that an amount of the performance guarantee equal to the cost of the remaining open improvements may be retained to ensure completion and acceptability of all improvements.

(2) If the sewerage authority fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the sewerage authority to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the sewerage authority fails to approve or reject the improvements determined by the sewerage authority to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the sewerage authority's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared or approved by the sewerage authority engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the sewerage authority as part of the performance guarantee, then any partial

reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

f. If any portion of the required improvements is rejected, the sewerage authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the sewerage authority or the sewerage authority engineer.

h. The obligor shall reimburse the sewerage authority for all reasonable inspection fees paid to the sewerage authority for the foregoing inspection of improvements; provided that the sewerage authority may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of improvements, which cost shall be determined pursuant to section 7 of P.L.1999, c.11 (C.40:14A-44). The developer shall deposit with the sewerage authority the full amount of reasonably anticipated inspection fees unless the section of the development that is under construction is of a large size and the sewer or water utilities, or both, are going to be constructed in phases. When the developer and the sewerage authority reach agreement on the phasing of utility construction, the full amount of reasonably anticipated inspection fees for those phases scheduled to start construction shall be deposited with the sewerage authority. The sewerage authority shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

i. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the sewerage authority on the subdivision plat or site plan, the sewerage authority shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of sewer facilities and any other improvements made thereon according to site plans and subdivision plats approved by the sewerage authority, provided that such improvements have been inspected and have received final approval by the sewerage authority.

C.40:14A-41 Payments to professionals for services rendered to sewerage authority.

4. a. The chief financial officer of a sewerage authority shall make all of the payments to professionals for services rendered to the sewerage authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the

provisions of sections 3 through 8 of P.L.1999, c.11 (C.40:14A-40 through C.40:14A-45). Such fees or charges shall be based upon a schedule established by resolution. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the sewerage authority. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The sewerage authority shall not bill the applicant, or charge any escrow account or deposit authorized under subsection b. of this section, for any sewerage authority clerical or administrative functions, overhead expenses, meeting room charges, or any other sewerage authority costs and expenses except as provided for in this section, nor shall a sewerage authority professional add any such charges to his bill. If the salary, staff support and overhead for a sewerage authority professional are provided by the sewerage authority, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by resolution, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals the charge shall be at the same rate as all other work of the same nature by the professional for the sewerage authority when fees are not reimbursed or otherwise imposed on applicants or developers.

b. If the sewerage authority requires of the developer a deposit toward anticipated sewerage authority expenses for these professional services, the deposit shall be placed in an escrow account pursuant to section 1 of P.L.1985, c.314 (C.40:14A-7.3). The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit required shall be established by the rules and regulations of the sewerage authority or by resolution of the sewerage authority, or both. For review of applications for development proposing a subdivision, the amount of the deposit shall be calculated based on the number of proposed lots. For review of applications for development proposing a site plan, the amount of the deposit shall be based on the area of the site to be developed, or the square footage of buildings to be constructed, or both. Deposits for inspection fees shall be established in accordance with subsection h. of section 3 of P.L.1999, c.11 (C.40:14A-40).

c. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall

be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services were performed, the hours spent to one-quarter hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the chief financial officer of the sewerage authority on a monthly basis in accordance with schedules and procedures established by the chief financial officer of the sewerage authority. If the services are provided by a sewerage authority employee, the sewerage authority employee shall prepare and submit to the chief financial officer of the sewerage authority a statement containing the same information as required on a voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the sewerage authority simultaneously to the applicant. The chief financial officer of the sewerage authority shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are $1,000 or less, or on a monthly basis if monthly charges exceed $1,000. If an escrow account or deposit contains insufficient funds to enable the sewerage authority to perform required application reviews or improvement inspections, the chief financial officer of the sewerage authority shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the sewerage authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

d. The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of sections 3 through 8 of P.L.1999, c.11 (C.40:14A-40 through C.40:14A-45) and shall commence after the sewerage authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in section 3 of P.L.1999, c.11 (C.40:14A-40), in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the chief financial officer of the sewerage authority, and to the relevant sewerage authority professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the chief financial officer of the sewerage authority within 30 days, and shall send a copy simultaneously to the applicant. The chief financial officer of the sewerage authority shall render a written final accounting to the applicant on the uses

to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with section 1 of P.L.1985, c.314 (C.40:14A-7.3), shall be refunded to the developer along with the final accounting.

e. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the sewerage authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agency and not under sewerage authority jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

f. If the sewerage authority retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the sewerage authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the sewerage authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

C.40:14A-42 Maintenance , performance guarantee; cash requirement.

5. A sewerage authority shall not require that a maintenance guarantee required pursuant to section 3 of P.L.1999, c.11 (C.40:14A-40) be in cash or that more than 10% of a performance guarantee pursuant to that section be in cash. A developer may, however, provide at his option some or all of a maintenance guarantee in cash, or more than 10% of a performance guarantee in cash.

C.40:14A-43 Disputes by applicant of charges made by professional; appeal.

6. a. An applicant shall notify in writing the sewerage authority with copies to the chief financial officer and the professional whenever the applicant disputes the charges made by a professional for service rendered to the sewerage authority in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges

made pursuant to the provisions of sections 3 through 8 of P.L.1999, c.11 (C.40:14A-40 through C.40:14A-45). The disputed charges shall be specifically outlined in the correspondence including the dates, time and personnel in dispute. The sewerage authority, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the county construction board of appeals established under section 9 of P.L.1975, c.217 (C.52:27D-127) any charge to an escrow account or a deposit by any sewerage authority professional or consultant, or the cost of the installation of improvements estimated by the sewerage authority engineer pursuant to section 7 of P.L.1999, c.11 (C.40:14A-44). An applicant or his authorized agent shall submit the appeal in writing to the county construction board of appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the sewerage authority and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by subsection c. of section 4 of P.L.1999, c.11 (C.40:14A-41), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the sewerage authority statement of activity against the deposit or escrow account required by subsection c. of section 4 of P.L.1999, c.11 (C.40:14A-41). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

b. The county construction board of appeals shall hear the appeal, render a decision thereon, and file its decision with a statement of the reasons therefor with the sewerage authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove, or modify the professional charges appealed from. A copy of the decision shall be forwarded by certified or registered mail to the party making the appeal, the sewerage authority, and the professional involved in the appeal. Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application, or appeal to a court of competent jurisdiction.

c. The county construction board of appeals shall provide rules for its procedure in accordance with this section. The board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, and the provisions of the

"County and Municipal Investigations Law," P.L.1953, c.38 (C.2A:67A-1 et seq.) shall apply.

d. During the pendency of any appeal, the sewerage authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this section. The chief financial officer of the sewerage authority may pay disputed charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the chief financial officer of the sewerage authority shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the sewerage authority, the professional or consultant shall reimburse the sewerage authority in the amount of any such disallowed charge.

e. The Commissioner of Community Affairs shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

C.40:14A-44 Estimate of cost of installation of improvements.

7. The cost of the installation of improvements for the purposes of section 3 of P.L.1999, c.11 (C.40:14A-40) shall be estimated by the sewerage authority engineer or by the applicant's engineer based on documented construction costs for public improvements prevailing in the general area of the sewerage authority. Any estimate prepared by the applicant's engineer shall be subject to approval by the sewerage authority engineer. The developer may appeal the sewerage authority engineer's estimate or decision to the county construction board of appeals established under section 9 of P.L.1975, c.217 (C.52:27D-127).

C.40:14A-45 Acceptance of performance, maintenance guarantee which is irrevocable letter of credit.

8. The sewerage authority shall, for the purposes of section 3 of P.L.1999, c.11 (C.40:14A-40), accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:

a. Constitutes an unconditional payment obligation of the issuer running solely to the sewerage authority for an express initial period of time in the amount determined pursuant to section 3 of P.L.1999, c.11 (C.40:14A-40);

b. Is issued by a banking or savings institution authorized to do and doing business in this State;

c. Is for a period of time of at least one year; and

d. Permits the sewerage authority to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section 30 days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

C.40:14B-71 Findings, declarations relative to municipal review, approval of plans for utility improvements.

9. The Legislature hereby finds and declares that:

a. It is necessary for the protection of the public health and safety that municipal authorities review and approve plans for utility improvements which developers will convey to municipal authorities or which will serve more than one user or service unit;

b. Changes in the operation and lending procedures of financial institutions have significantly restricted the amount of financing available for development activities prior to the initiation of construction;

c. It is in the public interest to improve regulatory efficiency through standardized municipal authority procedures;

d. The public interest is best served through the use of standardized procedures to govern the approval and installation of utility improvements which are consistent with and follow the accepted procedures established in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

C.40:14B-72 Definitions relative to municipal review, approval of plans for utility improvements.

10. As used in sections 11 through 16 of P.L.1999, c.11 (C.40:14B-73 through C.40:14B-78), "developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, and who is submitting an application for the installation of utility improvements pursuant to P.L.1999, c.11 (C.40:14A-38 et al.). For the purposes of sections 9 through 16 of P.L.1999, c.11 (C.40:14B-71 through C.40:14B-78), "chief financial officer" means the authority official designated by Board of Commissioners to be responsible for the proper administration of the finances of the authority under the Local Bond Law, Local Fiscal Affairs Law, the Local Authorities Fiscal Control Law, the Local Public Contracts Law, and such other statutes, and such rules and regulations promulgated by the Director of the Division of Local Government Services, the Local

Finance Board, or any other State agency as may pertain to the financial administration of the authority.

C.40:14B-73 Conditions of final site plan approval.

11. a. Before recording of final subdivision plats or as a condition of final site plan approval, the municipal authority may require and shall accept in accordance with the standards adopted pursuant to sections 11 through 16 of P.L.1999, c.11 (C.40:14B-73 through C.40:14B-78) for the purpose of assuring the installation and maintenance of on-tract utility improvements:

(1) The furnishing of a performance guarantee in favor of the municipal authority in an amount not to exceed 120% of the cost of installation, which cost shall be determined or approved by the municipal authority engineer according to the method of calculation set forth in section 15 of P.L.1999, c.11 (C.40:14B-77), for improvements which the municipal authority may deem necessary or appropriate including sanitary sewers and related utility facilities and improvements.

The municipal authority engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, or approve an itemized cost estimate of the improvements as prepared by the developer's engineer, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(2) The furnishing of a maintenance guarantee to be posted with the municipal authority for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the municipal authority engineer according to the method of calculation set forth in section 15 of P.L.1999, c.11 (C.40:14B-77).

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the municipal authority by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal authority engineer according to the method of calculation set forth in section 15 of P.L.1999, c.11 (C.40:14B-77) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipal authority for the reasonable cost of the improvements not completed or corrected and the municipal authority may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be

subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required utility improvements, and the connection of same to the public system, the obligor may request of the municipal authority in writing, by certified mail addressed in care of the chief administrative officer of the municipal authority, that the municipal authority prepare, in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal authority engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal authority shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the municipal authority, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal authority shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal authority shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvements, in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The municipal authority, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal authority, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal authority. Upon adoption of the resolution by the municipal authority, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved

improvements except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that an amount of the performance guarantee equal to the cost of the remaining open improvements may be retained to ensure completion and acceptability of all improvements.

(2) If the municipal authority fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal authority to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the municipal authority fails to approve or reject the improvements determined by the municipal authority to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal authority's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipal authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

f. If any portion of the required improvements is rejected, the municipal authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the municipal authority or the municipal authority engineer.

h. The obligor shall reimburse the municipal authority for all reasonable inspection fees paid to the municipal authority for the foregoing inspection of improvements; provided that the municipal authority may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of improvements, which cost shall be determined pursuant to

section 15 of P.L.1999, c.11 (C.40:14B-77). The developer shall deposit with the municipal authority the full amount of reasonably anticipated inspection fees unless the section of the development that is under construction is of a large size and the sewer or water utilities, or both, are going to be constructed in phases. When the developer and the municipal authority reach agreement on the phasing of utility construction, the full amount of reasonably anticipated inspection fees for those phases scheduled to start construction shall be deposited with the municipal authority. The municipal authority shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

i. In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipal authority on the subdivision plat or site plan, the municipal authority shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of water and sewer facilities and any other improvements made thereon according to site plans and subdivision plats approved by the municipal authority, provided that such improvements have been inspected and have received final approval by the municipal authority.

C.40:14B-74 Payments to professionals for services rendered to municipal authority.

12. a. The chief financial officer of a municipal authority shall make all of the payments to professionals for services rendered to the municipal authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of sections 11 through 16 of P.L.1999, c.11 (C.40:14B-73 through C.40:14B-78). Such fees or charges shall be based upon a schedule established by resolution. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipal authority. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The municipal authority shall not bill the applicant, or charge any escrow account or deposit authorized under subsection b. of this section, for any municipal authority clerical or administrative functions, overhead expenses, meeting room charges, or any other municipal authority costs and expenses except as provided for in this section, nor shall a municipal authority professional

add any such charges to his bill. If the salary, staff support and overhead for a municipal authority professional are provided by the municipal authority, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by resolution, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals the charge shall be at the same rate as all other work of the same nature by the professional for the municipal authority when fees are not reimbursed or otherwise imposed on applicants or developers.

b. If the municipal authority requires of the developer a deposit toward anticipated municipal authority expenses for these professional services, the deposit shall be placed in an escrow account pursuant to section 1 of P.L.1985, c.316 (C.40:14B-20.1). The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit required shall be established by the rules and regulations of the municipal authority or by resolution of the municipal authority, or both. For review of applications for development proposing a subdivision, the amount of the deposit shall be calculated based on the number of proposed lots. For review of applications for development proposing a site plan, the amount of the deposit shall be based on the area of the site to be developed, or the square footage of buildings to be constructed, or both. Deposits for inspection fees shall be established in accordance with subsection h. of section 11 of P.L.1999, c.11 (C.40:14B-73).

c. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services were performed, the hours spent to one-quarter hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the chief financial officer of the municipal authority on a monthly basis in accordance with schedules and procedures established by the chief financial officer of the municipal authority. If the services are provided by a municipal authority employee, the municipal authority employee shall prepare and submit to the chief financial officer of the municipal authority a statement containing the same information as required on a voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the municipal authority simultaneously to the applicant. The chief financial officer of the municipal authority shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits,

interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are $1,000 or less, or on a monthly basis if monthly charges exceed $1,000. If an escrow account or deposit contains insufficient funds to enable the municipal authority to perform required application reviews or improvement inspections, the chief financial officer of the municipal authority shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the municipal authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

d. The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of sections 11 through 16 of P.L.1999, c.11 (C.40:14B-73 through C.40:14B-78) and shall commence after the municipal authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in section 11 of P.L.1999, c.11 (C.40:14B-73), in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the chief financial officer of the municipal authority, and to the relevant municipal authority professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the chief financial officer of the municipal authority within 30 days, and shall send a copy simultaneously to the applicant. The chief financial officer of the municipal authority shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with section 1 of P.L.1985, c.316 (C.40:14B-20.1), shall be refunded to the developer along with the final accounting.

e. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the municipal authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agency and not under municipal authority jurisdiction except to the extent consultation with a State agency

is necessary due to the effect of State approvals in the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

f. If the municipal authority retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the municipal authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipal authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

C.40:14B-75 Maintenance, performance guarantee; cash requirement.

13. A municipal authority shall not require that a maintenance guarantee required pursuant to section 11 of P.L.1999, c.11 (C.40:14B-73) be in cash or that more than 10% of a performance guarantee pursuant to that section be in cash. A developer may, however, provide at his option some or all of a maintenance guarantee in cash, or more than 10% of a performance guarantee in cash.

C.40:14B-76 Disputes by applicant of charges made by professional; appeal.

14. a. An applicant shall notify in writing the municipal authority with copies to the chief financial officer and the professional whenever the applicant disputes the charges made by a professional for service rendered to the municipal authority in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of sections 11 through 16 of P.L.1999, c.11 (C.40:14B-73 through C.40:14B-78). The disputed charges shall be specifically outlined in the correspondence including the dates, time and personnel in dispute. The municipal authority, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the county construction board of appeals established under section 9 of P.L.1975, c.217 (C.52:27D-127) any charge to an escrow account or a deposit by any municipal authority professional or consultant, or the cost of the installation of improvements estimated by the municipal authority engineer pursuant to section 15 of P.L.1999, c.11 (C.40:14B-77). An applicant or his authorized agent shall submit the appeal in writing to the county construction board of appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipal authority

and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by subsection c. of section 12 of P.L.1999, c.11 (C.40:14B-74), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the municipal authority statement of activity against the deposit or escrow account required by subsection c. of section 12 of P.L.1999, c.11 (C.40:14B-74). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

b. The county construction board of appeals shall hear the appeal, render a decision thereon, and file its decision with a statement of the reasons therefor with the municipal authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove, or modify the professional charges appealed from. A copy of the decision shall be forwarded by certified or registered mail to the party making the appeal, the municipal authority, and the professional involved in the appeal. Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application, or appeal to a court of competent jurisdiction.

c. The county construction board of appeals shall provide rules for its procedure in accordance with this section. The board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, and the provisions of the "County and Municipal Investigations Law," P.L.1953, c.38 (C.2A:67A-1 et seq.) shall apply.

d. During the pendency of any appeal, the municipal authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this section. The chief financial officer of the municipal authority may pay disputed charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the chief financial officer of the municipal authority shall reimburse the deposit or escrow account in the amount of any such disallowed charge or

refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipal authority, the professional or consultant shall reimburse the municipal authority in the amount of any such disallowed charge.

e. The Commissioner of Community Affairs shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

C.40:14B-77 Estimate of cost of installation of improvements.

15. The cost of the installation of improvements for the purposes of section 11 of P.L.1999, c.11 (C.40:14B-73) shall be estimated by the municipal authority engineer or by the applicant's engineer based on documented construction costs for public improvements prevailing in the general area of the municipal authority. Any estimate prepared by the applicant's engineer shall be subject to approval by the sewerage authority engineer. The developer may appeal the municipal authority engineer's estimate or decision to the county construction board of appeals established under section 9 of P.L.1975, c.217 (C.52:27D-127).

C.40:14B-78 Acceptance of performance, maintenance guarantee which is irrevocable letter of credit.

16. The municipal authority shall, for the purposes of section 11 of P.L.1999, c.11 (C.40:14B-73), accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:

a. Constitutes an unconditional payment obligation of the issuer running solely to the municipal authority for an express initial period of time in the amount determined pursuant to section 11 of P.L.1999, c.11 (C.40:14B-73);

b. Is issued by a banking or savings institution authorized to do and doing business in this State;

c. Is for a period of time of at least one year; and

d. Permits the municipal authority to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section 30 days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

17. This act shall take effect 90 days after enactment.

Approved January 25, 1999.

CHAPTER 12

AN ACT concerning voluntary contributions through gross income tax returns to drug abuse education programs, supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.12 "Drug Abuse Education Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "Drug Abuse Education Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "Drug Abuse Education Fund."

C.54A:9-25.13 Appropriation of all funds deposited in "Drug Abuse Education Fund"

2. The Legislature shall annually appropriate all funds deposited in the "Drug Abuse Education Fund" established pursuant to this act to the Department of Education for distribution to non-governmental entities operating in the public interest that, utilizing law enforcement personnel, provide drug abuse education programs on a Statewide basis, such as, but not limited to, Project DARE (Drug Abuse Resistance Education).

Any costs incurred by the Department of Education for administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting.

3. This act shall take effect immediately but shall remain inoperative until enactment of P.L.1999, c.21 (C.54A:9-25.14) and apply to taxable years commencing on or after January 1 next following enactment of P.L.1999, c.21 (C.54A:9-25.14).

Approved January 25, 1999.

CHAPTER 13

AN ACT appropriating $1,110,000 from the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, for a dredging project and a feasibility study.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Department of Environmental Protection from the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, the sum of $1,110,000 for the following projects:

Project Name	Amount
Absecon Channel Dredging	$750,000
Intercoastal Waterway Feasibility Study (State share)	$360,000

2. Any transfer of funds appropriated by this act shall require the approval of the Joint Budget Oversight Committee or its successor.

3. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1996, c.70, and to any regulations adopted by the Department of Environmental Protection pursuant thereto.

4. This act shall take effect immediately.

Approved February 2, 1999.

CHAPTER 14

AN ACT concerning the killing and injuring of animals used by law enforcement agencies and amending P.L.1983, c.261.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read as follows:

C.2C:29-3.1 Animal owned, used by law enforcement agency, infliction of harm upon, interference with officer, degree of crime, penalties.

1. Any person who purposely kills a dog, horse or other animal owned or used by a law enforcement agency shall be guilty of a crime of the third degree. Any person who purposely maims or otherwise inflicts harm upon a dog, horse or other animal owned or used by a law enforcement agency shall be guilty of a crime of the fourth degree. Any person who interferes with any law enforcement officer using an animal in the performance of his official duties commits a disorderly persons offense, subject to a sentence of six months' imprisonment, some or all of which may be community service, restitution and a $1,000.00 fine.

2. This act shall take effect immediately.

Approved February 3, 1999.

CHAPTER 15

AN ACT concerning carbon monoxide detectors in residential structures and supplementing and amending P.L.1975, c.217 (C.52:27D-119 et seq.) and supplementing P.L.1967, c.76 (C.55:13A-1 et seq.) and P.L.1979, c.496 (C.55:13B-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:27D-133.3 Carbon monoxide sensor device required for issuance of certificate of occupancy; terms defined.

1. a. In any case in which a change of occupancy of any dwelling unit in a building with fewer than three dwelling units is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection or other documentary certification of compliance with laws and regulations relating to the safety, healthfulness and upkeep of the premises, no such certificate shall issue until the officer or agency responsible for its issuance has determined that: (1) the dwelling unit is equipped with one or more carbon monoxide sensor devices, or (2) that there is no potential

carbon monoxide hazard in the dwelling unit. Any such determination shall be made in accordance with rules adopted by the Commissioner of Community Affairs.

b. In the case of an initial occupancy or a change of occupancy of any dwelling unit in a building with fewer than three dwelling units to which the provisions of subsection a. of this section do not apply, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that dwelling unit without first obtaining from the relevant enforcing agency under the"Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating: (1) that the dwelling unit is equipped with one or more carbon monoxide sensor devices, or (2) that there is no potential carbon monoxide hazard in the dwelling unit. Any such determination shall be made in accordance with rules adopted by the Commissioner of Community Affairs.

c. The local governing body having jurisdiction over the enforcing agency or, where the Division of Fire Safety is the enforcing agency, the Commissioner of Community Affairs, may establish a fee which covers the cost of inspection and of issuance of the certificate; however, if an inspection is being made and a certificate is being issued evidencing compliance with section 2 of P.L.1991, c.92 (C.52:27D-198.2), the fee authorized therein shall cover the costs of complying with this section.

d. For the purposes of this section:

"Carbon monoxide sensor device" means a carbon monoxide alarm or detector that bears the label of a nationally recognized testing laboratory, and has been tested and listed as complying with the most recent Underwriters Laboratories standard 2034 or its equivalent.

"Dwelling unit" means a structure, or a room or group of rooms within a structure, used or intended for use, in whole or in part, for residential purposes.

e. An owner who sells, leases or otherwise permits occupancy of a dwelling unit without complying with the provisions of this section shall be subject to a fine of not more than $100, which may be collected and enforced by the local enforcing agency by summary proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

f. This section shall be inoperative until such time as the Commissioner of Community Affairs determines that this section, or any part thereof, shall become operative consistent with section 5 of P.L.1999, c.15.

C.55:13A-7.17 Carbon monoxide sensor devices required in hotel, multiple dwelling.

2. Every unit of dwelling space in a hotel and multiple dwelling shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and

listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

C.55:13B-6.1 Carbon monoxide sensor device required in rooming, boarding houses.

3. Every unit of dwelling space in a rooming or boarding house shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

4. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to read as follows:

C.52:27D-124. Powers of the commissioner.

6. The commissioner shall have all the powers necessary or convenient to effectuate the purposes of this act, including, but not limited to, the following powers in addition to all others granted by this act:

a. To adopt, amend and repeal, after consultation with the code advisory board, rules: (1) relating to the administration and enforcement of this act and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce this act or the code, except that, plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations, regarding health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes.

b. To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees. The commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards; provided that the same basic objectives are met. The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

c. To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of this act, including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpena to compel the attendance of witnesses and the production of evidence. The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner.

d. To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State government, enforcing agencies, educational institutions, or associations of code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

g. To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act:"

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits; and

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under this act.

(3) (Deleted by amendment, P.L.1983, c.338).

h. To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund.

i. To adopt, amend and repeal rules and regulations providing for: (1) Setting the amount of and the charging of fees to be paid to the department by a private agency for the review of applications for and the issuance of approvals authorizing a private agency to act as an on-site inspection and plan review agency or an in-plant inspection agency;

(2) The setting of the amounts of fees to be charged by a private agency for inspection and plan review services; provided, however, that such fees shall not be more than those adopted and charged by the department when it serves as a local enforcement agency pursuant to section 10 of P.L.1975, c.217 (C.52:27D-128); and

(3) The formulation of standards to be observed by a municipality in the evaluation of a proposal submitted by a private agency to provide inspection or plan review services within a municipality.

j. To enforce and administer the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and the code promulgated thereunder, and to prosecute or cause to be prosecuted violators of the provisions of that act or the code promulgated thereunder in administrative hearings and in civil proceedings in State and local courts.

k. To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action as may be necessary where a local enforcing agency is found to be failing to carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act."

l. To adopt, amend and repeal rules and regulations concerning the installation and maintenance of carbon monoxide sensors.

5. a. During the first 18 months following the adoption of regulations pursuant to section 6 of P.L.1999, c.15 (C.52:27D-133.4), the Commissioner of Community Affairs shall conduct a study to determine the impact of sections 2 and 3 of P.L.1999, c.15 (C.55:13A-7.17 and C.55:13B-6.1) and issue a report pursuant to subsection b. of this section. The study shall consider public health needs, cost issues, the effectiveness of current technology and such other issues as the commissioner deems appropriate to evaluate the effectiveness of carbon monoxide devices used in hotels, multiple dwellings, and rooming and boarding houses.

b. A report of the study's findings and determinations, including whether section 1 of P.L.1999, c.15 (C.52:27D-133.3), or any part thereof, shall become operative, shall be submitted to the Governor, President of the Senate and Speaker of the General Assembly upon the completion of the study and report period established in subsection a. of this section.

c. Upon submission of the report to the Governor and the Legislature, the commissioner shall promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and

regulations necessary to effectuate the determinations contained in the report.

52:27D-133.4 Rules, regulations.

6. Within six months of the effective date of P.L.1999, c.15 (C.52:27D-133.3 et al.), the Commissioner of Community Affairs shall promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate sections 2 and 3 of P.L.1999, c.15 (C.55:13A-7.17 and C.55:13B-6.1)which shall substantially comport with National Fire Protection Association 720, Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment.

7. This act shall take effect immediately.

Approved February 8, 1999.

CHAPTER 16

AN ACT concerning mental health services for inmates, amending N.J.S.2C:4-6 and supplementing chapter 1B of Title 30 of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:4-6 is amended to read as follows:

Determination of fitness to proceed; effect of finding of unfitness; proceedings if fitness is regained; post-commitment hearing.

2C:4-6. Determination of Fitness to Proceed; Effect of Finding of Unfitness; Proceedings if Fitness is Regained; Post-Commitment Hearing.

a. When the issue of the defendant's fitness to proceed is raised, the issue shall be determined by the court. If neither the prosecutor nor counsel for the defendant contests the finding of the report filed pursuant to section 2C:4-5, the court may make the determination on the basis of such report. If the finding is contested or if there is no report, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, either party shall have the right to summon and examine the psychiatrists or licensed psychologists who joined in the report and to offer evidence upon the issue.

b. If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsection c. of this section. At this time, the court may commit him to the custody of the Commissioner of Human Services to be placed in an appropriate institution if it is found that the defendant is so dangerous to himself or others as to require institutionalization, or it shall proceed to determine whether placement in an out-patient setting or release is appropriate; provided, however, that no commitment to any institution shall be in excess of such period of time during which it can be determined whether it is substantially probable that the defendant could regain his competence within the foreseeable future.

If the court determines that the defendant is fit to proceed, but suffers from mental illness, as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), that does not require institutionalization, the court shall order the defendant to be provided appropriate treatment in the jail or prison in which the defendant is incarcerated. Where the defendant is incarcerated in a county correctional facility, the county shall provide or arrange for this treatment. The Department of Corrections shall reimburse the county for the reasonable costs of treatment, as determined by the Commissioner of Corrections, provided that the county has submitted to the commissioner such documentation and verification as the commissioner shall require.

c. If the defendant has not regained his fitness to proceed within three months, the court shall hold a hearing on the issue of whether the charges against him shall be dismissed with prejudice or held in abeyance.

The hearing shall be held only upon notice to the prosecutor and with an opportunity for the prosecutor to be heard. When the charges are not dismissed, each defendant's case shall be specifically reviewed by the court at six-month intervals until an order is made by the court that the defendant stand trial or that the charges be dismissed.

There shall be a presumption that charges against a defendant who is not competent to proceed shall be held in abeyance. The presumption can be overcome only if the court determines, using the factors set forth in this subsection, that continuing the criminal prosecution under the particular circumstances of the case would constitute a constitutionally significant injury to the defendant attributable to undue delay in being brought to trial.

In determining whether the charges shall be held in abeyance or dismissed, the court shall weigh the following factors: the defendant's prospects for regaining competency; the period of time during which the defendant has remained incompetent; the nature and extent of the defendant's institutionalization; the nature and gravity of the crimes charged; the effects of delay on the prosecution; the effects of delay on the defendant,

including any likelihood of prejudice to the defendant in the trial arising out of the delay; and the public interest in prosecuting the charges.

d. When the court, on its own motion or upon application of the commissioner, his designee or either party, determines after a hearing, if a hearing is requested, that the defendant has regained fitness to proceed, the proceedings shall be resumed.

e. (Deleted by amendment, P.L.1996, c.133).

f. The fact that the defendant is unfit to proceed does not preclude determination of any legal objection to the prosecution which is susceptible of fair determination prior to trial and without the personal participation of the defendant.

C.30:1B-10.1 Provision of mental health services to certain incarcerated persons.

2. The Commissioner of Corrections shall provide or arrange for appropriate mental health services to State-sentenced incarcerated persons who suffer from mental illness, as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), but are not in need of inpatient treatment at a State psychiatric facility. The commissioner may, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and regulations governing the provision of mental health services to inmates.

3. This act shall take effect on the first day of the sixth month after enactment, except that the Commissioner of Corrections may take such anticipatory action as shall be necessary to effectuate the purposes of this act.

Approved February 8, 1999.

CHAPTER 17

AN ACT concerning bingo and raffles and amending P.L.1954, c.6 and P.L.1954, c.5.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 11 of P.L.1954, c.6 (C.5:8-34) is amended to read as follows:

C.5:8-34 Operation of games restricted; equipment, approved providers.

11. a. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of, or a person approved by the control commission who is compensated by, the organization, association, church, congregation, society, club, fire company, first aid or rescue squad, or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member, or such a person approved by the control commission, or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment that is not purchased or leased from or provided by a person approved by the control commission, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in section 3 of this act or which is in excess of the sum stated as the rental to be charged therefor in such a statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid by a licensee to a person approved by the control commission for services related to holding, operating or conducting games and to bookkeepers or accountants for bookkeeping or accounting services rendered, according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission.

b. A licensee may pay reasonable compensation to a person approved by the control commission for services rendered in connection with holding, operating or conducting games, pursuant to regulations adopted by the

control commission. The regulations shall include, but not be limited to, provisions which: establish the qualifications required of such a person, the duties which may be performed and the compensation which may be paid; require that a person receive approval of the control commission prior to rendering services for which compensation will be received; provide that an active member of an organization shall oversee the rendering of services by a person receiving compensation; and prohibit the payment of compensation to any person who is an active member of an organization or of an auxiliary or affiliated organization.

2. Section 2 of P.L.1954, c.5 (C.5:8-51) is amended to read as follows:

C.5:8-51 Eligible organizations.

2. a. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate the specific kind of game or games of chance commonly known as a raffle or raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such game or games and by conducting the game or games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations and clubs to the support of these organizations, and for any such organization or association, church, congregation, society, club, company or squad, when so licensed or without any license when and as hereinafter prescribed, to hold, operate and conduct such game of chance pursuant to this act and such license, in such municipality and to sell shares or tickets or rights to participate in such game or games of chance therein and in any other municipality which shall have adopted this act and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

b. The control commission may adopt regulations authorizing licensees to hold events known as:

"armchair races" at which wagers are placed on the outcome of previously-filmed horse races and wagerers do not know the results in advance, when the prize awarded consists of merchandise or raffle tickets only, and not cash; and

"casino nights" at which players use chips or script purchased from the licensee to wager in games of chance known as blackjack, under/over, beat-the-dealer, chuck-a-luck, craps, roulette, bingo or similar games approved by the commission, when the chips or script are redeemable for merchandise or raffle tickets only, and not for cash.

The regulations shall establish the frequency with which these events may be held, the rules of the games, the specific type and value of prizes which may be offered, the qualifications of the individuals conducting the games and other requirements which the commission may deem pertinent.

c. No license shall be required for the holding, operating or conducting of a raffle for a door prize of donated merchandise of the value of less than $50.00 for which no extra charge is made at an assemblage at which no other game of chance is held, operated or conducted, if the proceeds of such assemblage are devoted to the uses described in this section.

3. Section 12 of P.L.1954, c.5 (C.5:8-61) is amended to read as follows:

C.5:8-61 Operation of game restricted.

12. a. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of, or a person approved by the control commission who is compensated by, the organization, association, church, congregation, society, club, fire company, first-aid or rescue squad or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member, or such a person approved by the control commission, or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of any organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee or shall be leased for a rental, the amount of which is stated in a statement annexed to the

application for the license as provided in section 3 of this act and conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and the lessor or lessors of which have been approved as to good moral character and freedom from conviction of crime by said commission and no other item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever, and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid by a licensee to a person approved by the control commission for services related to holding, operating or conducting games and to bookkeepers or accountants for bookkeeping or accounting services rendered, according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission, and no prize shall be given in cash in any such game of chance except as authorized by regulation promulgated by the control commission.

b. A licensee may pay reasonable compensation to a person approved by the control commission for services rendered in connection with holding, operating or conducting games, pursuant to regulations adopted by the control commission. The regulations shall include, but not be limited to, provisions which: establish the qualifications required of such a person, the duties which may be performed and a schedule of compensation which may be paid; require that a person receive approval of the control commission prior to rendering services for which compensation will be received; provide that an active member of an organization shall oversee the rendering of services by a person receiving compensation; and prohibit the payment of compensation to any person who is an active member of an organization or of an auxiliary or affiliated organization.

4. This act shall take effect immediately.

Approved February 8, 1999.

CHAPTER 18

AN ACT concerning voluntary compliance reviews by depository institutions and supplementing Title 17 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:16U-1 Findings, declarations relative to voluntary compliance reviews by depository institutions.

1. The Legislature finds and declares that it is in the public interest for depository institutions in this State to conduct voluntary internal reviews and audits of their operations, practices and procedures for the purpose of discovering and correcting any operations, practices or procedures which do not comply with applicable law or regulation or which do not comply with recognized industry standards or with the institution's own standards and for the purpose of preventing continuing and more serious violations. However, if studies and reports beyond those legally required are available to third parties and potentially can result in liabilities and penalties to the institution, the institution is discouraged from making these additional efforts. A legal structure that promotes self-policing programs can achieve improved compliance effectively at less cost to the State and to the depository institutions. Voluntary compliance review, when properly conducted and implemented, results not only in better compliance with law, but in the adoption of procedures and policies by the depository institutions that exceed minimum legal requirements, and that save money by benefiting customers, lowering costs and reducing potential liabilities.

The Legislature therefore determines that it is the public policy of the State to encourage depository institutions to participate in voluntary compliance reviews and corrective action programs by protecting the results of voluntary compliance reviews from third parties. This privilege is intended to apply only to efforts beyond the normal processing of customer transactions of the institution, to protect reports newly created for the purpose of testing and monitoring compliance, which otherwise might not be undertaken. Information required to be maintained pursuant to any federal or State law or regulation or in the normal processing of customer transactions will not become privileged just because it is utilized or incorporated in a voluntary compliance review report.

C.17:16U-2 Definitions relative to voluntary compliance reviews by depository institutions.

2. As used in this act:

"Affiliate" shall have the meaning given it pursuant to section 2 of the federal "Bank Holding Company Act of 1956," 12 U.S.C. s.1841.

"Department" means the Department of Banking and Insurance.

"Depository institution" means a state or federally chartered bank, savings bank, savings and loan association or credit union that is authorized to maintain deposit or share accounts.

"Enforcement action" means a criminal investigation or prosecution, or an administrative proceeding or order by a governmental unit or authority which is intended to ensure the safe and sound operation of a depository institution.

"Voluntary compliance review" means review, project, testing program, assessment, audit or evaluation instituted by the governing body of the depository institution or an affiliate of the depository institution to collect information or prepare analyses, not required by statute or regulation and which would not be collected, maintained or prepared in the normal processing of customer transactions, of the transactions, activities, records or policies of the depository institution for the purposes of identifying and correcting procedural and operational problems of compliance with applicable laws and regulations, including without limitation, safe, sound and fair lending practices, financial reporting to federal and state regulatory agencies, compliance with all applicable state and federal laws and regulatory requirements, and compliance with industry standards of due care.

"Voluntary compliance review report" means any document or documents prepared or assembled by any person or group of persons, committee or entity conducting a voluntary compliance review, including without limitation, supporting information and documents such as notes, records of observations, findings, conclusions, drafts, memoranda, drawings, photographs, charts, graphs and surveys, provided, however, that the documents and supporting information are collected or developed for the purpose of and in the course of a voluntary compliance review.

C.17:16U-3 Report deemed privileged.

3. A voluntary compliance review report shall be privileged and neither it nor its existence shall be discoverable or admissible as evidence in any legal action or administrative proceeding of any nature involving the depository institution or an affiliate of the depository institution, except as provided in section 5 or 6 of this act.

C.17:16U-4 Privilege of persons involved in preparation of report.

4. Persons involved in the preparation of a voluntary compliance review report shall not be required to give answers to any questions or provide testimony regarding the existence, contents or conclusions of any voluntary compliance review report, except as provided in section 5 or 6 of this act.

C.17:16U-5 Privileges not applicable, conditions.

5. a. The provisions of sections 3 and 4 of this act shall not apply if:

(1) an enforcement action is taken, that enforcement action is contested, and a court of competent jurisdiction, by order in accordance with the rules of discovery set forth in the Rules Governing the Courts of the State of New Jersey, requires disclosure of materials and documents pertaining to that enforcement action;

(2) there is a statutory requirement that the violation identified or discovered as a result of the voluntary compliance review be reported.

b. The disclosure authorized under paragraphs (1) and (2) of subsection a. of this section shall apply only to those sections and portions of the voluntary compliance review report that pertain to the specific violation which is the subject of the enforcement action. All other sections and portions of the voluntary compliance review report shall remain privileged.

c. If there is a dispute concerning the sections or portions of the voluntary compliance review report subject to disclosure, a court of competent jurisdiction, upon petition of either party, shall conduct an in camera review of those sections or portions subject to dispute.

C.17:16U-6 Certain materials not considered privileged.

6. Materials described in this section shall not become privileged pursuant to the provisions of sections 3 and 4 of this act because they are utilized or incorporated in a voluntary compliance review report:

a. Documents, communications, data, reports or other information required to be collected, developed, maintained, reported or made available to a regulatory agency pursuant to any federal or State law, regulation, permit or order or in the normal processing of customer transactions.

b. Information obtained by observation, sampling or monitoring by any regulatory agency.

c. Information obtained from a source independent of the voluntary compliance review.

d. Information exchanged by and among the department and other appropriate regulators pursuant to an agreement between or among the regulatory agencies; provided, however, that notwithstanding this permitted exchange of information by the regulatory agencies, sections 3 and 4 of this act shall continue to apply with respect to a person who is not a regulatory agency.

C.17:16U-7 Use of privileged information prohibited; limited disclosure.

7. No person shall use any information privileged pursuant to this act to discover any other information and any information so discovered shall be inadmissible in any action or proceeding. If a court or an administrative

law judge determines that any information is not privileged, it shall by the entry of appropriate protective orders ensure that information is disclosed only to the extent required for the proper conduct of the subject action or proceeding.

C.17:16U-8 Other privileges unaffected.

8. Nothing in this act shall limit, waive or abrogate the scope or nature of any statutory or common law privilege, including, without limitation, the work product doctrine and the attorney-client privilege.

C.17:16U-9 Circumvention of privilege prohibited.

9. No regulatory agency shall adopt a rule for the purpose of circumventing the privilege established in this act by requiring disclosure of a voluntary compliance review report.

C.17:16U-10 Information remains privileged; exceptions.

10. If a depository institution voluntarily discloses information it obtained from a voluntary compliance review to the department or to another appropriate regulatory agency, that information and the voluntary compliance review which resulted in the information shall remain subject to sections 3 and 4 of this act except that the agency receiving the information may use it with respect to an enforcement action. The regulatory agency, in deciding on the appropriate penalty or sanction for a violation shall consider the disclosure as a mitigating factor if the violation is disclosed within 60 days of completion of the voluntary compliance review and the depository institution responsible for the violation demonstrates and the regulator determines that the violation is not the result of knowing, purposeful, reckless or criminally negligent conduct, and that the institution has made or is making a good-faith effort to prevent similar violations.

C.17:16U-11 Access of third party restricted.

11. Nothing in this act shall be construed to permit any third party access to any voluntary compliance review report subject to the provisions of this act. For the purpose of this section, "third party" means a person other than a State or local enforcing agency.

12. This act shall take effect on the 30th day after enactment and shall apply to all voluntary compliance reviews and reports completed on or after that date.

Approved February 8, 1999.

CHAPTER 19

AN ACT providing for the certification of massage, bodywork and somatic therapists and supplementing P.L.1947, c.262 (C.45:11-23 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:11-53 Short title.

1. This act shall be known and may be cited as the "Massage, Bodywork and Somatic Therapist Certification Act."

C.45:11-54 Findings, declarations relative to massage, bodywork, somatic therapists.

2. The Legislature finds and declares that:

a. the public interest requires the establishment of clear certification standards for massage, bodywork and somatic therapists;

b. the health and welfare of the citizens of this State will be protected by identifying to the public those individuals who are qualified to call themselves massage, bodywork and somatic therapists; and

c. the regulation of massage, bodywork and somatic therapists will benefit the public by encouraging it to take advantage of massage, bodywork and somatic therapies as a viable complement to traditional medicine.

C.45:11-55 Definitions relative to massage, bodywork, somatic therapists.

3. As used in this act:

"Board" means the New Jersey Board of Nursing.

"Committee" means the Massage, Bodywork and Somatic Therapy Examining Committee established pursuant to section 4 of this act.

"Licensee" means any person who holds a certification pursuant to the provisions of this act.

"Massage, bodywork and somatic therapist" means a person certified pursuant to the provisions of this act.

"Massage, bodywork and somatic therapies" or "massage, bodywork and somatic" means systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage,

bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic system of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

C.45:11-56 Massage, Bodywork and Somatic Therapy Examining Committee.

4. a. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the New Jersey Board of Nursing, a Massage, Bodywork and Somatic Therapy Examining Committee. The committee shall consist of six members who are residents of the State and are certified massage, bodywork and somatic therapists who have been actively engaged in the practice of massage, bodywork and somatic therapies in this State for at least five years immediately preceding their appointment, except that the committee shall not have at any one time more than two members who practice a particular method and manner of treatment of massage, bodywork and somatic therapies.

b. For a period of one year after the effective date of this act and notwithstanding any other provisions of this act to the contrary, the first six massage, bodywork and somatic therapists appointed as members of the committee shall not be required, at the time of their first appointment, to be certified to practice massage, bodywork and somatic therapies.

c. The Governor shall appoint each committee member with the advice and consent of the Senate. The Governor shall appoint each member for a term of three years, except that of the members first appointed, two shall serve for terms of three years, two shall serve for terms of two years and two shall serve for a term of one year. Each member shall hold office until his successor has been qualified. Any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. No member of the committee may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

C.45:11-57 Members, reimbursement.

5. The members of the committee shall serve without compensation. Members shall be reimbursed by the State Treasurer for their actual expenses arising out of their service on the committee. All reimbursements shall be paid from the revenues of the board.

C.45:11-58 Officers, meetings.

6. The committee shall annually elect from among its members a chairman and a vice-chairman and may appoint a secretary, who need not

be a member of the committee. The committee shall meet at least twice per year and may hold additional meetings as necessary to discharge its duties.

C.45:11-59 Duties, responsibilities of committee.

7. The committee shall:

a. Review the qualifications of applicants for certification;

b. Insure the proper conduct and standards of examinations;

c. Issue and renew certificates of certification to massage, bodywork and somatic therapists pursuant to this act;

d. Suspend, revoke or fail to renew the certificate of certification of a massage, bodywork and somatic therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

e. Establish any standards for the continuing education of licensees as it deems necessary;

f. Prescribe or change the charges for examinations, certifications, renewals and other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.); and

g. Maintain a record of every massage, bodywork and somatic therapist certified in this State, and the date and number of his certificate of certification, and publish a list of the names and addresses of all licensees annually.

C.45:11-60 Eligibility for certification.

8. To be eligible for certification as a massage, bodywork and somatic therapist, an applicant shall be of good moral character and submit to the committee satisfactory evidence of:

a. Successful completion of a minimum of 500 hours in class study in the field of massage, bodywork and somatic therapies approved by the committee; or

b. Successful completion of the written examination offered by The National Certification Board for Therapeutic Massage and Bodywork or a substantially equivalent examination approved by the committee to determine the applicant's competence to call himself a massage, bodywork and somatic therapist. The successful completion of any such examination may have been accomplished before the effective date of this act.

C.45:11-61 Current practitioners, eligibility for certification.

9. For 720 days after the date procedures are established by the committee for applying for certification under section 8 of this act, any person who engaged in the full-time practice, as determined by the committee, of massage, bodywork and somatic therapies for two years preceding the enactment date of this act, or in the part-time practice, as determined by the committee, of massage, bodywork and somatic therapies

for five years preceding the enactment date of this act, and has successfully completed a minimum of 200 hours of education or training in massage, bodywork and somatic therapies as determined by the committee, may acquire a certificate of certification without satisfying either the education or examination requirement of section 8 of this act.

C.45:11-62 Application; fee; renewal.

10. A fee to be determined by the committee shall accompany each application for certification. Certificates of certification shall expire biennially and may be renewed upon submission of a renewal application provided by the board and payment of a fee. If the renewal fee is not paid by that date, the certificate of certification shall automatically expire, but may be renewed within two years of its expiration date on payment to the board of a sum determined by the committee for each year or part thereof during which the certificate of certification was expired and an additional restoration fee. After a two-year period, a certificate of certification may only be renewed by complying with the provisions of this act regarding initial certification.

C.45:11-63 Issuance of certificate of certification.

11. The committee shall issue a certificate of certification to each applicant for certification as a massage, bodywork and somatic therapist who qualifies pursuant to this act and any rules and regulations promulgated by the board and who is not disqualified for certification pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

C.45:11-64 Certification without examination based on out-of-State license.

12. Upon payment to the board of a fee and the submission of a written application on forms provided by it, the committee shall issue without examination a certificate of certification to a massage, bodywork and somatic therapist who holds a valid license or certification issued by another state or possession of the United States or the District of Columbia which has education and experience requirements substantially equivalent to the requirements of this act; provided, however, that the applicant has not previously failed any examination referred to in section 8 of this act that is approved by the committee, in which case the granting of certification shall be at the discretion of the committee.

C.45:11-65 Construction of act.

13. Nothing in this act shall be construed to prohibit any person from rendering massage, bodywork and somatic therapy services, provided that person shall not be identified by the titles "massage, bodywork and somatic therapist," "registered massage, bodywork and somatic therapist," "certified massage, bodywork and somatic therapist," "certified massage therapist,"

or the abbreviations "MBT," "RMBT," "CMBT," "COBT," "CMT" unless certified under the provisions of this act.

C.45:11-66 Display of certificate, use of title.

14. Any person who holds a certificate of certifcation as a massage, bodywork and somatic therapist pursuant to this act may use the title "massage, bodywork and somatic therapist" or "certified massage, bodywork and somatic therapist" or the abbreviations "MBT," "CMBT," "COBT," or "CMT." Every holder of a certificate of certification shall display it in a conspicuous place in his principal office, place of business or employment.

C.45:11-67 Rules, regulations.

15. The board, after consultation with the committee, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

16. This act shall take effect on the 180th day after enactment.

Approved February 8, 1999.

CHAPTER 20

AN ACT concerning investments by property and casualty insurers in investment pools.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:24-28 Definitions relative to investment pools.

1. As used in this act:

"Business entity" means a corporation, limited liability company, limited liability partnership, association, partnership, joint stock company, joint venture, mutual fund trust, or other legal form of organization, whether organized for-profit or not-for-profit.

"Class one money market mutual fund" means a money market mutual fund that at all times qualifies for investment using the bond class one reserve factor under the published valuation standards of the Securities Valuation Office of the National Association of Insurance Commissioners.

"Commissioner" means the Commissioner of Banking and Insurance.

"Government money market mutual fund" means a money market mutual fund that at all times:

(1) Invests only in obligations issued, guaranteed or insured by the federal government of the United States or collateralized and repurchase agreements composed of these obligations; and

(2) Qualifies for investment without a reserve under the published valuation standards of the Securities Valuation Office of the National Association of Insurance Commissioners.

"Money market mutual fund" means a mutual fund that meets the conditions of 17 C.F.R.s.270.2a-7, under the federal "Investment Company Act of 1940," 15 U.S.C.s.80a-1 et seq.

"Obligation" means a bond, note, debenture, trust certificate including an equipment certificate, production payment, negotiable bank certificate of deposit, bankers' acceptance, credit tenant loan, loan secured by financing net leases and other evidence of indebtedness for the payment of money (or participations, certificates or other evidences of an interest in any of the foregoing), whether constituting a general obligation of the issuer or payable only out of certain revenues or certain funds pledged or otherwise dedicated for payment.

"Qualified bank" means a national bank, state bank or trust company that at all times is no less than adequately capitalized as determined by the standards adopted by the United States banking regulators and that is either regulated by state banking laws or is a member of the Federal Reserve System.

"Repurchase transaction" means a transaction in which an insurer purchases securities from a business entity that is obligated to repurchase the purchased securities or equivalent securities from the insurer at a specified price, either within a specified period of time or upon demand.

"Reverse repurchase transaction" means a transaction in which an insurer sells securities to a business entity and is obligated to repurchase the sold securities or equivalent securities from the business entity at a specified price, either within a specified period of time or upon demand.

"Securities lending transaction" means a transaction in which securities are loaned by an insurer to a business entity that is obligated to return the loaned securities or equivalent securities to the insurer, either within a specified period of time or upon demand.

"SVO" means the Securities Valuation Office of the National Association of Insurance Commissioners.

C.17:24-29 Permitted investments, qualifications.

2. An insurer may invest in investment pools that:

a. Invest only in:

(1) Obligations that are rated "1" or "2" by the SVO or have an equivalent of an SVO "1" or "2" rating by a nationally recognized statistical rating organization recognized by the SVO and have:

(a) A remaining maturity of 397 days or less or a put that entitles the holder to receive the principal amount of the obligation, which put may be exercised through maturity at specified intervals, not exceeding 397 days; or

(b) A remaining maturity of three years or less and a floating interest rate that resets no less frequently than quarterly on the basis of a current short-term index (federal funds, prime rate, treasury bills, London InterBank Offered Rate (LIBOR) or commercial paper) and is subject to no maximum limit, if the obligations do not have an interest rate that varies inversely to market interest rate changes;

(2) Government money market mutual funds or class one money market mutual funds; or

(3) Securities lending, repurchase and reverse repurchase transactions on investments in which an insurer is permitted to invest pursuant to the provisions of R.S.17:24-1; or

b. Invest only in investments which an insurer may acquire under subsection a. of this section if the insurer's proportionate interest in the amount invested in these investments does not exceed the applicable limits of section 4 of this act.

C.17:24-30 Qualified investment pools.

3. For an investment in an investment pool to be qualified under this act, the investment pool shall not:

a. Acquire securities issued, assumed, guaranteed or insured by the insurer or an affiliate of the insurer;

b. Borrow or incur any indebtedness for borrowed money, except for securities lending and reverse repurchase transactions that meet the requirements of this act; or

c. Permit the aggregate value of securities then loaned or sold to, purchased from or invested in any one business entity under this act to exceed ten percent of the total assets of the investment pool.

C.17:24-31 Limits on permitted investments.

4. Notwithstanding the provisions of R.S.17:24-1 to the contrary, an insurer may invest in an investment pool, however, an insurer shall not acquire an investment in an investment pool under this act if, as a result of and after giving effect to the investment, the aggregate amount of investments then held by the insurer:

a. n any one investment pool would exceed ten percent of its admitted assets; or

b. In all investment pools, investing in investments permitted under section 2 of this act, would exceed thirty-five percent of its admitted assets.

C.17:24-32 Requirements of manager of investment pool.

5. For an investment in an investment pool to be qualified under this act, the manager of the investment pool shall:

a. Be organized under the laws of the United States or a state and designated as the pool manager in a pooling agreement;

b. Be the insurer, an affiliated insurer or a business entity affiliated with the insurer, a qualified bank, a business entity registered under the federal "Investment Advisors Act of 1940," 15 U.S.C.s.80A-1 et seq., or, in the case of a reciprocal insurer or interinsurance exchange, its attorney-in-fact, or in the case of a United States branch of an alien insurer, its United States manager or affiliated or subsidiaries of its United States manager;

c. Compile and maintain detailed accounting records setting forth:

(1) The cash receipts and disbursements reflecting each participant's proportionate investment in the investment pool;

(2) A complete description of all underlying assets of the investment pool (including amount, interest rate, maturity date (if any) and other appropriate designations); and

(3) Other records which, on a daily basis, allow third parties to verify each participant's investment in the investment pool; and

d. Maintain the assets of the investment pool in one or more accounts, in the name of or on behalf of the investment pool, under a custody agreement with a qualified bank. The custody agreement shall:

(1) State and recognize the claims and rights of each participant;

(2) Acknowledge that the underlying assets of the investment pool are held solely for the benefit of each participant in proportion to the aggregate amount of its investments in the investment pool;

(3) Contain an agreement that the underlying assets of the investment pool shall not be commingled with the general assets of the custodian qualified bank or any other person ; and

(4) Conform with guidelines established by the National Association of Insurance Commissioners and regulations governing custodial or safeguard agreements promulgated by the commissioner.

C.17:24-33 Written pooling agreement, terms.

6. The pooling agreement for each investment pool shall be in writing and shall provide that:

a. An insurer and its affiliated insurers or, in the case of an investment pool investing solely in investments permitted under section 2 of this act, the insurer and its subsidiaries, affiliates or any pension or profit sharing plan of the insurer, its subsidiaries and affiliates or, in the case of a United

States branch of an alien insurer, affiliates or subsidiaries of its United States manager, shall, at all times, hold one hundred percent of the interests in the investments pool;

b. The underlying assets of the investment pool shall not be commingled with the general assets of the pool manager or any other person;

c. In proportion to the aggregate amount of each pool participant's interest in the investment pool:

(1) Each participant owns an undivided interest in the underlying assets of the investment pool; and

(2) The underlying assets of the investment pool are held solely for the benefit of each participant;

d. A participant, or in the event of the participant's insolvency, bankruptcy or receivership, its trustee, receiver or other successor-in-interest, may withdraw all or any portion of its investment from the pool under the terms of the pooling agreement;

e. Withdrawals may be made on demand without penalty or other assessment on any business day, but settlement of funds shall occur within a reasonable and customary period thereafter not to exceed five business days. Distributions under this paragraph shall be calculated in each case net of all then applicable fees and expenses of the investment pool. The pooling agreement shall provide that the pool manager shall distribute to a participant, at the discretion of the pool manager:

(1) In cash, the then fair market value of the participant's pro rata share of each underlying asset of the investment pool;

(2) In kind, a pro rata share of each underlying asset; or

(3) In a combination of cash and in kind distributions, a pro rata share in each underlying asset;

f. The pool manager shall make the records of the investment pool available for inspection by the commissioner, and an audit of the pool accounting records shall be conducted at least annually by an independent certified public accountant; and

g. Valuation of the assets of the investment pool shall be in conformance with valuation standards established by the National Association of Insurance Commissioners and regulations promulgated by the commissioner.

C.17:24-34 Investment pool, organized as business entity.

7. An investment pool established pursuant to the provisions of this act shall be a business entity and shall be a subsidiary organized to engage exclusively in the acquisition, ownership or management of investments, provided that the subsidiary is wholly-owned by two or more insurers

domiciled in the United States, who are members of the same holding company system.

C.17:24-35 Authority of commissioner.

8. The commissioner shall have the authority to:

a. Review any investment pool agreement and disapprove that agreement if it does not comply with the provisions of this act;

b. Review the operation of any investment pool and order compliance with this act; and

c. Disallow, as an admitted asset, any investment not in compliance with the provisions of this act.

C.17:24-36 Inapplicability of C.17:27A-4 as to transaction standards.

9. The provisions of section 4 of P.L.1970, c.22 (C.17:27A-4) shall not apply to transactions between the pool and its participants, provided, however, that the investment activities of the pool and transactions between an insurer investment pool and its participants shall be reported annually in the registration statement required pursuant to section 3 of P.L.1970, c.22 (C.17:27A-3).

10. This act shall take effect immediately.

Approved February 8, 1999.

CHAPTER 21

AN ACT concerning certain contributions made through the gross income tax return, supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.14 Taxpayer options to contribute portion of refund to certain funds, methodology.

1. The Director of the Division of Taxation shall provide each taxpayer with the opportunity to indicate the taxpayer's preference on the tax return that a portion of the taxpayer's tax refund or an enclosed contribution be contributed to a fund that the taxpayer has, by statute, the opportunity to contribute to on the taxpayer's New Jersey gross income tax return. Except as may otherwise be provided by the authorizing statute, the taxpayer shall indicate the taxpayer's preference on the tax return by numerical designation coding or codings. The numbers used in the coding shall be in numerical sequence, with the lowest number to be assigned to the fund established by

the first statute authorizing such a fund, and the coding of other funds to continue in that sequence assigned in order corresponding to the order in which the several statutes authorizing those other funds were enacted. Subject to the foregoing provisions of this section, the director shall determine the form and manner of the indication, and the presentation and explanation of the taxpayer's contribution options in the return instructions.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1 next following enactment.

Approved February 8, 1999.

CHAPTER 22

AN ACT concerning foster care and amending P.L.1951, c.138.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1951, c.138 (C:30:4C-1) is amended to read as follows:

C.30:4C-1 Administration of act in accordance with public policy.

1. This act is to be administered strictly in accordance with the general principles laid down in this section, which are declared to be the public policy of this State:

(a) That the preservation and strengthening of family life is a matter of public concern as being in the interests of the general welfare, but in a case where a child has been placed outside the home due to circumstances that endanger the child's life, the health and safety of the child shall be the State's paramount concern when making a decision on whether or not it is in the child's best interest to preserve the family unit;

(b) That the prevention and correction of dependency and delinquency among children should be accomplished so far as practicable through welfare services which will seek to continue the living of such children in their own homes;

(c) That necessary welfare services to children should be strengthened and extended through the development of private and voluntary agencies qualified to provide such services;

(d) That wherever in this State necessary welfare services are not available to children who are dependent or adjudged delinquent by proper

judicial tribunal, or in danger of so becoming, then such services should be provided by this State until such times as they are made available by private and voluntary agencies; and

(e) That the State may assist private, public and voluntary agencies to construct, purchase, upgrade or renovate youth facilities for the residential care or day treatment of children in need of these services.

2. This act shall take effect immediately.

Approved February 8, 1999.

CHAPTER 23

AN ACT concerning competition in the electric power and gas industries and supplementing, amending and repealing certain sections of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.48:3-49 Short title.

1. Sections 1 through 46, and sections 51, 57, 59, 60, 63, 65 and 66 of this act shall be known and may be cited as the "Electric Discount and Energy Competition Act."

C.48:3-50 Findings, declarations relative to competition in the electric power and gas industries.

2. a. The Legislature finds and declares that it is the policy of this State to:

(1) Lower the current high cost of energy, and improve the quality and choices of service, for all of this State's residential, business and institutional consumers, and thereby improve the quality of life and place this State in an improved competitive position in regional, national and international markets;

(2) Place greater reliance on competitive markets, where such markets exist, to deliver energy services to consumers in greater variety and at lower cost than traditional, bundled public utility service;

(3) Maintain adequate regulatory oversight over competitive purveyors of retail power and natural gas supply and other energy services to assure that consumer protection safeguards inherent to traditional public utility regulation are maintained, without unduly impeding competitive markets;

(4) Ensure universal access to affordable and reliable electric power and natural gas service;

(5) Maintain traditional regulatory authority over non-competitive energy delivery or other energy services, subject to alternative forms of traditional regulation authorized by the Legislature;

(6) Ensure that rates for non-competitive public utility services do not subsidize the provision of competitive services by public utilities;

(7) Provide diversity in the supply of electric power throughout this State;

(8) Authorize the Board of Public Utilities to approve alternative forms of regulation in order to address changes in technology and the structure of the electric power and gas industries; to modify the regulation of competitive services; and to promote economic development;

(9) Prevent any adverse impacts on environmental quality in this State as a result of the introduction of competition in retail power markets in this State;

(10) Ensure that improved energy efficiency and load management practices, implemented via marketplace mechanisms or State-sponsored programs, remain part of this State's strategy to meet the long-term energy needs of New Jersey consumers;

(11) Preserve the reliability of power supply and delivery systems as the marketplace is transformed from a monopoly to a competitive environment; and

(12) Provide for a smooth transition from a regulated to a competitive power supply marketplace, including provisions which afford fair treatment to all stakeholders during the transition.

b. The Legislature further finds and declares that:

(1) In a competitive marketplace, traditional utility rate regulation is not necessary to protect the public interest and that competition will promote efficiency, reduce regulatory delay, and foster productivity and innovation;

(2) Due to regulatory changes, technological developments and other factors, a competitive electric generation and wholesale supply market has developed over the past several years;

(3) Electric power services are available in the wholesale markets at prices substantially lower than the current cost of electric power generation and supply services provided to retail customers by this State's electric public utilities;

(4) The traditional retail monopoly which electric public utilities have held in this State for electric power generation and supply services should be eliminated, so that all New Jersey energy consumers will be afforded the opportunity to access the competitive market for such services and to select the electric power supplier of their choice;

(5) The traditional electric public utility rate regulation which the Board of Public Utilities has exercised over retail power supply in this State

requires reform in order to provide retail choice and bring the benefits of competition to all New Jersey consumers;

(6) Permitting the competitive electric power generation and supply marketplace to operate without traditional utility rate regulation will produce a wider selection of services at competitive market-based prices;

(7) Certain regulatory authority, including requiring electric power suppliers and gas suppliers to maintain offices in this State, is necessary to ensure continued safety, reliability and consumer protections in the electric power and gas industries; and to ensure accessibility to electric power suppliers and gas suppliers by the Board of Public Utilities, consumers, electric public utilities and gas public utilities; and

(8) The electric power generation marketplace and gas supply marketplace should be subject to appropriate consumer protection standards that will ensure that all classes of customers in all regions of this State are properly and adequately served.

c. The Legislature therefore determines that it is in the public interest to:

(1) Authorize the Board of Public Utilities to permit competition in the electric generation and gas marketplace and such other traditional utility areas as the board determines, and thereby reduce the aggregate energy rates currently paid by all New Jersey consumers;

(2) Provide for regulation of new market entrants in the areas of safe, adequate and proper service and customer protection;

(3) Relieve electric public utilities from traditional utility rate regulation in the provision of services which are deemed to be provided in a competitive market;

(4) Provide each electric public utility the opportunity to recover above-market power generation and supply costs and other reasonably incurred costs associated with the restructuring of the electric industry in New Jersey, the level of which will be determined by the Board of Public Utilities to the extent necessary to maintain the financial integrity of the electric public utility through the transition to competition, subject to the achievement of the other goals and provisions of this act, and subject to the public utility having taken and continuing to take all reasonably available steps to mitigate the magnitude of its above-market electric power generation and supply costs; and

(5) Provide the Board of Public Utilities with ongoing oversight and regulatory authority to monitor and review composition of the electric generation and retail power supply marketplace in New Jersey, and to take such actions as it deems necessary and appropriate to restore a competitive marketplace in the event it determines that one or more suppliers are in a position to dominate the marketplace and charge anti-competitive or above-market prices.

C.48:3-51 Definitions relative to competition in the electric power and gas industries.

3. As used in this act:

"Assignee" means a person to which an electric public utility or another assignee assigns, sells or transfers, other than as security, all or a portion of its right to or interest in bondable transition property. Except as specifically provided in this act, an assignee shall not be subject to the public utility requirements of Title 48 or any rules or regulations adopted pursuant thereto;

"Basic gas supply service" means gas supply service that is provided to any customer that has not chosen an alternative gas supplier, whether or not the customer has received offers as to competitive supply options, including, but not limited to, any customer that cannot obtain such service for any reason, including non-payment for services. Basic gas supply service is not a competitive service and shall be fully regulated by the board;

"Basic generation service" means electric generation service that is provided, pursuant to section 9 of this act, to any customer that has not chosen an alternative electric power supplier, whether or not the customer has received offers as to competitive supply options, including, but not limited to, any customer that cannot obtain such service from an electric power supplier for any reason, including non-payment for services. Basic generation service is not a competitive service and shall be fully regulated by the board;

"Board" means the New Jersey Board of Public Utilities or any successor agency;

"Bondable stranded costs" means any stranded costs of an electric public utility approved by the board for recovery pursuant to the provisions of this act, together with, as approved by the board: (1) the cost of retiring existing debt or equity capital of the electric public utility, including accrued interest, premium and other fees, costs and charges relating thereto, with the proceeds of the financing of bondable transition property; (2) if requested by an electric public utility in its application for a bondable stranded costs rate order, federal, State and local tax liabilities associated with stranded costs recovery or the transfer or financing of such property or both, including taxes, whose recovery period is modified by the effect of a stranded costs recovery order, a bondable stranded costs rate order or both; and (3) the costs incurred to issue, service or refinance transition bonds, including interest, acquisition or redemption premium, and other financing costs, whether paid upon issuance or over the life of the transition bonds, including, but not limited to, credit enhancements, service charges, overcollateralization, interest rate cap, swap or collar, yield maintenance, maturity guarantee or other hedging agreements, equity investments,

operating costs and other related fees, costs and charges, or to assign, sell or otherwise transfer bondable transition property;

"Bondable stranded costs rate order" means one or more irrevocable written orders issued by the board pursuant to this act which determines the amount of bondable stranded costs and the initial amount of transition bond charges authorized to be imposed to recover such bondable stranded costs, including the costs to be financed from the proceeds of the transition bonds, as well as on-going costs associated with servicing and credit enhancing the transition bonds, and provides the electric public utility specific authority to issue or cause to be issued, directly or indirectly, transition bonds through a financing entity and related matters as provided in this act, which order shall become effective immediately upon the written consent of the related electric public utility to such order as provided in this act;

"Bondable transition property" means the property consisting of the irrevocable right to charge, collect and receive, and be paid from collections of, transition bond charges in the amount necessary to provide for the full recovery of bondable stranded costs which are determined to be recoverable in a bondable stranded costs rate order, all rights of the related electric public utility under such bondable stranded costs rate order including, without limitation, all rights to obtain periodic adjustments of the related transition bond charges pursuant to subsection b. of section 15 of this act, and all revenues, collections, payments, money and proceeds arising under, or with respect to, all of the foregoing;

"Broker" means a duly licensed electric power supplier that assumes the contractual and legal responsibility for the sale of electric generation service, transmission or other services to end-use retail customers, but does not take title to any of the power sold, or a duly licensed gas supplier that assumes the contractual and legal obligation to provide gas supply service to end-use retail customers, but does not take title to the gas;

"Buydown" means an arrangement or arrangements involving the buyer and seller in a given power purchase contract and, in some cases third parties, for consideration to be given by the buyer in order to effectuate a reduction in the pricing, or the restructuring of other terms to reduce the overall cost of the power contract, for the remaining succeeding period of the purchased power arrangement or arrangements;

"Buyout" means an arrangement or arrangements involving the buyer and seller in a given power purchase contract and, in some cases third parties, for consideration to be given by the buyer in order to effectuate a termination of such power purchase contract;

"Class I renewable energy" means electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells, geothermal technologies, wave or tidal action, and methane gas from landfills or a

biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner;

"Class II renewable energy" means electric energy produced at a resource recovery facility or hydropower facility, provided that such facility is located where retail competition is permitted and provided further that the Commissioner of Environmental Protection has determined that such facility meets the highest environmental standards and minimizes any impacts to the environment and local communities;

"Competitive service" means any service offered by an electric public utility or a gas public utility that the board determines to be competitive pursuant to section 8 or section 10 of this act or that is not regulated by the board;

"Comprehensive resource analysis" means an analysis including, but not limited to, an assessment of existing market barriers to the implementation of energy efficiency and renewable technologies that are not or cannot be delivered to customers through a competitive marketplace;

"Customer" means any person that is an end user and is connected to any part of the transmission and distribution system within an electric public utility's service territory or a gas public utility's service territory within this State;

"Customer account service" means metering, billing, or such other administrative activity associated with maintaining a customer account;

"Demand side management" means the management of customer demand for energy service through the implementation of cost-effective energy efficiency technologies, including, but not limited to, installed conservation, load management and energy efficiency measures on and in the residential, commercial, industrial, institutional and governmental premises and facilities in this State;

"Electric generation service" means the provision of retail electric energy and capacity which is generated off-site from the location at which the consumption of such electric energy and capacity is metered for retail billing purposes, including agreements and arrangements related thereto;

"Electric power generator" means an entity that proposes to construct, own, lease or operate, or currently owns, leases or operates, an electric power production facility that will sell or does sell at least 90 percent of its output, either directly or through a marketer, to a customer or customers located at sites that are not on or contiguous to the site on which the facility will be located or is located. The designation of an entity as an electric power generator for the purposes of this act shall not, in and of itself, affect the entity's status as an exempt wholesale generator under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq.;

"Electric power supplier" means a person or entity that is duly licensed

pursuant to the provisions of this act to offer and to assume the contractual and legal responsibility to provide electric generation service to retail customers, and includes load serving entities, marketers and brokers that offer or provide electric generation service to retail customers. The term excludes an electric public utility that provides electric generation service only as a basic generation service pursuant to section 9 of this act;

"Electric public utility" means a public utility, as that term is defined in R.S.48:2-13, that transmits and distributes electricity to end users within this State;

"Electric related service" means a service that is directly related to the consumption of electricity by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances, lighting, motors or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services;

"Energy agent" means a person that is duly registered pursuant to the provisions of this act, that arranges the sale of retail electricity or electric related services or retail gas supply or gas related services between government aggregators or private aggregators and electric power suppliers or gas suppliers, but does not take title to the electric or gas sold;

"Energy consumer" means a business or residential consumer of electric generation service or gas supply service located within the territorial jurisdiction of a government aggregator;

"Financing entity" means an electric public utility, a special purpose entity, or any other assignee of bondable transition property, which issues transition bonds. Except as specifically provided in this act, a financing entity which is not itself an electric public utility shall not be subject to the public utility requirements of Title 48 or any rules or regulations adopted pursuant thereto;

"Gas public utility" means a public utility, as that term is defined in R.S.48:2-13, that distributes gas to end users within this State;

"Gas related service" means a service that is directly related to the consumption of gas by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services;

"Gas supplier" means a person that is duly licensed pursuant to the provisions of this act to offer and assume the contractual and legal obligation to provide gas supply service to retail customers, and includes, but is not limited to, marketers and brokers. A non-public utility affiliate of a public utility holding company may be a gas supplier, but a gas public

utility or any subsidiary of a gas utility is not a gas supplier. In the event that a gas public utility is not part of a holding company legal structure, a related competitive business segment of that gas public utility may be a gas supplier, provided that related competitive business segment is structurally separated from the gas public utility, and provided that the interactions between the gas public utility and the related competitive business segment are subject to the affiliate relations standards adopted by the board pursuant to subsection k. of section 10 of this act;

"Gas supply service" means the provision to customers of the retail commodity of gas, but does not include any regulated distribution service;

"Government aggregator" means any government entity subject to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., or the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written contract with a licensed electric power supplier or a licensed gas supplier for: (1) the provision of electric generation service, electric related service, gas supply service, or gas related service for its own use or the use of other government aggregators; or (2) if a municipal or county government, the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction;

"Government energy aggregation program" means a program and procedure pursuant to which a government aggregator enters into a written contract for the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction;

"Governmental entity" means any federal, state, municipal, local or other governmental department, commission, board, agency, court, authority or instrumentality having competent jurisdiction;

"Market transition charge" means a charge imposed pursuant to section 13 of this act by an electric public utility, at a level determined by the board, on the electric public utility customers for a limited duration transition period to recover stranded costs created as a result of the introduction of electric power supply competition pursuant to the provisions of this act;

"Marketer" means a duly licensed electric power supplier that takes title to electric energy and capacity, transmission and other services from electric power generators and other wholesale suppliers and then assumes contractual and legal obligation to provide electric generation service, and may include transmission and other services, to an end-use retail customer or customers, or a duly licensed gas supplier that takes title to gas and then assumes the contractual and legal obligation to provide gas supply service to an end-use customer or customers;

"Net proceeds" means proceeds less transaction and other related costs as determined by the board;

"Net revenues" means revenues less related expenses, including applicable taxes, as determined by the board;

"On-site generation facility" means a generation facility, and equipment and services appurtenant to electric sales by such facility to the end use customer located on the property or on property contiguous to the property on which the end user is located. An on-site generation facility shall not be considered a public utility. The property of the end use customer and the property on which the on-site generation facility is located shall be considered contiguous if they are geographically located next to each other, but may be otherwise separated by an easement, public thoroughfare, transportation or utility-owned right-of-way;

"Person" means an individual, partnership, corporation, association, trust, limited liability company, governmental entity or other legal entity;

"Private aggregator" means a non-government aggregator that is a duly-organized business or non-profit organization authorized to do business in this State that enters into a contract with a duly licensed electric power supplier for the purchase of electric energy and capacity, or with a duly licensed gas supplier for the purchase of gas supply service, on behalf of multiple end-use customers by combining the loads of those customers;

"Public utility holding company" means: (1) any company that, directly or indirectly, owns, controls, or holds with power to vote, ten percent or more of the outstanding voting securities of an electric public utility or a gas public utility or of a company which is a public utility holding company by virtue of this definition, unless the Securities and Exchange Commission, or its successor, by order declares such company not to be a public utility holding company under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the Securities and Exchange Commission, or its successor, determines, after notice and opportunity for hearing, directly or indirectly, to exercise, either alone or pursuant to an arrangement or understanding with one or more other persons, such a controlling influence over the management or policies of an electric public utility or a gas public utility or public utility holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935 or its successor;

"Regulatory asset" means an asset recorded on the books of an electric public utility or gas public utility pursuant to the Statement of Financial Accounting Standards, No. 71, entitled ?Accounting for the Effects of Certain Types of Regulation," or any successor standard and as deemed

recoverable by the board;

"Related competitive business segment of an electric public utility or gas public utility" means any business venture of an electric public utility or gas public utility including, but not limited to, functionally separate business units, joint ventures, and partnerships, that offers to provide or provides competitive services;

"Related competitive business segment of a public utility holding company" means any business venture of a public utility holding company, including, but not limited to, functionally separate business units, joint ventures, and partnerships and subsidiaries, that offers to provide or provides competitive services, but does not include any related competitive business segments of an electric public utility or gas public utility;

"Resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse;

"Restructuring related costs" means reasonably incurred costs directly related to the restructuring of the electric power industry, including the closure, sale, functional separation and divestiture of generation and other competitive utility assets by a public utility, or the provision of competitive services as such costs are determined by the board, and which are not stranded costs as defined in this act but may include, but not be limited to, investments in management information systems, and which shall include expenses related to employees affected by restructuring which result in efficiencies and which result in benefits to ratepayers, such as training or retraining at the level equivalent to one year's training at a vocational or technical school or county community college, the provision of severance pay of two weeks of base pay for each year of full-time employment, and a maximum of 24 months' continued health care coverage. Except as to expenses related to employees affected by restructuring, "restructuring related costs" shall not include going forward costs;

"Retail choice" means the ability of retail customers to shop for electric generation or gas supply service from electric power or gas suppliers, or opt to receive basic generation service or basic gas service, and the ability of an electric power or gas supplier to offer electric generation service or gas supply service to retail customers, consistent with the provisions of this act;

"Shopping credit" means an amount deducted from the bill of an electric public utility customer to reflect the fact that such customer has switched to an electric power supplier and no longer takes basic generation service from the electric public utility;

"Social program" means a program implemented with board approval to provide assistance to a group of disadvantaged customers, to provide protection to consumers, or to accomplish a particular societal goal, and

includes, but is not limited to, the winter moratorium program, utility practices concerning "bad debt" customers, low income assistance, deferred payment plans, weatherization programs, and late payment and deposit policies, but does not include any demand side management program or any environmental requirements or controls;

"Societal benefits charge" means a charge imposed by an electric public utility, at a level determined by the board, pursuant to, and in accordance with, section 12 of this act;

"Stranded cost" means the amount by which the net cost of an electric public utility's electric generating assets or electric power purchase commitments, as determined by the board consistent with the provisions of this act, exceeds the market value of those assets or contractual commitments in a competitive supply marketplace and the costs of buydowns or buyouts of power purchase contracts;

"Stranded costs recovery order" means each order issued by the board in accordance with subsection c. of section 13 of this act which sets forth the amount of stranded costs, if any, the board has determined an electric public utility is eligible to recover and collect in accordance with the standards set forth in section 13 and the recovery mechanisms therefor;

"Transition bond charge" means a charge, expressed as an amount per kilowatt hour, that is authorized by and imposed on electric public utility ratepayers pursuant to a bondable stranded costs rate order, as modified at any time pursuant to the provisions of this act;

"Transition bonds" means bonds, notes, certificates of participation or beneficial interest or other evidences of indebtedness or ownership issued pursuant to an indenture, contract or other agreement of an electric public utility or a financing entity, the proceeds of which are used, directly or indirectly, to recover, finance or refinance bondable stranded costs and which are, directly or indirectly, secured by or payable from bondable transition property. References in this act to principal, interest, and acquisition or redemption premium with respect to transition bonds which are issued in the form of certificates of participation or beneficial interest or other evidences of ownership shall refer to the comparable payments on such securities;

"Transmission and distribution system" means, with respect to an electric public utility, any facility or equipment that is used for the transmission, distribution or delivery of electricity to the customers of the electric public utility including, but not limited to, the land, structures, meters, lines, switches and all other appurtenances thereof and thereto, owned or controlled by the electric public utility within this State; and

"Universal service" means any service approved by the board with the purpose of assisting low-income residential customers in obtaining or

retaining electric generation or delivery service.

C.48:3-52 Electric public utilities, unbundled rate schedules.

4. a. Simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act, each electric public utility shall unbundle its rate schedules such that discrete services and charges provided, which were previously included in the bundled utility rate, are separately identified and charged in its tariffs. Such discrete services and charges shall include, at a minimum, customer account services and charges, distribution and transmission services and charges and generation services and charges, and the board may require that additional services and charges be unbundled and separately billed. Billings for such services also shall include charges related to regulatory assets and may include restructuring related costs. In the case of commercial and industrial customers, rate schedules shall remain unbundled, and in all billings for such customers after the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act, the amount of the market transition charge authorized pursuant to section 13 of this act shall be added to the discrete services and charges identified. Residential rate schedules once unbundled, may be totally or partially rebundled for residential billing purposes. All competitive services offered by an electric public utility shall be charged separately from non-competitive services.

b. As part of its unbundled rate structure established in compliance with subsection a. of this section, an electric public utility providing basic generation service in accordance with section 9 of this act shall establish a separate charge for such service, as reviewed and approved by the board consistent with this act for billing purposes. An electric public utility which offers basic generation service in accordance with section 9 of this act shall also provide, simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act, shopping credits applicable to the bills of their retail customers who choose to purchase electric generation service from a duly licensed electric power supplier. The board shall determine the appropriate level of shopping credits for each electric public utility in a manner consistent with the findings and declarations of the Legislature as set forth in section 2 of this act, and other provisions of this act. The reduction in electric public utility rates, as determined by the board in subsections d. and e. of this section, shall be consistent with the goals of this act, including the creation of shopping credits, as appropriate, pursuant to this subsection.

Each customer bill issued after the implementation of the rate reductions required or determined by the board pursuant to this section, including but

not limited to any enhanced reductions resulting from a phase-in allowed pursuant to paragraph (2) of subsection d. of this section, shall indicate the dollar amount of the difference between what the customer's total charges would have been without the reduction and the total charges in that bill.

c. The board shall require electric public utilities to submit rate unbundling filings in a form adopted by the board. The board shall review such filings and, after hearing and an opportunity for public comment, render a determination as to the appropriate, unbundled rates consistent with the provisions of this act. Notwithstanding any other provisions of this act, an unbundling of electric public utility rates implemented as a result of this section shall not result in a reallocation of utility cost responsibility between or among different classes of customers.

d. (1) During a term to be fixed by the board, each electric public utility shall reduce its aggregate level of rates for each customer class, including any surcharges assessed pursuant to this act, by a percentage to be approved by the board, which shall be at least 10 percent relative to the aggregate level of bundled rates in effect as of April 30, 1997, subject to the provisions of paragraph (2) of this subsection.

(2) The board may set a term for an electric public utility to phase in a rate reduction of ten percent or more during the first 36 months after the starting date for the implementation of retail choice as provided in subsection a. of section 5 of this act; provided, however, that, on the starting date for the implementation of retail choice as provided in subsection a. of section 5 of this act, each electric public utility shall reduce its aggregate level of rates for each customer class, including any surcharges assessed pursuant to this act, by no less than five percent.

e. The board may order a rate reduction that exceeds the 10 percent rate reduction as provided in subsection d. of this section, if it determines that such reductions are necessary in order to achieve just and reasonable rates.

f. The board shall determine, consistent with the provisions of this act, the manner in which to apply the rate reductions established pursuant to subsections d. and e. of this section among some or all of the unbundled rate components, including the distribution and transmission charges and market transition charges, in order to provide for a sustainable aggregate rate reduction for customers and to encourage a competitive retail supply marketplace.

g. Any subsequent order to reduce rates beyond those authorized by subsections d. and e. of this section may only be issued after notice and hearing.

h. Any tax reduction implemented pursuant to P.L.1997, c.162 (C.54:30A-100 et al.) shall not be credited towards the rate reductions

required pursuant to subsection d. and authorized pursuant to subsections d. and e. of this section.

i. The rate reduction associated with the reduction in the utility's capital costs, including related taxes, that results from the issuance of transition bonds pursuant to section 14 of this act shall be made no later than the date on which the transition bond charge, approved pursuant to section 14 of this act, becomes effective.

j. The maximum level of rate reduction determined by the board pursuant to this section shall be sustained at least until the end of the 48th month following the starting date for the implementation of retail choice as provided in subsection a. of section 5 of this act.

C.48:2-53 Provision of retail choice of electric power suppliers.

5. a. By order the board shall provide that by no earlier than June 1, 1999, but in no event later than August 1, 1999, each electric public utility shall provide retail choice of electric power suppliers for its customers. Each electric public utility shall fully implement retail choice in 100 percent of its franchise area within this State on the starting date of retail competition.

b. Each electric public utility shall comply with the schedule for the implementation of retail choice established pursuant to subsection a. of this section. The board shall have the authority to require each electric public utility to submit a restructuring filing, with elements deemed necessary by the board, which shall include the mechanisms by which it will comply with the schedule for implementation of retail choice established pursuant to subsection a. of this section and with the other provisions of this act. Such filing shall be reviewed and, after notice and hearing, may be approved, rejected or modified by the board, and the board may take such additional actions as it deems necessary to enforce compliance with this act.

C.48:3-54 Offering of customer account services on regulated basis.

6. a. An electric public utility may continue to offer customer account services on a regulated basis subsequent to the effective date of this act. Not later than three months after the starting date for the implementation of retail choice for any public utility as determined by the board pursuant to subsection a. of section 5 of this act, the board shall initiate a formal proceeding to investigate the manner and mechanics by which customers are afforded the opportunity to contract with the incumbent utility or an electric power supplier for customer account services and to establish the necessary standards for safety, reliability and testing for meters and information exchange protocols applicable to both electric power suppliers and incumbent utilities that will permit customers to choose a supplier for some or all such customer account services. The board shall issue an order for providing customers the opportunity to choose a supplier for some or all

customer account services not later than one year from the starting date of retail competition as provided for in subsection a. of section 5 of this act and setting forth the manner, mechanics and standards for competitive customer account services. The board shall require that electric public utilities, in the continued regulated provision of customer account services, not take actions that would unreasonably impede a transition to a competitive customer account service market. Notwithstanding any other provision of this act to the contrary, an electric power supplier may, upon written consent from a customer, bill the customer directly for generation services and other services it provides to the customer as of the starting date for implementation of retail choice. The board shall ensure that the standards and protocols for electronic data exchange needed to support this option are adopted and are implemented by electric public utilities in a timely manner.

b. A gas public utility may continue to offer customer account services on a regulated basis subsequent to the effective date of this act. Not later than three months after the starting date for the implementation of retail choice established pursuant to section 10 of this act, the board shall initiate a formal proceeding to investigate the manner and mechanics by which customers are afforded the opportunity to contract with by the incumbent utility or gas supplier and to establish the necessary standards for safety, reliability and testing for meters and information exchange protocols applicable to both gas suppliers and incumbent utilities that will permit customers to choose a supplier for some or all such customer account services. The board shall issue an order for providing customers the opportunity to choose a supplier for some or all customer account services not later than December 31, 2000 and setting forth the manner, mechanics and standards for competitive customer account services. The board shall require that gas public utilities, in the continued regulated provision of customer account services, not take actions which would unreasonably impede a transition to a competitive customer account service market. Notwithstanding any other provision of this act to the contrary, a gas supplier may, upon written consent from a customer, bill the customer directly for gas supply service and other services it provides to the customer on and after the first billing which comports with the provisions of section 10 of this act pertaining to the provision of basic gas supply service. The board shall ensure that the standards and protocols for electronic data exchange needed to support this option are adopted and are implemented by gas public utilities in a timely manner.

c. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim technical standards to ensure

the safety, reliability and accuracy of metering equipment provided to electric or gas customers and to establish protocols for the exchange of information related to the provision of customer account services.

C.48:3-55 Competitive service to retail customers requires board approval.

7. a. An electric public utility or a related competitive business segment of an electric public utility shall not offer any competitive service to retail customers within this State without the prior express written approval of the board. The board shall require that an electric public utility file and maintain tariffs for competitive services, which tariffs shall be subject to review and approval by the board. The board shall approve a competitive service only upon a finding that:

(1) The provision of a competitive service by an electric public utility or its related competitive business segment shall not adversely impact the ability of the electric public utility to offer its non-competitive services to customers in a safe, adequate and proper manner, and in all instances where resources are jointly deployed by the utility to provide competitive and non-competitive services and resource constraints arise, the provision of non-competitive services shall receive a higher priority; and

(2) The price which an electric public utility charges for a competitive service shall not be less than the fully allocated cost of providing such service, as determined by the board, which cost shall include an allocation of the cost of all equipment, vehicles, labor, related fringe benefits and overheads, and administration utilized, and all other assets utilized and costs incurred, directly or indirectly, in providing such competitive service.

b. The board shall apply 50 percent of the net revenues earned from the offering of competitive services by an electric public utility or its related competitive business segment, or from the offering of competitive services by an electric public utility holding company or its related competitive business segment when the provision of such services utilizes affiliated electric public utility assets, including, but not limited to, equipment and personnel, unless the board finds that the electric public utility will receive and reflect such receipt as an offset to its regulated rates the full market value for the use of such assets pursuant to a contract between the parties filed with the board by the electric public utility and subject to the provisions of this section and section 8 of this act:

(1) To offset any market transition charge or equivalent rate mechanism assessed to customers pursuant to section 13 of this act; or

(2) If the electric public utility is not assessing a market transition charge, to offset the rates charged to customers for distribution service, except that such offset shall cease to be required after the term of the

transition bond charge has expired as provided in paragraph (1) of subsection d. of section 14 of this act.

c. For the purposes of subsection b. of this section the following shall not constitute the utilization of electric public utility assets:

(1) movement or delivery of power pursuant to a federally-regulated open access tariff over transmission facilities owned by the electric public utility;

(2) movement or delivery of power pursuant to board regulated tariffs over distribution facilities owned by the electric public utility; and

(3) shared corporate overhead or administrative services subject to the provisions of section 8 of this act.

d. Pursuant to rules and regulations to be adopted by the board, the transfer of electric public utility assets from an electric public utility to a related competitive business segment of that electric public utility or of a public utility holding company, other than in the ordinary course of business, shall require board approval, and shall be recorded at full value as determined by the board. Notwithstanding this subsection, no transfer of assets shall affect the whole value of the assessment of the transitional energy facility assessment set forth in P.L.1997, c.162 (C.54:30A-100 et al.).

e. Tariffs for competitive services filed with the board shall be in the public records, except that if the board determines that the rates are proprietary, they shall be filed under seal and made available under the terms of an appropriate protective agreement, as provided by board order. A public utility shall have the burden of proof by affidavit and motions to demonstrate the need for proprietary treatment. The rates shall become public upon board approval.

f. Subject to the approval of the board pursuant to subsection a. of this section, an electric public utility or a related competitive business segment of that electric public utility may provide the following competitive services:

(1) Metering, billing and related administrative services that are deemed competitive by the board pursuant to section 8 of this act;

(2) Services related to safety and reliability of utility businesses;

(3) Competitive services that have been offered by any electric public utility or gas public utility prior to January 1, 1993 or that have been approved by the board prior to the effective date of this act to be offered by any electric public utility or gas public utility. An electric public utility that has offered a competitive service since prior to January 1, 1993 or a competitive service that was approved by the board prior to the effective date of this act is not required to obtain board approval pursuant to subsection a. of this section for that service, but any electric public utility

that has not offered a competitive service since prior to January 1, 1993 or has not received previous board approval for such a competitive service shall apply for approval pursuant to subsection a. of this section. Except as otherwise provided by this paragraph, a competitive service that is permitted pursuant to this paragraph shall be subject to all requirements of this act for competitive services and to any standards or other rules or regulations adopted pursuant to this act;

(4) Services that the board determines to be substantially similar to competitive services that are permitted under paragraph (3) of this subsection; and

(5) Competitive services to non-residential customers using existing utility employees.

g. An electric public utility or a related competitive business segment of that electric public utility may provide other services that are offered for nominal or no consideration to existing non-residential customers in the ordinary course of business.

h. An electric public utility shall not use regulated rates to subsidize its competitive services or competitive services offered by a related competitive business segment of the public utility holding company of which the electric public utility is an affiliate, and expenses incurred in conjunction with its competitive services shall not be borne by its regulated rate customers. The regulated rates of an electric public utility shall be subject to the review and approval of the board to determine that there is no subsidization of its related competitive business segment. Each such public utility shall maintain books and records, and provide accounting entries of its regulated business to the board as may be required by the board, to show that there is strict separation and allocation of the utility's revenues, costs, assets, risks and functions, between the electric public utility and its related competitive business segment.

i. Any other provision of this act to the contrary notwithstanding, commencing on the effective date of this act, an electric public utility or a related competitive business segment of that electric public utility shall not offer any competitive service except those approved or pending approval as of July 1, 1998 pursuant to subsections a. and f. of this section.

j. A public utility holding company may offer any competitive service, including, but not limited to, electric generation service, telecommunications service, and cable television service, to retail customers of an electric public utility that is owned by the holding company, but only through a related competitive business segment of the holding company that is not an electric public utility or a related competitive business segment of the electric public utility. Competitive services shall be offered in compliance with all rules and regulations promulgated by the board for carriers of such

services, including, but not limited to, telecommunications and cable.

k. Notwithstanding any other provisions of this section, by no later than December 31, 2000, the board shall render a decision, after notice and hearing, on any further restrictions required for any or all non-safety related competitive services offered by an electric public utility in addition to the provisions of this section, including whether an electric public utility offering non-safety related services shall establish and provide such services through a business unit which is functionally separated from the electric public utility business unit.

(1) Upon completion of the audit process required pursuant to paragraph (1) of subsection f. of section 8 of this act, the board shall commence a hearing process to examine the use of utility assets in providing retail competitive services as permitted in subsection f. of this section. The board shall evaluate and balance the following factors: the prevention of cross-subsidization; the issues attendant to separation and relative to the board's affiliate relation and fair competition standards as provided in section 8 of this act; the effect on ratepayers of the use of utility assets in the provision of non-safety related competitive services; the effect on utility workers; and the effect of utility practices on the market for such services.

(2) The relationship between the electric public utility and its related competitive service business unit shall be subject to affiliate relations standards to be promulgated by the board pursuant to subsection f. of section 8 of this act.

l. If a separate unit is established by the electric public utility as a related competitive business segment of the electric public utility such that other than shared administration and overheads, employees of the competitive services business unit shall not also be involved in the provision of non-competitive utility and safety services, and the competitive services are provided utilizing separate assets than those utilized to provide non-competitive utility and safety services, the board shall apply 25 percent of the net revenues:

(1) To offset any market transition charge or equivalent rate mechanism assessed to customers pursuant to section 13 of this act; or

(2) If the electric public utility is not assessing or has eliminated a market transition charge, to offset the rates charged to customers for distribution service, except that such offset shall cease to be required eight years after the start date of retail competition as provided in subsection a. of section 5 of this act.

C.48:3-56 Board shall not regulate certain aspects of competitive services.

8. a. Except as otherwise provided in this act, and notwithstanding any provisions of R.S.48:2-18, R.S.48:2-21, section 31 of P.L.1962, c.198 (C.48:2-21.2), R.S.48:3-1 or any other law to the contrary, the board shall not regulate, fix or prescribe the rates, tolls, charges, rate structures, rate base, or cost of service of competitive services.

b. For the purposes of this act, electric generation service is deemed to be a competitive service.

c. The board is authorized to determine, after notice and hearing, whether any other service offered by an electric public utility is a competitive service. In making such a determination, the board shall develop standards of competitive service which, at a minimum, shall include: evidence of ease of market entry; presence of other competitors; and the availability of like or substitute services in the relevant market segment and geographic area. Notwithstanding the presence of these factors, the board may determine that any service shall remain regulated for purposes of the public safety and welfare.

d. The board is authorized to determine, after notice and hearing, and after appropriate review by the Legislature pursuant to subsection k. of this section,whether to reclassify as regulated any electric service or segment thereof that it has previously found to be competitive, including electric generation service, if it determines that sufficient competition is no longer present, upon application of the criteria set forth in subsection c. of this section. Upon such a reclassification, subsection a. of this section shall no longer apply and the board shall determine such rates for that electric service which it finds to be just and reasonable. The board, however, shall continue to monitor the electric service or segment thereof and, whenever the board shall find that the electric service has again become sufficiently competitive pursuant to subsection c. of this section, the board shall again apply the provisions of subsection a. of this section.

e. Nothing in this act shall limit the authority of the board, pursuant to Title 48 of the Revised Statutes, to ensure that electric public utilities do not make or impose unjust preferences, discriminations, or classifications for any services provided to customers.

f. (1) The board shall adopt, by rule, regulation or order, such fair competition standards, affiliate relation standards, accounting standards and reports as are necessary to ensure that electric public utilities or their related competitive business segments do not enjoy an unfair competitive advantage over other non-affiliated purveyors of competitive services and in order to monitor the allocation of costs between competitive and non-competitive services offered by an electric public utility, and within 60 days after the starting date for implementation of retail choice pursuant to

subsection a. of section 5 of this act, shall commence the process of conducting audits, at the expense of the electric public utilities, to ensure compliance with this section and section 7 of this act and with the board's rules, regulations and orders adopted pursuant to this section and section 7 of this act. The board shall hire an independent contractor to perform such audits.

(2) Subsequent audits shall take place no less than every two years after the date of the decision rendered pursuant to subsection k. of section 7 of this act.

(3) The public utility or an intervenor shall have the right to contest the methodology and rebut the findings of an audit performed pursuant to this subsection, in a filing with the board. The board shall take no action to functionally separate, structurally separate or require the divestiture of any portion of a public utility's operations pursuant to this subsection until the public utility, and any intervenors, have been afforded timely opportunity to make such filing and until the board has issued a decision thereon.

(4) If the board finds, as a result of any such audit, that substantial violations of this act or of the board's rules, regulations or orders adopted pursuant to this section and section 7 of this act have occurred which result in unfair competitive advantages for an electric public utility, it shall: order the electric public utility to establish and provide such services through a business unit which is functionally separated from the electric public utility business unit as a related competitive business segment of the utility, such that, other than shared administration and overheads, employees of the competitive services business unit shall not also be involved in the provision of non-competitive utility and safety services, and the competitive services are provided utilizing separate assets than those utilized to provide noncompetitive utility and safety services; order the electric public utility to establish and provide such services through a structurally separate business unit or units including, but not limited to, a related competitive business segment of the public utility holding company; or order the electric public utility to divest itself of any business units that provide such services.

(5) If the board determines, as a result of the audit performed pursuant to this subsection that an electric public utility has unfairly allocated costs between its competitive and non-competitive services, the board is authorized to require such utility to return to the ratepayers an amount, equivalent to the amount of the costs determined to be unfairly allocated, with interest, during the time that the unfair allocation of costs occurred. In addition, the board is authorized to order such utility to pay a fine of up to $10,000 as a result of the violation or violations determined to have occurred pursuant to this subsection.

(6) Notwithstanding any requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, such fair competition and accounting standards as are necessary on an interim basis to implement retail electric choice. Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

g. The board shall determine, by rule or order, what reports are necessary to monitor the competitiveness of any service offered to a customer of an electric public utility.

h. The board shall have the authority to take appropriate increasingly stringent action, including the issuance of an order that an electric public utility or its related competitive business segment cease the offering of a competitive service, functionally separate or structurally separate its competitive service offering from non-competitive business functions, or divest itself of such services, in the event that the board determines, after hearing, that recurring and significant violations of its rules or orders adopted pursuant to subsection f. of this section have occurred.

i. Nothing in this act shall exempt an electric public utility from obtaining all applicable local, State and federal licenses or permits associated with the offering of competitive services and complying with all applicable laws and regulations regarding the provision of such services.

j. If the board finds, as a result of any audit conducted pursuant to this section, that violations of the board's rules, regulations or orders adopted pursuant to this section and section 7 of this act have occurred, which are not substantial violations, the board is authorized to impose a fine of up to $10,000 against the electric public utility.

k. Prior to reclassifying as regulated any service it previously found to be competitive, the board shall make recommendations to the Legislature concerning the proposed reclassification. The recommendations shall be deemed to be approved unless the Legislature adopts a concurrent resolution stating that the Legislature is not in agreement with all or any part of the recommendations within 90 days following the date of transmittal of the recommendations to the Legislature. The concurrent resolution shall advise the board of the Legislature's specific objections to the recommendations and shall direct the board to submit revised recommendations which respond to those objections within 45 days of the date of transmittal of the concurrent resolution to the board.

C.48:3-57 Electric public utility to provide basic generation service.

9. a. Simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act, and for at least three years subsequent and thereafter until the board specifically finds it to be no longer necessary and in the public interest, each electric public utility shall provide basic generation service. Power procured for basic generation service by an electric public utility shall be purchased, at prices consistent with market conditions. The charges assessed to customers for basic generation service shall be regulated by the board and shall be based on the reasonable and prudent cost to the utility of providing such service, including the cost of power purchased at prices consistent with market conditions by the electric public utility in the competitive wholesale marketplace and related ancillary and administrative costs, as determined by the board. The board shall approve unbundled rates to assure that aggregate rate reductions established pursuant to section 4 of this act are sustained notwithstanding changes in basic generation charges approved pursuant to this section.

b. The board may allow an electric public utility to purchase power for basic generation service through a bilateral contract from a related competitive business segment of its public utility holding company only if:

(1) The related competitive business segment is not a related competitive business segment of the electric public utility; and

(2) The board determines that the procurement of power from the related competitive business segment of the public utility holding company is necessary in order to ensure the reliability of service to basic generation service customers or to address other extraordinary circumstances, and that the purchase price does not exceed the market price for such power or the power was procured through a competitive bid process subject to board review and approval. The board shall require that all net revenues derived from such sales, when the source of power is assets or contracts which costs are included in stranded costs recovery charges assessed pursuant to sections 13 and 14 of this act, shall be applied:

(a) To offset any market transition charge or equivalent rate mechanism assessed to customers pursuant to section 13 of this act; or

(b) If the electric public utility is not assessing a market transition charge, to offset the rates charged to customers for distribution service, except that such offset shall cease to be required after the term of the transition bond charge has expired as provided in paragraph (1) of subsection d. of section 14 of this act.

(3) The board may devise an alternative accounting or cost recovery process that permits an electric public utility to purchase power from a related competitive business segment of its public utility holding company,

or otherwise, to provide basic generation service to its customers during the period that the electric public utility is providing for sustainable rate reductions pursuant to subsection j. of section 4 of this act and subsection a. of this section, if the board determines that such process is necessary to mitigate the impacts of market price fluctuations and to sustain such rate reductions.

c. No later than three years after the starting date of retail competition as provided in subsection a. of section 5 of this act, the board shall issue a decision as to whether to make available on a competitive basis the opportunity to provide basic generation service to any electric power supplier, any electric public utility, or both.

d. Power procured for basic generation service by an electric power supplier shall be purchased at prices consistent with market conditions. The charges assessed to customers for basic generation service shall be regulated by the board and shall be based on the reasonable and prudent cost to the supplier of providing such service, including the cost of power purchased at prices consistent with market conditions, by the supplier in the competitive wholesale marketplace and related ancillary and administrative costs, as determined by the board or shall be based upon the result of a competitive bid.

e. Each electric public utility or electric power supplier that provides basic generation service pursuant to subsection a., c. or d. of this section shall be permitted to recover in its basic generation charges on a full and timely basis all reasonable and prudently incurred costs incurred in the provision of basic generation services consistent with the provisions of this section, except to the extent that certain costs related to the provision of basic generation service are already being recovered in other elements of an electric public utility's charges. The board may approve ratemaking and other pricing mechanisms that provide incentives, including financial risks and rewards, for the utility or electric power supplier to procure a portfolio of electric power supply that provides maximum benefit to basic generation service customers.

f. Each electric public utility shall submit a quarterly report to the board of all electricity generation contracts between the public utility and any related competitive business segment. A utility that submits a report pursuant to this subsection may petition the board for confidential treatment as trade secrets of any or all of the information provided.

g. Nothing in this section shall apply to any existing board approved bilateral power purchase contract by an electric public utility as of the effective date of this act.

C.48:3-58 Gas public utilities, unbundled rate schedules.

10. a. After the implementation of retail electric choice pursuant to subsection a. section 5 of this act, the board shall order each gas public utility to unbundle its rate schedules such that discrete services provided, which were previously included in the bundled utility rate, are separately identified and charged in its tariffs. Billing for unbundled services also shall include charges for regulatory assets and may include restructuring related costs. The board shall order each gas public utility to submit a rate unbundling filing no later than May 1, 1999, in a form and of a content to be determined by the board. The board shall review such filings and, after hearing and an opportunity for public comment, render a determination as to the appropriate unbundled rates consistent with the provisions of this act. Notwithstanding any other provisions of this act, an unbundling of gas public utility rates implemented as a result of this section shall not result in a reallocation of utility cost responsibility between or among different classes of customers. The board shall continue to allow commercial and industrial customers to choose a gas supplier and shall order that all retail customers of a gas public utility shall be able to choose a gas supplier by no later than December 31, 1999, except that the board may approve an accelerated schedule for retail gas customer choice.

b. Subject to the approval of the board pursuant to subsection d. of this section, a gas public utility or a related competitive business segment of that gas public utility may provide the following competitive services:

(1) Metering, billing and related administrative services that are deemed competitive by the board pursuant to this section;

(2) Services related to safety and reliability of utility businesses;

(3) Competitive services that have been offered by any electric or gas public utility since prior to January 1, 1993 or that have been approved by the board prior to the effective date of this act to be offered by any electric public utility or gas public utility. A gas public utility that has offered a competitive service since prior to January 1, 1993 or a competitive service that was approved prior to the effective date of this act is not required to obtain board approval pursuant to subsection d. of this section, but any gas public utility that has not offered a competitive service prior to January 1, 1993 or has not received previous board approval for such a competitive service shall apply for approval pursuant to subsection d. of this section. Except as otherwise provided by this paragraph, a competitive service that is permitted by this paragraph shall be subject to all requirements of this act for competitive services and to any standards or other rules or regulations adopted pursuant to this act;

(4) Services that are substantially similar to competitive services that are permitted under paragraph (3) of this subsection; and

(5) Competitive services to non-residential customers using utility employees and assets.

c. A gas public utility or a related competitive business segment of that gas public utility may provide other services that are offered for nominal or no consideration to existing non-residential customers in the ordinary course of business.

d. A gas public utility shall not offer any competitive service to retail customers without the express prior written approval of the board. The board may require that a gas public utility file and maintain tariffs for competitive services, which tariffs shall be subject to review and approval by the board. The board shall approve a competitive service only upon a finding that:

(1) The provision of a competitive service by a gas public utility or its related competitive business segment shall not adversely impact the ability of the gas public utility to offer its non-competitive services to customers in a safe, adequate and proper manner, and in all instances where resources are jointly deployed by the utility to provide competitive and non-competitive services and resource constraints arise, the provision of non-competitive services shall receive a higher priority; and

(2) The price that a gas public utility charges for a competitive service shall not be less than the fully allocated cost of providing such service, as determined by the board, which cost shall include an allocation of the cost of all equipment, vehicles, labor, related fringe benefits and overheads, and administration utilized, and all other assets utilized and costs incurred, directly or indirectly, in providing such competitive service.

e. Tariffs for competitive services filed with the board shall be in the public records, except that if the board determines that the rates are proprietary, they shall be filed under seal and made available under the terms of an appropriate protective agreement, as provided by board order. A public utility shall have the burden of proof by affidavit and motions to demonstrate the need for proprietary treatment. The rates shall become public upon board approval.

f. A gas public utility shall not use regulated rates to subsidize its competitive services or competitive services offered by a related competitive business segment of the public utility holding company of which the public utility is an affiliate, and expenses incurred in conjunction with its competitive services shall not be borne by its regulated rate customers. The regulated rates of a gas public utility shall be subject to the review and approval of the board to determine that there is no subsidization of its related competitive business segment. Each such public utility shall maintain books and records, and provide accounting entries of its regulated business to the board as required by the board, to show that there is strict

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separation and allocation of the utility's revenues, costs, assets, risks and functions, between the gas public utility and its related competitive business segment.

g. Except as otherwise provided in this act, and notwithstanding any provisions of R.S.48:2-18, R.S.48:2-21, section 31 of P.L.1962, c.198 (C.48:2-21.2), R.S.48:3-1 or any other law to the contrary, the board shall not regulate, fix or prescribe the rates, tolls, charges, rate structures, rate base, or cost of service of competitive services.

h. The board is authorized to determine, after notice and hearing, whether any service offered by a gas public utility is a competitive service. In making such a determination, the board shall develop standards of competitive service which, at a minimum, shall include: evidence of ease of market entry; presence of other competitors; and the availability of like or substitute services in the relevant geographic area. Notwithstanding the presence of these factors, the board may determine that any service shall remain regulated for purposes of the public safety and welfare.

i. The board shall have the authority to reclassify as regulated any gas service or segment thereof that it has previously found to be competitive, if, after notice and hearing, and after appropriate review by the Legislature pursuant to subsection v. of this section, it determines that sufficient competition is no longer present, upon application of the criteria set forth in subsection h. of this section. Upon such a reclassification, subsection g. of this section shall no longer apply and the board shall determine such rates for that gas service as it finds to be just and reasonable. The board, however, shall continue to monitor the gas service or segment thereof and, whenever the board shall find that the gas service has again become sufficiently competitive pursuant to subsection h. of this section, the board shall again apply the provisions of subsection g. of this section.

j. Nothing in this act shall limit the authority of the board, pursuant to Title 48 of the Revised Statutes, to ensure that gas public utilities do not make or impose unjust preferences, discriminations, or classifications for any services provided to customers.

k. (1) The board shall adopt, by rule, regulation or order, such fair competition standards, affiliate relation standards, accounting standards and reports as are necessary to ensure that gas public utilities or their related competitive business segments do not enjoy an unfair competitive advantage over other non-affiliated purveyors of competitive services and in order to monitor the allocation of costs between competitive and non-competitive services offered by a gas public utility, and within 60 days after the date for implementation of retail choice pursuant to this section, shall commence the process of conducting audits, at the expense of the gas public utilities, to ensure compliance with this section and with the board's rules,

regulations or orders adopted pursuant to this section. The board shall hire an independent contractor to perform such audits.

(2) Subsequent audits shall take place no less than every two years after the date of the decision rendered pursuant to subsection q. of this section.

(3) The public utility and an intervenor shall have the right to contest the methodology and rebut the findings of an audit performed pursuant to this subsection, in a filing with the board. The board shall take no action to functionally separate, structurally separate or require the divestiture of any portion of a public utility's operations pursuant to this subsection until the public utility, and any intervenors have been afforded timely opportunity to make such filing and until the board has issued a decision thereon.

(4) If the board finds as a result of any such audit, that substantial violations of this act or of the board's rules, regulations or orders adopted pursuant to this section have occurred which result in unfair competitive advantages for a gas public utility, it shall: order the gas public utility to establish and provide such services through a business unit which is functionally separated from the gas public utility business unit as a related competitive business segment of the utility, such that, other than shared administration and overheads, employees of the competitive services business unit shall not also be involved in the provision of non-competitive utility and safety services, and the competitive services are provided utilizing separate assets than those utilized to provide non-competitive utility and safety services; order the gas public utility to establish and provide such services through a structurally separate business unit or units including, but not limited to, a related competitive business segment of the public utility holding company; or order the gas public utility to divest itself of any business units that provide such services.

(5) If the board determines, as a result of the audit performed pursuant to this subsection that a gas public utility has unfairly allocated costs between its competitive and non-competitive services, the board is authorized to require such utility to return to the ratepayers an amount, equivalent to the amount of the costs determined to be unfairly allocated, with interest, during the time that the unfair allocation of costs occurred. In addition, the board is authorized to order such utility to pay a fine of up to $10,000 as a result of the violation or violations determined to have occurred pursuant to this subsection.

l. The board shall determine, by rule or order, what reports are necessary to monitor the competitiveness of any service offered to a customer of a gas public utility.

m. The board shall have the authority to take appropriate action, including the issuance of an order that a gas public utility or its related competitive business segment cease the offering of a competitive service,

functionally separate its competitive service offering from non-competitive business functions, structurally separate or divest itself of such services, in the event that the board determines, after hearing, that recurring and significant violations of its rules, regulations or orders adopted pursuant to subsection k. of this section have occurred.

n. Any other provision of this act to the contrary notwithstanding, commencing on the effective date of this act, a gas public utility or a related competitive business segment of that gas public utility shall not offer any competitive service except those approved or pending approval as of July 1, 1998 pursuant to subsections b. and d. of this section; provided, however, that in the event that a gas public utility is not part of a holding company legal structure, competitive services may be offered by a related competitive business segment of that gas public utility as long as that related competitive business segment is structurally separated from the gas public utility, and provided that the interactions between the gas public utility and the related competitive business segment are subject to the affiliate relation standards adopted by the board pursuant to subsection k. of this section.

o. A public utility holding company may offer a gas competitive service to retail customers of a gas public utility that is owned by the holding company, but only through a related competitive business segment of the holding company that is not a related competitive business segment of the gas public utility; provided, however, that in the event that a gas public utility is not part of a holding company legal structure, competitive services may be offered by a related competitive business segment of that gas public utility as long as that related competitive business segment is structurally separated from the gas public utility, and provided that interactions between the gas public utility and the related competitive business segment are subject to the affiliate relation standards adopted by the board pursuant to subsection k. of this section.

p. Nothing in this act shall exempt a gas public utility from obtaining all applicable local, State and federal licenses or permits associated with the offering of competitive services and complying with all applicable laws and regulations regarding the provision of such services.

q. Notwithstanding any other provisions of this section, by no later than December 31, 2000, the board shall render a decision, after notice and hearing, on any further restrictions required for any or all non-safety related competitive services offered by a gas public utility in addition to the provisions of this section, including whether a gas public utility offering non-safety related services must establish and provide such services through a business unit which is functionally separated from the gas public utility business unit.

(1) Upon the completion of the audit process required by paragraph (1)

of subsection k. of this section, the board shall initiate the process of organizing and conducting hearings to examine the use of utility assets in providing retail competitive services as permitted in subsection f. of this section. The board shall evaluate and balance the following factors: the prevention of cross subsidization, the issues attendant to separation and relative to the board's affiliate relation and fair competition standards as provided in subsection k. of this section, the effect on ratepayers of the use of utility assets in the provision of non-safety related competitive services, the effect on utility workers, and the effect of utility practices on the market for such services.

(2) The relationship between the gas public utility and its related competitive service business unit shall be subject to affiliate relations standards to be promulgated by the board pursuant to subsection k. of this section.

r. For at least three years subsequent to the starting date of 100 percent retail competition as provided in subsection a. of this section and thereafter until the board specifically finds it to be no longer in the public interest, each gas public utility shall provide basic gas supply service. Gas supply procured for basic gas supply service by a gas public utility shall be purchased at prices consistent with market conditions. The charges assessed to customers for basic gas supply service shall be regulated by the board and shall be based on the cost to the utility of providing such service, including the cost of gas commodity and capacity purchased at prices consistent with market conditions by the gas public utility in the competitive wholesale marketplace and related ancillary and administrative costs, as determined by the board. A gas supply service offered by a gas public utility under a tariff approved by the board as of the effective date of this act shall qualify for the provision of basic gas supply service required hereunder.

s. By no later than January 1, 2002, the board shall issue a decision as to whether to make available basic gas service on a competitive basis to any gas supplier, any gas public utility, or both.

t. Gas procured for basic gas supply service by a gas supplier shall be purchased at prices consistent with market conditions. The charges assessed to customers for basic gas service shall be regulated by the board and shall be based on the cost to the supplier of providing such service, including the cost of gas commodity and capacity purchased at prices consistent with market conditions by the supplier in the competitive wholesale marketplace and related ancillary and administrative costs, as determined by the board or shall be based upon the result of a competitive bid.

u. Each gas public utility or gas supplier that provides basic gas supply service pursuant to subsections r., s. and t. of this section shall be permitted to recover in its basic gas supply charges on a full and timely basis all

reasonable and prudently incurred costs incurred in the provision of basic gas supply services pursuant to this section, except to the extent that certain costs related to the provision of basic gas supply service are already being recovered in other elements of a gas public utility's charges. The board may approve ratemaking and other pricing mechanisms that provide incentives, including financial risks and rewards, for the gas public utility or gas supplier to procure a portfolio of gas supply that provides maximum benefit to basic gas supply service customers.

v. Prior to reclassifying as regulated, pursuant to subsection i. of this section, any service previously found to be competitive, the board shall make recommendations to the Legislature concerning the proposed reclassification. The recommendations shall be deemed to be approved unless the Legislature adopts a concurrent resolution stating that the Legislature is not in agreement with all or any part of the recommendations within 90 days following the date of transmittal of the recommendations to the Legislature. The concurrent resolution shall advise the board of the Legislature's specific objections to the recommendations and shall direct the board to submit revised recommendations which respond to those objections within 45 days of the date of transmittal of the concurrent resolution to the board.

w. If the board finds, as a result of any audit conducted pursuant to this section, that violations of the board's rules, regulations or orders adopted pursuant to this section have occurred, which are not substantial violations, the board is authorized to impose a fine of up to $10,000 against the gas public utility.

C.48:3-59 Requirements for electric public utility after retail choice.

11. a. On or after the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act and for the duration of the transition charges established pursuant to subsection i. of section 13 and subsection a. of section 14 of this act, the board may require that an electric public utility either:

(1) Functionally separate its non-competitive business functions from its competitive electric generation service or its electric power generator functions so that such services or functions are provided by a related competitive business segment of the public utility or the public utility holding company. A related competitive business segment of the public utility holding company that is providing competitive electric generation services or performing electric power generator functions shall not be considered a public utility for the purposes of regulation under Title 48 of the Revised Statutes or any other State law or rule or regulation, except that the interrelationships between the related competitive business segment and

the electric public utility shall be subject to board authority and oversight consistent with the provisions of this section; or

(2) Divest to an unaffiliated company all or a portion of its electric generation assets and operations, upon a finding by the board, that such divestiture is necessary because the concentration or location of electric generation facilities under the electric public utility's ownership or control enable it to exercise market control that adversely affects the formation of a competitive electricity generation market and adversely affects retail electric supply customers by enabling the electric public utility or its related competitive business segment to gain an unfair competitive advantage or otherwise charge non-competitive prices.

b. Prior to the commencement by an electric public utility or a related competitive business segment of an electric public utility of any solicitation of bids for the sale of generating assets subject to recovery pursuant to sections 13 and 14 of this act or of the public utility holding company of any solicitation of bids for the sale of generating assets which have not been previously approved by the board for transfer from the electric public utility to the electric public utility holding company and are subject to recovery pursuant to sections 13 and 14 of this act, whether ordered by the board or not, the board shall establish standards for the conduct of such sale by the utility. Such standards shall include provisions for the board to monitor the progress of the bid process to ensure that the process is conducted by parties acting in their own best interest and in a manner designed to ensure a fair market value determination and does not unreasonably preclude participation by prospective purchasers. An order by the board, pursuant to paragraphs (1) and (2) of subsection a. of this section, ordering a public utility to functionally separate or divest its competitive services to a related competitive business segment of the public utility, a public utility, a public utility holding company or an unaffiliated company shall include a provision that the related competitive business segment of the public utility, public utility holding company or unaffiliated company shall:

(1) Recognize the existing employee bargaining unit and shall continue to honor and abide by an existing collective bargaining agreement for the duration of the agreement. The new entity shall be required to bargain in good faith with the existing collective bargaining unit when the existing collective bargaining agreement has expired;

(2) Shall hire its initial employee complement from among qualified employees of the electric public utility employed at the generating facility at the time of the functional separation or divestiture; and

(3) Continue such terms and conditions of employment of employees as are in existence at the generating facility at the time of the functional separation or divestiture.

c. Prior to completing any sale of generating assets subject to recovery pursuant to sections 13 and 14 of this act, an electric public utility shall file for and obtain approval by the board of the sale. The board shall approve the filing, subject to the provisions of subsection d. of this section, if it finds that:

(1) The sale reflects the full market value of the assets;

(2) The sale is otherwise in the best interest of the electric public utility's ratepayers;

(3) The sale will not jeopardize the reliability of the electric power system;

(4) The sale will not result in undue market control by the prospective buyer;

(5) The impacts of the sale on the utility's workers have been reasonably mitigated;

(6) The sale process is consistent with standards established by the board pursuant to subsection b. of this section;

(7) The sale, merger, or acquisition of the generation or other utility assets includes a provision that the purchasing, merging or new entity shall recognize the existing employee bargaining unit and shall continue to honor and abide by any existing collective bargaining agreement for the duration of the agreement. The new entity shall be required to bargain in good faith with the existing collective bargaining unit when the existing collective bargaining agreement has expired;

(8) The sale, merger, or acquisition of the generation or other utility assets includes a provision that the purchasing, merging or new entity shall hire its initial employee complement from among the employees of the electric public utility employed at the generating facility at the time of the sale, merger or acquisition; and

(9) The sale, merger or acquisition of the generation or other utility assets includes a provision that the purchasing, merging or new entity shall continue such terms and conditions of employment of employees as are in existence at the generating facility at the time of the sale, merger or acquisition.

d. Whenever an electric public utility sells generating assets subject to recovery pursuant to sections 13 and 14 of this act and the net proceeds from such sale exceed the level of market value used in determining the level of stranded costs being recovered through a market transition charge or equivalent rate mechanism established pursuant to section 13 of this act, the board shall require that all such excess revenues derived by the electric public utility or its related competitive business segment from that sale be applied:

(1) To offset any market transition charge or equivalent rate mechanism

assessed to customers pursuant to section 13 of this act; or

(2) If the electric public utility is not assessing a market transition charge, to offset the rates charged to customers for distribution service.

e. Notwithstanding this subsection no transfer of assets shall affect the whole value of the assessment of the transitional energy facility assessment set forth in P.L.1997, c.162 (C.54:30A-100 et seq.).

C.48:3-60 Societal benefits charge by public utility; Universal Service Fund.

12. a. Simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act, the board shall permit each electric public utility and gas public utility to recover some or all of the following costs through a societal benefits charge that shall be collected as a non-bypassable charge imposed on all electric public utility customers and gas public utility customers, as appropriate:

(1) The costs for the social programs for which rate recovery was approved by the board prior to April 30, 1997. For the purpose of establishing initial unbundled rates pursuant to section 4 of this act, the societal benefits charge shall be set to recover the same level of social program costs as is being collected in the bundled rates of the electric public utility on the effective date of this act. The board may subsequently order, pursuant to its rules and regulations, an increase or decrease in the societal benefits charge to reflect changes in the costs to the utility of administering existing social programs. Nothing in this act shall be construed to abolish or change any social program required by statute or board order or rule or regulation to be provided by an electric public utility. Any such social program shall continue to be provided by the utility until otherwise provided by law, unless the board determines that it is no longer appropriate for the electric public utility to provide the program, or the board chooses to modify the program;

(2) Nuclear plant decommissioning costs;

(3) The costs of demand side management programs that were approved by the board pursuant to its demand side management regulations prior to April 30, 1997. For the purpose of establishing initial unbundled rates pursuant to section 4 of this act, the societal benefits charge shall be set to recover the same level of demand side management program costs as is being collected in the bundled rates of the electric public utility on the effective date of this act. Within four months of the effective date of this act, and every four years thereafter, the board shall initiate a proceeding and cause to be undertaken a comprehensive resource analysis of energy programs, and within eight months of initiating such proceeding and after notice, provision of the opportunity for public comment, and public hearing,

the board, in consultation with the Department of Environmental Protection, shall determine the appropriate level of funding for energy efficiency and Class I renewable energy programs that provide environmental benefits above and beyond those provided by standard offer or similar programs in effect as of the effective date of this act; provided that the funding for such programs be no less than 50% of the total Statewide amount being collected in public electric and gas utility rates for demand side management programs on the effective date of this act for an initial period of four years from the issuance of the first comprehensive resource analysis following the effective date of this act, and provided that 25% of this amount shall be used to provide funding for Class I renewable energy projects in the State. In each of the following fifth through eighth years, the Statewide funding for such programs shall be no less than 50 percent of the total Statewide amount being collected in public electric and gas utility rates for demand side management programs on the effective date of this act, except that as additional funds are made available as a result of the expiration of past standard offer or similar commitments, the minimum amount of funding for such programs shall increase by an additional amount equal to 50 percent of the additional funds made available, until the minimum amount of funding dedicated to such programs reaches $140,000,000 total. After the eighth year the board shall make a determination as to the appropriate level of funding for these programs. Such programs shall include a program to provide financial incentives for the installation of Class I renewable energy projects in the State, and the board, in consultation with the Department of Environmental Protection, shall determine the level and total amount of such incentives as well as the renewable technologies eligible for such incentives which shall include, at a minimum, photovoltaic, wind, and fuel cells. The board shall simultaneously determine, as a result of the comprehensive resource analysis, the programs to be funded by the societal benefits charge, the level of cost recovery and performance incentives for old and new programs and whether the recovery of demand side management programs' costs currently approved by the board may be reduced or extended over a longer period of time. The board shall make these determinations taking into consideration existing market barriers and environmental benefits, with the objective of transforming markets, capturing lost opportunities, making energy services more affordable for low income customers and eliminating subsidies for programs that can be delivered in the marketplace without electric public utility and gas public utility customer funding;

(4) Manufactured gas plant remediation costs, which shall be determined initially in a manner consistent with mechanisms in the remediation adjustment clauses for the electric public utility and gas public utility

adopted by the board; and

(5) The cost, of consumer education, as determined by the board, which shall be in an amount that, together with the consumer education surcharge imposed on electric power supplier license fees pursuant to subsection h. of section 29 of this act and the consumer education surcharge imposed on gas supplier license fees pursuant to subsection g. of section 30 of this act, shall be sufficient to fund the consumer education program established pursuant to section 36 of this act.

b. There is established in the Board of Public Utilities a nonlapsing fund to be known as the "Universal Service Fund." The board shall determine: the level of funding and the appropriate administration of the fund; the purposes and programs to be funded with monies from the fund; which social programs shall be provided by an electric public utility as part of the provision of its regulated services which provide a public benefit; whether the funds appropriated to fund the "Lifeline Credit Program" established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants' Lifeline Assistance Program" established pursuant to P.L.1981, c.210 (C.48:2-29.31 et seq.), the funds received pursuant to the Low Income Home Energy Assistance Program established pursuant to 42 U.S.C. s. 8621 et seq., and funds collected by electric and natural gas utilities, as authorized by the board, to offset uncollectible electricity and natural gas bills should be deposited in the fund; and whether new charges should be imposed to fund new or expanded social programs.

C.48:3-61 Market transition charge for stranded costs.

13. a. The provisions of R.S.48:2-21 or any other law to the contrary notwithstanding, and simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a. of section 5 of this act, the board shall, pursuant to the findings made in connection with the stranded cost filing under subsection c. of this section and the related stranded costs recovery order, permit each electric public utility the opportunity to recover the following categories of costs through a market transition charge that shall be collected as a limited duration non-bypassable charge payable by all of the electric public utility's customers, except as provided pursuant to section 28 of this act:

(1) Utility generation plant stranded costs;

(2) Stranded costs related to long-term and short-term power purchase contracts with other utilities, including buydowns and buyouts of such contracts and interim debt, the issuance of which has been approved by the board, issued to effectuate the buydown or buyout of such contracts;

(3) Stranded costs related to long-term power purchase contracts with non-utility generators, including buydowns and buyouts of such contracts

and interim debt issued to effectuate the buydown or buyout of such contracts, and the costs of new power contracts approved by the board which are the result of the renegotiation, restructuring or termination of previous non-utility generator power purchase contracts pursuant to subsection l. of this section; and

(4) Such restructuring related costs, if any, as the board determines to be appropriate for recovery in a market transition charge.

b. Costs that may be collected pursuant to subsection a. of this section must be otherwise unrecoverable as a direct result of the implementation of retail choice mandated by subsection a. of section 5 of this act.

c. In order for an electric public utility to have a market transition charge established it must submit a stranded cost filing to the board, the elements of which are to be established by the board. After notice and hearing, the board may approve, reject or approve with modifications the filing as it deems necessary and appropriate to comply with the provisions of this act and shall thereafter issue a stranded cost recovery order setting forth the amount of stranded costs, if any, eligible to be recovered by such electric public utility. The order or a successor order also shall set forth the board authorized mechanism to be used by the electric public utility for recovery of stranded costs which the board has determined are eligible for recovery.

d. Costs that may be eligible for recovery pursuant to paragraphs (1) and (2) of subsection a. of this section must have been committed to by the utility and included in rates through the conclusion of the utility's most recent base rate case prior to April 30, 1997, except that the board may determine certain costs that were not previously included in base rates to be eligible upon a showing by the utility that such costs were prudently incurred and either:

(1) were needed to maintain plant integrity, performance or reliability or to meet safety, environmental or other regulatory standards consistent with the utility's obligation to serve; or

(2) in the case of major investments or major upgrades not meeting the standard in subsection a. of this section, the utility demonstrates that it had no more cost-effective power supply source available at the time the commitment was made to meet their energy consumers' needs consistent with applicable board standards and to provide benefits to ratepayers.

e. For the purposes of quantifying the magnitude of stranded costs eligible for recovery via the market transition charge, the board shall require the electric public utility to demonstrate the full market value of each eligible generating asset or power purchase commitment over its remaining useful life or term and, in fixing the level of the market transition charge, the board shall reach a determination as to the market value of such eligible

assets and commitments, or implement a mechanism for such value to be determined. Such determination or mechanism shall reflect or provide a means to reflect the full value of the eligible asset or commitment, including value which may not be realized by the electric public utility until after the expiration of the market transition charge, and may reflect a reduced return, if any, on investment in quantifying stranded costs which the board determines to be reasonable given the changes in capital costs or risks to the utility, or to reflect the impaired value of the uneconomic generating assets to ratepayers.

f. For the purposes of quantifying the magnitude of stranded costs eligible for recovery via the market transition charge, the board shall require or impute all reasonably available measures for the electric public utility to mitigate the quantity of stranded costs, by:

(1) Reducing the cost of power purchase commitments and the on-going capital and operations costs of the generating plant;

(2) Maximizing the market value of the generating asset or purchase commitment; or

(3) Undertaking other reasonably achievable cost reductions.

g. The board shall conduct a periodic review and, if necessary, adjust the market transition charge or implement other ratemaking mechanisms in order to ensure that the utility will not collect charges that exceed its actual stranded costs. Net proceeds from the sale or lease of generating assets as provided in subsection d. of section 11 of this act or from the offering of competitive services by the electric public utility or a related competitive business segment of the public utility as provided in subsection b. of section 7 of this act, shall be reflected on a timely basis in the first instance by the adjustment of the market transition charge or equivalent rate mechanism implemented pursuant to this subsection. Any adjustment mechanism shall reflect changes in market price and may reflect other factors such as changes in sales.

h. Notwithstanding the provisions of subsection a. of this section, the board shall not determine a level for the market transition charge for recovery of a utility's eligible stranded costs, as determined in accordance with this section, which prevents the achievement of the rate reductions required pursuant to section 4 of this act and that such rate reductions will not impair the electric public utility's financial integrity such that access to the capital markets for the continued provision of safe, adequate, and proper utility service is impaired.

i. The market transition charge for each utility shall be limited to a term not to exceed eight years, except that the board may extend the term of the charge to allow a utility:

(1) To recover the non-mitigable stranded costs associated with payments under long-term power purchase contracts with non-utility generators over the lives of the contracts;

(2) To recover costs associated with a particular generating asset, the costs of which represent at least 20 percent of an electric public utility's stranded costs as determined by the board and the remaining life of which for depreciation purposes at April 30, 1997 was 10 years or greater, in which case the board may extend the market transition charge up to three additional years if necessary to achieve the rate reduction levels established by the board pursuant to section 4 of this act; or

(3) To achieve the mandatory rate reductions established pursuant to subsection d. of section 4 of this act if the board determines that such mandatory rate reductions cannot be achieved by a public electric utility absent such extension.

j. The board shall issue orders with respect to each electric public utility's amortization of stranded costs through the market transition charge pursuant to this section prior to the starting date for implementation of retail choice as provided in subsection a. of section 5 of this act.

k. Nothing in this act shall be construed to alter non-utility generator power purchase contracts in existence on the effective date of this act or the board's orders approving said contracts.

l. (1) The board may approve the buyout or buydown of a power purchase agreement with a non-utility generator or a new power purchase contract which is the result of the renegotiation, restructuring or termination of a previous non-utility generator purchase agreement, if it determines that such buyout, buydown or new contract, including any and all transaction costs, will result in a substantial reduction in the total stranded costs of the utility, which resulting savings will be passed through to ratepayers on a full and timely basis.

(2) Each electric public utility shall be permitted to recover the costs of qualified replacement power on a full and timely basis pursuant to section 9 of this act.

(3) Each electric public utility shall be permitted to recover on a full and timely basis through the market transition charge:

(a) all costs of power contract buydowns and buyouts approved by the board which are the result of the renegotiation, restructuring, buyout, buydown or termination of existing non-utility power purchase contracts; and

(b) debt issued to effectuate the board-approved renegotiation, restructuring, buyout, buydown, or termination of existing non-utility power purchase contracts.

(4) The board's approval of any contract renegotiation, restructuring, buyout, buydown, termination or new contract shall not be subject to modification except as requested jointly by the parties to such contracts.

(5) As used in this subsection, "qualified replacement power" is power that the utility purchases subsequent to the board-approved buyout, buydown or renegotiation of a non-utility generator power purchase contract which is necessary to provide basic generation service and in order to replace power not provided as part of the buydown, buyout or new contract, and which is obtained at a cost no higher than that which is available in the market.

C.48:3-62 Authorization for issuance of transition bonds.

14. a. For purposes of recovering a portion of the stranded costs of an electric public utility that are deemed eligible for rate recovery in a stranded cost recovery order consistent with the provisions of section 13 of this act, and for compliance by the electric public utility with the rate reduction requirements determined by the board to be necessary and appropriate consistent with the provisions of sections 4 and 13 of this act, the board may authorize the issuance of transition bonds by the electric public utility or other financing entity approved by the board. Such bonds shall be secured through an irrevocable bondable stranded cost rate order imposing a non-bypassable transition bond charge as provided in section 18 of this act and shall provide for collection of the transition bond charge by the electric public utility or another entity approved by the board. This transition bond charge shall be assessed in connection with the recovery of stranded costs pursuant to section 13 of this act, but each electric public utility shall maintain separate accounting for transition bond charges so that the board can determine, at any time, the amount of each type of charge that has been assessed and collected by the electric public utility. The net proceeds of the transition bonds shall be used by or on behalf of the electric public utility solely for the purposes of reducing the amount of its otherwise recovery-eligible stranded costs, as determined by the board in accordance with the provisions of section 13 of this act, through the refinancing or retirement of electric public utility debt or equity, or both, or the buyout, buydown or other restructuring of a power purchase agreement if such buyout, buydown or restructuring leads directly to substantial customer benefits over the term of the power purchase agreement. The entire amount of cost savings achieved as a result of the issuance of such transition bonds, whether as a result of a reduction in capital costs or a lengthened recovery period associated with otherwise recovery-eligible stranded costs or as a source of cash for the buyout, buydown or other restructuring of a power purchase agreement, shall be passed on to the customers of the electric public utility

in the form of reduced rates for electricity. Anything in this act or any other law to the contrary notwithstanding, except for adjustments authorized under paragraph (2) of subsection a. and subsection b. of section 15 of this act, transition bond charges approved by the board in a bondable stranded costs rate order shall not be offset, reduced, adjusted or otherwise diminished either directly or indirectly.

b. The issuance of transition bonds for an electric public utility may be authorized by the board if all the following findings are made by the board in connection with its review of a stranded cost filing made by an electric public utility pursuant to section 13 of this act:

(1) The electric public utility has taken reasonable measures to date, and has the appropriate incentives or plans in place to take reasonable measures, to mitigate the total amount of its stranded costs;

(2) The electric public utility will not be able to achieve the level of rate reduction deemed by the board to be necessary and appropriate pursuant to the provisions of sections 4 and 13 of this act absent the issuance of transition bonds;

(3) The issuance of such bonds will provide tangible and quantifiable benefits to ratepayers, including greater rate reductions than would have been achieved absent the issuance of such bonds and net present value savings over the term of the bonds; and

(4) The structuring and pricing of the transition bonds assure that the electric public utility's customers pay the lowest transition bond charges consistent with market conditions and the terms of the bondable stranded costs rate order. If so authorized in the financing order by the board, the structure and pricing of the transition bonds shall be conclusively deemed to satisfy this requirement if so certified by a designee of the board upon the pricing of the transition bonds, which certification will be final and uncontestable as of its date.

c. Subject to the other requirements of this section:

(1) The board may authorize the issuance of transition bonds for utility generation plant stranded costs determined by the board to be recoverable pursuant to paragraph (1) of subsection a. of section 13 of this act in a principal amount of up to 75 percent of the total amount of the electric public utility's recovery-eligible utility generation plant stranded costs, as determined by the board in accordance with the provisions of section 13 of this act, or, in the event that an electric public utility divests itself of a majority of its generating assets, which divestiture will result in a lower market transition charge than that which would have been collected from customers had the electric public utility not divested such assets, and the utility has established, as determined by the board, the stranded cost amount with certainty attributable to its remaining generating asset or assets, the

board may authorize the issuance of transition bonds in a principal amount up to the full stranded cost value of such remaining generating asset or assets based on the following criteria:

(a) The greater the level of aggregate rate reduction provided pursuant to subsections d. and e. of section 4 of this act, the higher the percentage of stranded costs for which transition bonds may be issued;

(b) The higher the degree of certainty, such as might be obtained by auction or sale of the assets, as to the magnitude of the electric public utility's actual stranded costs, the larger the magnitude of transition bonds which may be permitted; and

(c) Based on evidence on the record, such amount will produce substantial and quantifiable savings for the customers of that utility; and

(2) The board may authorize the issuance of transition bonds for the buyout or buydown of long-term power purchase contracts with non-utility generators determined by the board to be recoverable pursuant to paragraph (3) of subsection a. of section 13 of this act in a principal amount to be determined by the board in accordance with the provisions of section 13 of this act, based on the following criteria:

(a) The greater the level of aggregate rate reduction provided pursuant to subsections d. and e. of section 4 of this act, the higher the percentage of stranded costs that may be securitized;

(b) The higher the degree of certainty as to the magnitude of the electric public utility's actual stranded costs, the larger the magnitude of transition bonds which may be permitted; and

(c) Based on evidence on the record, such amount will produce substantial and quantifiable savings for the customers of that electric public utility because the amount of the buyout or buydown payment is substantially less than the total projected stranded costs associated with the contract.

d. The board may approve transition bonds with scheduled amortization upon issuance of up to:

(1) Fifteen years if the electric public utility intends to utilize the proceeds from such transition bonds to reduce the stranded costs related to utility-owned generation; or

(2) The remaining term of a power purchase agreement if the electric public utility intends to utilize the proceeds from such transition bonds solely for the purposes and requirements of paragraph (2) of subsection c. of this section.

e. Transition bonds for the purpose and requirements of paragraphs (1) and (2) of subsection c. of this section may be issued in one or more series, in one or more offerings, and each such series may consist of one or more classes of transition bonds.

f. The board shall issue orders with respect to each electric public

utility's amortization of stranded costs through the transition bond charges pursuant to this section.

C.48:3-64 Bondable stranded costs rate orders.

15. a. A bondable stranded costs rate order issued by the board pursuant to section 14 of this act shall:

(1) Authorize the electric public utility or other financing entity approved by the board to issue transition bonds to finance the bondable stranded costs and to pledge or assign, sell or otherwise transfer the related bondable transition property without further order of the board, except as provided in paragraph (2) of subsection a. of this section;

(2) Approve the amount of the initial transition bond charge to be imposed upon, charged to and collected and received from the customers of the electric public utility in an amount not less than the amount necessary to fully recover bondable stranded costs, and provide for adjustment in a manner approved by the board of the initial transition bond charge prior to the closing of the related transition bonds to reflect the actual rate of interest thereon and all other costs, including any required overcollateralization, associated with the issuance of such transition bonds; and

(3) Require the electric public utility to obtain the approval of the board or its designee at the time of pricing of the terms and conditions of any transition bonds secured by or payable from the transition bond charges, servicing fees, if any, imposed with respect to the collection of such transition bond charges, or any pledging, assignment, sale or other transfer of bondable transition property in connection with the initial transition bond charge provided in paragraph (2) of subsection a. of this section, including a schedule of payments of principal and interest on the transition bonds, which notice shall be given not later than five business days after issuance and sale of the transition bonds. Notwithstanding any other provision of law, the notice to the board required to be given by the electric public utility in connection with the issuance and sale of transition bonds under this subsection shall not be subject to the provisions of R.S.48:3-7 and R.S.48:3-9 and shall not affect the rights of bondholders.

b. Each bondable stranded costs rate order shall provide for mandatory periodic adjustments by the board of the transition bond charges that are the subject of the bondable stranded costs rate order, upon petition of the affected electric public utility, its assignee or financing entity, to conform the transition bond charges to the schedule of payments of principal and interest on the transition bonds provided to the board by the electric public utility pursuant to subsection a. of this section. Such adjustments shall be made at least annually. Each such adjustment shall be formula-based, shall be in the amount required to ensure receipt of revenues sufficient to provide

for the full recovery of bondable stranded costs, including, without limitation, the timely payment of principal of, and interest and acquisition or redemption premium on, transition bonds issued to finance such bondable stranded costs, which shall be recovered over the term of the transition bonds and in accordance with the schedule of payments of principal and interest on the transition bonds provided to the board by the electric public utility pursuant to subsection a. of this section and shall become effective 30 days after filing thereof with the board absent a determination of manifest error by the board. The electric public utility shall propose such adjustments in a filing with the board at least 30 days in advance of the date upon which it is requested to be effective. The proposed adjustment shall become effective on an interim basis on such date and, in the absence of a board order to the contrary, shall become final 60 days thereafter. Each such adjustment shall be formula-based and shall be in the amount required to ensure receipt of revenues sufficient to provide for the full recovery of bondable stranded costs including, without limitation, the timely payment of principal of, and interest and acquisition or redemption premium on, transition bonds issued to finance such bondable stranded costs, which shall be recovered over the term of the transition bonds and in accordance with the schedule of payments of principal and interest on the transition bonds provided to the board by the electric public utility pursuant to subsection a. of this section. Such periodic adjustments shall not in any way affect the validity or irrevocability of the bondable stranded costs rate order or any sale, assignment or other transfer of or any pledge or security interest granted with respect to the related bondable transition property and shall not affect rights of bondholders.

c. A bondable stranded costs rate order and the authority to meter, charge, collect and receive the transition bond charges authorized thereby shall remain in effect until the related bondable stranded costs, including, without limitation, the principal of, and accrued interest and acquisition or redemption premium on, any transition bonds issued to finance such bondable stranded costs, have been paid in full and all other obligations and undertakings with respect thereto have been fully satisfied. Until the bondable stranded costs, including, without limitation, the principal of, and accrued interest and acquisition or redemption premium on, any transition bonds issued to finance such bondable stranded costs, have been paid in full and all other obligations and undertakings with respect thereto have been fully satisfied, the electric public utility shall be obligated to provide electricity through its transmission and distribution system to its customers and shall have the right to meter, charge, collect and receive the transition bond charges arising therefrom from its customers, which rights and obligations may be assignable solely within the discretion of the electric

public utility.

d. Each bondable stranded costs rate order shall provide that any transition bond charges held by the assignee or trustee of the related transition bonds in excess of those amounts necessary to fully recover bondable stranded costs approved in the bondable stranded costs rate order shall be applied as a credit to reduce charges to customers of the electric public utility, except that all bondable stranded costs as quantified in the bondable stranded costs rate orders with respect to the electric public utility shall be aggregated for purposes of determining whether or not the total transition bond charges collected exceed the total bondable stranded costs attributable to such electric public utility and provided, further, that unless the electric public utility can demonstrate to the satisfaction of the board that such credit will result in a recharacterization of the tax, accounting, and other intended characteristics of the transition bonds, including, but not limited to, the following characteristics:

(1) the recognition of transition bonds as debt on balance sheet of the electric public utility for financial accounting purposes;

(2) treatment of the transition bonds as debt of the electric public utility or its affiliates for federal income tax purposes;

(3) treatment of the transfer of bondable transition property by the electric public utility as a true sale for bankruptcy purposes; and

(4) an adverse impact of the transition bonds on the credit rating of the electric public utility.

e. An electric public utility may commingle the revenues received from amounts charged, collected and received under transition bond charges for bondable stranded costs approved in any one or more bondable stranded costs rate orders with other funds of the electric public utility, which shall in no way affect the validity or irrevocability of any bondable stranded costs rate order issued in connection therewith or any sale, assignment or other transfer of or any pledge or security interest granted with respect to the bondable transition property created thereby.

f. Except as provided otherwise in this act, all proceedings in connection with the determination of bondable stranded costs, transition bond charges and bondable stranded costs rate orders shall be exempt from the provisions of Title 48 of the Revised Statutes and any regulations promulgated thereunder.

C.48:3-65 Orders become irrevocable upon issuance.

16. a. Notwithstanding any other provision of law, each bondable stranded costs rate order and the transition bond charges authorized therein shall become irrevocable upon the issuance of such order and its becoming effective pursuant to section 19 of this act. The bondable stranded costs rate

order, the transition bond charges and the bondable transition property shall constitute a vested, presently existing property right upon the transfer to an assignee and receipt of consideration for such bondable transition property. Following such transfer and receipt of consideration, such property right in bondable transition property shall be vested *ab initio* in such assignee.

b. Neither the board nor any other governmental entity shall have the authority, directly or indirectly, legally or equitably, to rescind, alter, repeal, modify or amend a bondable stranded costs rate order, to revalue, re-evaluate or revise the amount of bondable stranded costs, to determine that the transition bond charges or the revenues required to recover bondable stranded costs are unjust or unreasonable, or in any way to reduce or impair the value of bondable transition property, nor shall the amount of revenues arising with respect thereto be subject to reduction, impairment, postponement or termination, provided, however, that nothing in this section shall preclude adjustments of the transition bond charges in accordance with the provisions of paragraph (2) of subsection a. and of subsection b. of section 15 of this act.

C.48:3-66 State pledge to holders of transition bonds; orders not pledge of State's credit.

17. a. The State of New Jersey does hereby pledge and agree with the holders of any transition bonds issued under the authority of this act, with the pledgee, owner or assignee of bondable transition property, with any financing entity which has issued transition bonds with respect to which a bondable stranded costs rate order has been issued and with any person who may enter into agreements with an electric public utility or an assignee or pledgee thereof or a financing entity pursuant to this act, that the State will not limit, alter or impair any bondable transition property or other rights vested in an electric public utility or an assignee or pledgee thereof or a financing entity or vested in the holders of any transition bonds pursuant to a bondable stranded costs rate order until such transition bonds, together with the interest and acquisition or redemption premium, if any, thereon, are fully paid and discharged or until such agreements are fully performed on the part of the electric public utility, any assignee or pledgee thereof or the financing entity or in any way limit, alter, impair or reduce the value or amount of the bondable transition property approved by a bondable stranded costs rate order, provided, however, that nothing in this section shall preclude the adjustment of the transition bond charges in accordance with subsection b. of section 15 of this act. Any financing entity is authorized to include this covenant and undertaking of the State of New Jersey in any documentation with respect to the transition bonds issued thereby.

b. A bondable stranded costs rate order issued under this act does not constitute a debt or liability of the State or of any political subdivision

thereof, nor does it constitute a pledge of the full faith and credit of the State or any of its political subdivisions. The issuance of transition bonds under this act shall not directly, indirectly, or contingently obligate the State or any political subdivision thereof to levy or pledge any form of taxation therefor or to make an appropriation for their payment, and any such transition bonds shall be payable solely from the bondable transition property and such other proceeds or property as may be pledged therefor.

C.48:3-67 Customers assessed for transition bond charges.

18. The transition bond charges established by the board in bondable stranded costs rate orders shall be assessed against all customers of the electric public utility, except as provided in section 28 of this act. Transition bond charges shall be established by the board in accordance with sections 14 and 15 of this act and shall apply equally to each customer of the electric public utility based on the amount of electricity delivered to the customer through the transmission and distribution system of the electric public utility or any successor.

C.48:3-68 Effectiveness of bondable stranded costs rate order.

19. Each bondable stranded costs rate order shall be effective only in accordance with the terms thereof and upon the written consent of the petitioning electric public utility to all such terms.

C.48:3-69 Recourse against issuer only.

20. Transition bonds shall be recourse only to the credit and assets of the issuer of the transition bonds.

C.48:3-70 Electric public utility to maintain records of transition bond charges.

21. An electric public utility shall maintain or cause to be maintained records of transition bond charges which have been assessed and collected by the electric public utility for each bondable stranded costs rate order applicable to the electric public utility. Such electric public utility records and any records of a financing entity shall be made available by the electric public utility for inspection and examination within a reasonable time upon demand therefor by the board or the related financing entity.

C.48:3-71 Issuance of transition bonds; security.

22. a. Electric public utilities or other financing entities may, but are not required to, issue transition bonds authorized by the board in any bondable stranded costs rate order.

b. An electric public utility or its assignee may sell, assign and otherwise transfer all or portions of its interest in bondable transition property to assignees or financing entities in connection with the issuance of transition bonds. In addition, an electric public utility, an assignee or a

financing entity may pledge, grant a security interest in, or encumber bondable transition property as collateral for transition bonds.

c. Bondable transition property shall constitute an account and shall constitute presently existing property for all purposes, including for contracts securing transition bonds, whether or not the revenues and proceeds arising with respect thereto have accrued and notwithstanding the fact that the value of the property right may depend upon consumers using electricity or, in those instances where consumers are customers of a particular electric public utility, such electric public utility performing certain services. The validity of any sale, assignment or other transfer of bondable stranded cost shall not be defeated or adversely affected by the commingling by the electric public utility of revenues received from amounts charged, collected and received as transition bond charges with other funds of the electric public utility. Any description of the bondable transition property in a security agreement or financing statement filed with respect to the transfer of such bondable transition property in accordance with N.J.S.12A:9-401 shall be sufficient if it refers to the bondable stranded costs rate order establishing the bondable transition property.

d. A perfected security interest in bondable transition property is a continuously perfected security interest in all revenues and proceeds arising with respect thereto, whether or not the revenues and proceeds shall have accrued. The validity and relative priority of a pledge of, or security interest in, bondable transition property shall not be defeated or adversely affected by the commingling by the electric public utility of revenues received from amounts charged, collected and received as transition bond charges with other funds of the electric public utility. Any description of the bondable transition property in a security agreement or financing statement filed with respect to the granting of a security interest in such bondable transition property in accordance with N.J.S.12A:9-401 shall be sufficient if it refers to the bondable stranded costs rate order establishing the bondable transition property.

e. In the event of default by the electric public utility or its assignee in payment of revenues arising with respect to the bondable transition property, and upon the application by the pledgees or transferees of the bondable transition property, the board or any court of competent jurisdiction shall order the sequestration and payment to the pledgees or transferees of revenues arising with respect to the bondable transition property, which application shall not limit any other remedies available to the pledgees or transferees by reason of the default. Any such order shall remain in full force and effect notwithstanding any bankruptcy, reorganization or other insolvency proceedings with respect to the debtor, pledgor or transferor of the bondable transition property. Any amounts in excess of amounts

necessary to satisfy obligations then outstanding on or related to transition bonds shall be applied in the manner set forth in subsection d. of section 15 of this act.

f. To the extent that any such interest in bondable transition property is so sold or assigned, or is so pledged as collateral, the electric public utility shall be authorized to enter into a contract with the secured party, the assignee or the financing entity providing that the electric public utility shall continue to operate its transmission and distribution system to provide service to its customers, shall impose, charge, collect and receive transition bond charges in respect of the bondable transition property for the benefit and account of the secured party, the assignee or the financing entity, and shall account for and remit such amounts to and for the account of the secured party, the assignee or the financing entity. In the event of a default by the electric public utility in respect of charging, collecting and receiving revenues derived from transition bond charges and upon the application by the secured party, the assignee or the financing entity, the board or any court of competent jurisdiction shall by order designate a trustee or other entity to act in the place of the electric public utility to impose, meter, charge, collect and receive transition bond charges in respect of the bondable transition property for the benefit and account of the pledgee, the assignee or the financing entity. The board may, at its discretion, establish criteria for the selection of any entity that may become a servicer of bondable transition property upon the default or other adverse material change in the financial condition of the electric public utility.

g. An agreement by an assignor of bondable transition property not to assert any defense, claim or set-off against an assignee of the bondable transition property shall be enforceable against the assignor by the assignee and by any successor or subsequent assignee thereof.

C.48:3-72 Transfer of bondable transition property.

23. a. If an agreement by an electric public utility or its assignee to transfer bondable transition property expressly states that the transfer is a sale or other absolute transfer, then, notwithstanding any other provisions of law:

(1) Such transfer shall constitute a sale by the electric public utility or its assignee of all right, title, and interest of the electric public utility or its assignee, as applicable, in and to such bondable transition property;

(2) Such transfer shall constitute a sale or other absolute transfer of, and not a borrowing secured by, such bondable transition property;

(3) Upon execution and delivery of such agreement, the electric public utility or its assignee shall have no right, title or interest in or to such bondable transition property, except to the extent of any retained equity

interest permitted by the provisions of this act; and

(4) The characterization of a transfer as a sale or other absolute transfer shall not be affected or impaired in any manner by, among other things: (a) the assignor's retention, or acquisition as part of the assignment transaction or otherwise, of a *pari passu* equity interest in bondable transition property or the fact that only a portion of the bondable transition property is otherwise transferred; (b) the assignor's retention, or acquisition as part of the assignment transaction or otherwise, of a subordinate equity interest or other provision of credit enhancement on terms substantially commensurate with market practices; (c) the fact that the electric public utility acts as the collector or servicer of transition bond charges; (d) the assignor's retention of bare legal title to bondable transition property for the purpose of servicing or supervising the servicing of such property and collections with respect thereto; or (e) treatment of such transfer as a financing for federal, State or local tax purposes or financial accounting purposes.

b. Such transfer shall be perfected against any third party when:

(1) The board has issued a bondable stranded costs rate order with respect to such bondable transition property;

(2) Such agreement has been executed and delivered by the electric public utility or its assignee; and

(3) A financing statement has been filed with respect to the transfer of such bondable transition property in accordance with N.J.S.12A:9-401 et seq.

C.48:3-73 Successor to electric public utility.

24. Any successor to an electric public utility, whether pursuant to any bankruptcy, reorganization or other insolvency proceedings or pursuant to any merger, consolidation or sale or transfer of assets of the electric public utility, by operation of law, as a result of electric power industry restructuring or otherwise, shall perform and satisfy all obligations and be entitled to the same rights of its predecessor electric public utility under this act or the bondable stranded costs rate order or any contract entered into pursuant to this act in the same manner and to the same extent as such predecessor electric public utility, including, but not limited to, charging, collecting, receiving and paying to the person entitled thereto the revenues in respect of the transition bond charges relating to the bondable transition property. Bondable transition property, and any payments in respect to bondable transition property, including, without limitation, transition bond charges, shall not be subject to any setoffs, counterclaims, surcharges or defenses by the electric public utility, any customer, or any other person, in connection with the bankruptcy, insolvency or default of the electric public utility or otherwise.

C.48:3-74 Application for bondable stranded costs rate order not required.

25. Notwithstanding any of the provisions of this act, an electric public utility shall not be obligated under this act to apply to the board for any bondable stranded costs rate order, consent to the terms of any bondable stranded costs rate order, or sell, transfer or pledge any bondable transition property, or issue transition bonds in connection therewith.

The consideration or approval by the board of a petition by any electric public utility under this act, including the periodic adjustment provided in subsection b. of section 15 of this act shall be wholly separate from and shall not be utilized in the board's consideration of any other ratemaking or other proceeding involving the electric public utility except as otherwise provided in this act.

C.48:3-75 Expedited judicial review of bondable stranded costs rate orders.

26. In order to maximize the rate savings to customers of the electric public utility under a bondable stranded costs rate order, which order may be time-sensitive because financial market conditions may affect the feasibility and terms of transition bonds approved for issuance therein, the parties involved in proceedings resulting in such an order shall attempt to expedite judicial review pursuant to the following procedures:

a. Upon the issuance of a bondable stranded costs rate order, the board shall forthwith cause a certified copy of such order to be served upon each party entitled thereto. The electric public utility shall, within 10 days of such service upon it, file with the board its written consent to such order or its objections thereto.

b. Any party to the proceedings resulting in a bondable stranded costs rate order who claims to be aggrieved by such order, including but not limited to any electric public utility which has withheld its consent and objected thereto or any financing entity interested therein, may seek judicial review of such order in accordance with the applicable Rules Governing the Courts of the State of New Jersey and the provisions of this act. Such judicial review shall be the exclusive remedy for the parties involved in a proceeding resulting in a bondable stranded costs rate order and no petition for rehearing to the board shall be made or entertained.

c. Any party seeking judicial review under this section shall file a motion for expedited consideration of the appeal before any appellate court in which an appeal may be pending on the ground that acceleration is warranted because the subject of the appeal involves matters of important public interest.

C.48:3-76 Bondable transition property constitutes an account.

27. a. For purposes of this act, and the Uniform Commercial Code -

Secured Transactions, N.J.S.12A:9-101 et seq., bondable transition property, as defined in N.J.S.12A:9-105(1), shall constitute an account. For purposes of this act, and the Uniform Commercial Code - Secured Transactions, N.J.S.12A:9-101 et seq., bondable transition property shall be in existence whether or not the revenues or proceeds in respect thereof have accrued, in accordance with subsection c. of section 22 of this act. The validity, perfection or priority of any security interest in bondable transition property shall not be defeated or adversely affected by changes to the bondable stranded costs rate order or to the transition bond charges payable by any customer. Any description of bondable transition property in a security agreement or other agreement or a financing statement shall be sufficient if it refers to the bondable stranded costs rate order establishing the bondable transition property.

b. In addition to the other rights and remedies provided or authorized by this act, and by the Uniform Commercial Code - Secured Transactions, N.J.S.12A:9-101 et seq., when a debtor is in default under a security agreement and the collateral is bondable transition property, then upon application by the secured party, the board or any court of competent jurisdiction shall order the sequestration and payment to the secured party of all collections and other proceeds of such bondable transition property up to the value of the property. In the event of any conflicts, priority among pledgees, transferees or secured parties shall be determined under chapter 9 of Title 12A of the New Jersey Statutes. The secured party must account to the debtor for any surplus and, unless otherwise agreed, the debtor shall be liable for any deficiency.

C.48:3-77 Charges for sale, delivery of power to off-site customer.

28. a. Whenever an on-site generation facility produces power that is not consumed by the on-site customer, and that power is delivered to an off-site end-use customer in this State, all the following charges shall apply to the sale or delivery of such power to the off-site customer:

(1) The societal benefits charge or its equivalent, imposed pursuant to section 12 of this act;

(2) The market transition charge or its equivalent, imposed pursuant to section 13 of this act; and

(3) The transition bond charge or its equivalent, imposed pursuant to section 18 of this act.

b. None of the following charges shall be imposed on the electricity sold solely to the on-site customer of an on-site generating facility, except pursuant to subsection c. of this section:

(1) The societal benefits charge or its equivalent, imposed pursuant to section 12 of this act;

(2) The market transition charge or its equivalent, imposed pursuant to section 13 of this act; and

(3) The transition bond charge or its equivalent, imposed pursuant to section 18 of this act.

c. Upon finding that generation from on-site generation facilities installed subsequent to the starting date of retail competition as provided in subsection a. of section 5 of this act has, in the aggregate, displaced customer purchases from an electric public utility by an amount such that the kilowatt hours distributed by the electric public utility have been reduced to an amount equal to 92.5 percent of the 1999 kilowatt hours distributed by the electric public utility, the board shall impose, except as provided in subsection d. of this section, the charges listed in subsections a., b., and c. of this section on the on-site customer. Such charges shall not be levied on any power consumption that is displaced by an on-site generation facility that is installed before the date of such finding:

(1) The societal benefits charge or its equivalent, imposed pursuant to section 12 of this act;

(2) The market transition charge or its equivalent, imposed pursuant to section 13 of this act; and

(3) The transition bond charge or its equivalent, imposed pursuant to section 18 of this act.

d. Notwithstanding the provisions of subsection c. of this section, a charge shall not be imposed on power consumption by the on-site customer that is derived from an on-site generation facility:

(1) That the on-site customer or its agent installed on or before the effective date of this act, including any expansion of such a facility for the continued provision of on-site power consumption by the same on-site customer that occurs after the effective date of this act; or

(2) For which the on-site customer or its agent has made, on or before the effective date of this act, substantial financial and contractual commitments in planning and development, including having applied for any appropriate air permit from the Department of Environmental Protection, including any expansion of such a facility for the continued provision of on-site power consumption by the same on-site customer that occurs after the effective date of this act.

C.48:3-78 Electric power supplier license.

29. a. A person shall not offer to provide or provide electric generation service to retail customers in this State unless that person has applied for and obtained from the board, pursuant to standards adopted by the board, an electric power supplier license. Persons providing such services on the

effective date of this act shall have 120 days to apply for and receive the requisite license.

b. The board shall issue a license to an electric power supplier that is in compliance with the licensing standards adopted pursuant to subsection c. of this section. A license shall expire one year from the date of issuance unless the holder thereof pays to the board, within 30 days before the expiration date, a renewal fee accompanied by a renewal application on a form prescribed by the board. If a licensee has made, in accordance with this section and any applicable board rules or regulations, timely and sufficient application for renewal, the license shall not expire until the application has been reviewed and acted upon by the board. Nothing in this section shall limit the authority of the board to deny, suspend or revoke a license at any time, consistent with the provisions of this act.

c. Notwithstanding any provisions of the ?Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, after notice, provision of the opportunity for comment, and public hearing, interim electric power supplier licensing standards within 90 days of the effective date of this act. Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act." The standards shall include, but need not be limited to, the following requirements that an electric power supplier:

(1) Register with the board, which shall include the filing of basic information pertaining to the supplier, such as name, address, telephone number, and company background and profile, and a list of the services or products offered by the supplier. A supplier shall provide annual updates of this information to the board. The registration shall also include:

(a) Evidence of financial integrity;

(b) Information on any disciplinary proceedings or actions by law enforcement authorities in which the electric power supplier, its subsidiaries, affiliates or parent has been involved in this State or any other states;

(c) The ownership interests of the supplier including the interests owned by the supplier and the interests owning the supplier;

(d) The name and address of the in-State agent of the supplier that is authorized to receive service of process;

(e) The name and address of the in-State customer service agent for the supplier; and

(f) The quantity of retail electric sales made in this State during the 12 months preceding the application.

(2) Agree to meet all reliability standards established by the Mid-Atlantic Area Council of the North American Electric Reliability Council or its successor, the PJM Interconnection, L.L.C. independent system operator or its successor, the Federal Energy Regulatory Commission, the board, or any other state, regional, federal or industry body with authority to establish reliability standards. The board may establish specific standards applicable to electric power suppliers to ensure the adequacy of electric power capacity, if it determines that standards established by any other state, regional, federal or industry bodies are not sufficient to assure the provision of safe, adequate, proper and reliable electric generation service to retail customers in this State. Such reliability standards shall ensure bulk power system operations and security, and shall ensure the adequacy of electric power capacity necessary to meet retail loads;

(3) Maintain an office within this State for the purposes of accepting service of process, maintaining such records as the board requires and ensuring accessibility to the board, consumers and electric public utilities;

(4) Maintain a surety bond under terms and conditions as determined by the board;

(5) Provide a description of the products and services to be rendered;

(6) Comply with such specific standards of conduct for electric power suppliers as the board shall adopt; and

(7) Provide through legal certification by an officer of the electric power supplier such information as the board or its staff shall require to assist the board in making any determination concerning revocation, suspension, issuance or renewal of the supplier's license pursuant to section 32 of this act.

d. An electric public utility shall:

(1) Incorporate by reference the board's licensing requirements in its tariffs for transmission and distribution service;

(2) Apply the licensing requirements and other conditions for access to the transmission and distribution system uniformly to all electric power suppliers; and

(3) Report alleged violations of the board's licensing requirements of which it becomes aware to the board.

e. The board shall establish an alternative dispute resolution program to resolve any licensure or access dispute between an electric power supplier and an electric public utility. The board may establish reasonable fees, not to exceed actual costs, for the provision of alternate dispute resolution services. If informal resolution of the dispute is unsuccessful, the board shall adjudicate the dispute as a contested case pursuant to the "Administrative Procedure Act."

f. The board shall monitor the retail supply market in this State, and

shall consider information available from the PJM Interconnection, L.L.C. independent system operator or its successor with respect to the conduct of electric power suppliers. The board shall monitor proposed acquisitions of electric generating facilities by electric power suppliers as it deems necessary, in order to ascertain whether an electric power supplier has or is proposed to have control over electric generating facilities of sufficient number or strategic location to charge non-competitive prices to retail customers in this State. The board shall have the authority to deny, suspend or revoke an electric power supplier's license, after hearing, if it determines that an electric power supplier has or may acquire such control, or if the electric power supplier's violations of the rules, regulations or procedures of the PJM Interconnection, L.L.C. independent system operator or its successor may adversely affect the reliability of service to retail customers in this State or may result in retail customers being charged non-competitive prices.

g. The board may establish safety and service quality standards for electric power suppliers, and nothing in this act shall limit the authority of the board to promulgate such safety or service quality standards or to resolve complaints regarding the quality of electric generation service.

h. The board may establish, by written order pursuant to subsection c. of this section or by rule, a licensure fee to cover the costs of licensing electric power suppliers. The fee shall include a reasonable surcharge to fund a consumer education program in this State established pursuant to section 36 of this act.

i. Any provision of this act to the contrary notwithstanding, any person acting as an energy agent shall be required to register with the board. This registration shall include, but need not be limited to, the name, address, telephone number, and business affiliation or profile of the energy agent, evidence of financial integrity as determined by the board, and evidence of knowledge of the energy industry. This registration shall be updated annually. Nothing in this subsection shall be construed to limit or exempt an energy agent from liability under any other law pertaining to any activity which an energy agent may engage in.

C.48:3-79 Gas supplier license.

30. a. A person shall not offer to provide or provide gas supply service to retail customers in this State unless that person has applied for and obtained from the board, pursuant to standards adopted by the board, a gas supplier license. A person providing such services on the effective date of this act shall have 120 days to apply for and receive the requisite license.

b. The board shall issue a license to a gas supplier that is in compliance with the licensing standards adopted pursuant to subsection c. of this

section. A license shall expire one year from the date of issuance unless the holder thereof pays to the board, within 30 days before the expiration date, a renewal fee accompanied by a renewal application on a form prescribed by the board.

c. Notwithstanding any provisions of the ?Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim gas supplier licensing standards within 90 days of the effective date of this act. Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act." The standards shall include, but need not be limited to, the following requirements that a gas supplier:

(1) Register with the board, which shall include the filing of basic information pertaining to the gas supplier, such as name, address, telephone number, and company background and profile, and a list of the services or products offered by the gas supplier. A gas supplier shall provide annual updates of this information to the board. The registration shall also include:

(a) Evidence of financial integrity;

(b) Information on any disciplinary proceedings or actions by law enforcement authorities in which the gas supplier, its subsidiaries, affiliates or parent has been involved in this State or any other states;

(c) The ownership interests of the gas supplier including the interests owned by the gas supplier and the interests owning the gas supplier;

(d) The name and address of the in-State agent of the gas supplier that is authorized to receive service of process;

(e) The name and address of the in-State customer service agent for the gas supplier;

(f) The quantity of retail gas sales made in this State during the 12 months preceding the application; and

(g) A list of the services or products offered by the gas supplier;

(2) Agree to meet all reliability standards established by the board or any other state, regional, federal or industry body with authority to establish reliability standards. The board may establish specific standards applicable to gas suppliers to ensure the adequacy of gas capacity, if it determines that standards established by any other state, regional, federal or industry bodies are not sufficient to assure the provision of safe, adequate, proper and reliable gas supply service to retail customers in this State;

(3) Maintain an office within this State for purposes of accepting service of process, maintaining such records as the board requires and ensuring accessibility to the board, consumers and gas public utilities;

(4) Maintain a surety bond under terms and conditions approved by the board;

(5) Provide a description of the products and services to be rendered;

(6) Comply with such specific standards of conduct for gas suppliers as the board shall adopt; and

(7) Provide through legal certification by an officer of the gas supplier such information as the board or its staff shall require to assist the board in making any determination concerning revocation, suspension, issuance or renewal of the gas supplier's license pursuant to section 32 of this act.

d. A gas public utility shall:

(1) Incorporate by reference the board's licensing requirements in its tariffs for distribution service;

(2) Apply the licensing requirements and other conditions for access to the distribution system uniformly to all gas suppliers;

(3) Not unreasonably deny a licensed gas supplier access to its distribution system; and

(4) Report alleged violations of the board's licensing requirements of which it becomes aware to the board.

e. The board shall establish an alternative dispute resolution program to resolve any licensure or access dispute between a gas supplier and a gas public utility. The board may establish reasonable fees, not to exceed actual costs, for the provision of alternate dispute resolution services. If informal resolution of the dispute is unsuccessful, the board shall adjudicate the dispute as a contested case pursuant to the "Administrative Procedure Act."

f. The board may establish safety and service quality standards for gas suppliers, and nothing in this act shall limit the authority of the board to promulgate such safety or service quality standards or to resolve complaints regarding the quality of gas supply service.

g. The board may establish, by written order pursuant to subsection c. of this section or by rule, a licensure fee to cover the costs of licensing gas suppliers. The fee shall include a reasonable surcharge to fund a consumer education program in this State established pursuant to section 36 of this act.

C.48:3-80 Investigative powers of board relative to suppliers.

31. a. Whenever it shall appear to the board that an electric power supplier or a gas supplier has engaged in, is engaging in, or is about to engage in any act or practice that is in violation of this act, or when the board shall deem it to be in the public interest to inquire whether any such violation may exist, the board may exercise any of the following investiga-

tive powers:

(1) Require any person to file, on such form as may be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of this act;

(2) Examine under oath any person in connection with any act or practice subject to the requirements of this act;

(3) Inspect any premises from which an electric power supplier or a gas supplier conducts business;

(4) Examine any goods, ware, item or facility used in the supply of electric power or gas;

(5) Examine any record, book, document, account, electronic data or paper maintained by or for any electric power supplier or gas supplier;

(6) For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, electronic data, goods, ware, item or facility used or maintained by or for any electric power supplier or gas supplier in the regular course of business. In such cases as may be necessary, the Superior Court may, on application of the board, issue an order sealing items or material subject to this paragraph.

b. If any person shall fail or refuse to file any statement or report or refuse access to premises from which an electric power supplier or a gas supplier conducts business in any lawfully conducted investigative matter or fail to obey a subpoena issued pursuant to this act, the board may apply to the Superior Court and obtain an order:

(1) Adjudging such person in contempt of court;

(2) Granting such other relief as may be required; or

(3) Suspending the license of any such person unless and until compliance with the subpoena or investigative demand is effected.

c. Whenever the board finds that a violation by an electric power supplier or a gas supplier of this act, including the unlicensed supplying of electric power or gas, or of any rule or regulation adopted by the board pursuant thereto, has occurred, is occurring or will occur, the board, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting such act or practice.

C.48:3-81 Revocation, suspension, refusal to issue, renew supplier's license.

32. a. The board may revoke, suspend, or refuse to issue or renew an electric power supplier's license or a gas supplier's license at any time upon a finding that the supplier:

(1) Has obtained a license through fraud, deception or misrepresentation;

(2) Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

(3) Has engaged in gross negligence or gross incompetence;

(4) Has engaged in repeated acts of negligence or incompetence;

(5) Has engaged in misconduct as may be determined by the board;

(6) Has been convicted of any crime involving moral turpitude or any crime relating adversely to the activity regulated by the board, has not fulfilled the licensure requirements or is not in compliance with the safety and service quality standards adopted by the board. For the purpose of this subsection, a plea of guilty, *non vult, nolo contendere* or any other such disposition of alleged criminal activity shall be deemed a conviction;

(7) Has violated any consumer protection law or regulation in this State or any other state or has had its authority to engage in supplying electric power or gas revoked or suspended by any other state, agency or authority for reasons consistent with this section;

(8) Has violated or failed to comply with the provisions of any law or regulation or order adopted by the board;

(9) Is incapable, for any good cause, of discharging the functions of an electric power supplier or a gas supplier in a manner consistent with the public health, safety and welfare; or

(10) Has repeatedly failed to submit completed applications, or parts of such applications, or documentation submitted in conjunction with such applications, required to be filed with the Department of Environmental Protection.

b. The board may, upon a duly verified application alleging an act or practice violating any provision of this act or any rule adopted pursuant thereto, enter a temporary order suspending or limiting any license issued by the board pending plenary hearing on an administrative complaint when the application made to the board and imminent danger to the public health, safety or welfare, and notice of such application is given to the licensee affected by such order.

C.48:3-82 Additional remedies.

33. a. In addition or as an alternative, as the case may be, to revoking, suspending or refusing to issue or to renew the license of an electric power supplier or a gas supplier, the board may, after notice and opportunity for a hearing:

(1) Issue a letter of warning, reprimand or censure with regard to any act, conduct or practice that in the judgment of the board, upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;

(2) Assess a civil penalty pursuant to section 34 of this act;

(3) Order that any person violating any provision of this act or any rule adopted pursuant to this act cease and desist from future violations thereof or take affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;

(4) Order any person found to have violated any provision of this act or any rule adopted pursuant thereto to restore to any person aggrieved by an unlawful act or practice any moneys or property, real or personal, or the equivalent value of any property, real or personal, acquired by means of such act or practice; except that the board shall not order restoration in a dollar amount greater than the total value of those monies or property received by a licensee or a licensee's agent or any other person violating the act or rule.

b. In any administrative proceeding commenced on a complaint alleging a violation of this act or of a rule adopted pursuant thereto, the board or the board secretary may issue subpoenas to compel the attendance of witnesses or the production of electronic data, books, records, or documents at the hearing on the complaint.

c. In any action brought pursuant to this act, the board or the court may order the payment of costs for the use of the State.

d. Pursuit of any remedy specified in this section shall not preclude the pursuit of any other remedy, including any civil remedy for damage, provided by any other law. Administrative and judicial remedies provided in this section may be pursued simultaneously.

C.48:3-83 Violations, penalties.

34. Any person who violates any provision of this act shall be liable for a civil penalty of not more than $5,000 for the first offense, except for a violation of section 37 of this act, for which a person shall be liable for a civil penalty of not more than $10,000 for the first offense, and not more than $25,000 for the second and each subsequent offense, for each day that the violation continues. Any civil penalty which may be imposed pursuant to this section may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in compromise, the board shall consider: the nature, circumstances and gravity of the violation; the degree of the violator's culpability; any history of prior violations; the prospective effect of the penalty on the ability of the violator to conduct business; any good faith effort on the part of the violator in attempting to achieve compliance; the violator's ability to pay the penalty; and other factors the board determines to be appropriate. The amount of the penalty when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the person charged, or may be recovered, if necessary, in a summary proceeding pursuant to "the

penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior Court shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with this act.

C.48:3-84 Rights, remedies, prohibitions; cumulative.

35. a. The rights, remedies and prohibitions accorded by the provisions of this act are in addition to and cumulative of any right, remedy or prohibition accorded by the common law or any statute of this State and nothing contained herein shall be construed to deny, abrogate or impair any such common law or statutory right, remedy or prohibition. The Attorney General and the Division of Consumer Affairs in the Department of Law and Public Safety shall continue to have the authority to enforce civil and criminal violations of the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.) or any other applicable law, rule or regulation in connection with the activities of electric power suppliers and gas suppliers.

b. Administrative and judicial remedies provided in this act may be pursued simultaneously.

C.48:3-85 Consumer protection standards.

36. a. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim consumer protection standards for electric power suppliers or gas suppliers within 90 days of the effective date of this act, including, but not limited to, standards for collections, credit, contracts, authorized changes of an energy consumer's electric power supplier or gas supplier, for the prohibition of discriminatory marketing, for advertising and for disclosure. Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

(1) Contract standards shall include, but not be limited to, requirements that electric power supply contracts or gas supply contracts must conspicuously disclose the duration of the contract; state the price per kilowatt hour or per therm or other pricing determinant approved by the board; have the customer's written signature or such alternative forms of verification as the board, in consultation with the Division of Consumer Affairs, may permit for switching electric power suppliers or gas suppliers and for contract renewal; and include termination procedures, notice of any fees, and toll-free or local telephone numbers for the electric power supplier or gas

supplier and for the board.

(2) Standards for the prohibition of discriminatory marketing standards shall provide at a minimum that a decision made by an electric power supplier or a gas supplier to accept or reject a customer shall not be based on race, color, national origin, age, gender, religion, source of income, receipt of public benefits, family status, sexual preference, or geographic location. The board shall adopt reporting requirements to monitor compliance with such standards.

(3) Advertising standards for electric power suppliers or gas suppliers shall provide, at a minimum, that optional charges to the consumer will not be added to any advertised cost per kilowatt hour or per therm, and that the only unit of measurement that may be used in advertisements is cost per kilowatt hour or per therm, unless otherwise approved by the board. If an electric power supplier or gas supplier does not advertise using cost per kilowatt hour or per therm, the electric power supplier or gas supplier shall provide, at the consumer's request, an estimate of the cost per kilowatt hour or per therm. Any optional charges to the consumer shall be identified separately and denoted as optional.

(4) Credit standards shall include, at a minimum, that the credit requirements used to make offer decisions must be the same for all residential customers and that electric power suppliers, gas suppliers and private aggregators not impose unreasonable income or credit requirements.

(5) Billing standards shall include, at a minimum, provisions prohibiting electric public utilities, gas public utilities, electric power suppliers and gas suppliers from charging a fee to residential customers for either the commencement or termination of electric generation service or gas supply service.

b. (1) An electric power supplier, a gas supplier, an electric public utility, and a gas public utility shall not disclose, sell or transfer individual proprietary information, including, but not limited to, a customer's name, address, telephone number, energy usage and electric power payment history, to a third party without the written consent of the customer. Whenever such individual proprietary information is disclosed, sold or transferred, upon the written consent of the customer, it may be used only for the provision of continued electric generation service, electric related service, gas supply service or gas related service to that customer. In the case of a transfer or sale of a business, customer consent shall not be required for the transfer of customer proprietary information to the subsequent owner of the business for maintaining the continuation of such services.

(2) An electric power supplier, a gas supplier, a gas public utility or an electric public utility may use individual proprietary information that it has

obtained by virtue of its provision of electric generation service, electric related service, gas supply service or gas related service to:

(a) Initiate, render, bill and collect for such services to the extent otherwise authorized to provide billing and collection services;

(b) Protect the rights or property of the electric power supplier, gas supplier or public utility; and

(c) Protect consumers of such services and other electric power suppliers, gas suppliers or electric and gas public utilities from fraudulent, abusive or unlawful use of, or subscription to, such services.

c. The board shall establish and maintain a database for the purpose of recording customer complaints concerning electric and gas public utilities, electric power suppliers, gas suppliers, private aggregators, and energy agents.

d. The board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall establish, or cause to be established, a multi-lingual electric and gas consumer education program. The goal of the consumer education program shall be to educate residential, small business, and special needs consumers about the implications for consumers of the restructuring of the electric power and gas industries. The consumer education program shall include, but need not be limited to, the dissemination of information to enable consumers to make informed choices among available electricity and gas services and suppliers, and the communication to consumers of the consumer protection provisions of this act.

The board shall ensure the neutrality of the content and message of advertisements and materials.

The board shall promulgate standards for the recovery of consumer education program costs from customers which include reasonable measures and criteria to judge the success of the program in enhancing customer understanding of retail choice.

C.48:3-86 "Slamming" prevention; penalties.

37. a. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim standards for electric power suppliers or gas suppliers, within 90 days of the effective date of this act, to prevent and establish penalties for unauthorized changes of a consumer's electric power supplier or gas supplier, a practice commonly known as "slamming." Such standards shall be effective as regulations immediately upon filing with the Office of

Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

b. Standards for the prohibition of unauthorized changes in a customer's electric power supplier or gas supplier shall include:

(1) An electric power supplier, an electric public utility, a gas supplier or a gas public utility shall not cause an unauthorized change in a customer's electric power supplier or gas supplier, a practice known as "slamming." A change in a customer's electric power supplier or gas supplier shall be deemed to be unauthorized unless the customer has done so affirmatively and voluntarily and the supplier has obtained the customer's approval either through a written signature or such alternative forms of verification as the board, in consultation with the Division of Consumer Affairs, may permit;

(2) An electric power supplier, an electric public utility, a gas supplier or a gas public utility shall not fail to cause a change in a customer's electric power supplier or gas supplier, within a period of time determined to be appropriate by the board, when a supplier or utility is in receipt of a change order provided that such change order has been received in a manner that complies with federal and State rules and regulations, including as provided in this subsection;

(3) The acts of an agent of an electric power supplier, an electric public utility, a gas supplier or a gas public utility shall be considered the acts of the electric power supplier, electric public utility, gas supplier or gas public utility.

c. A customer's new electric power supplier, electric public utility, gas supplier or gas public utility shall notify the customer of the change in the customer's electric or gas supplier within 30 days in a manner to be determined by the board.

d. Bills to customers from an electric power supplier, electric public utility, gas supplier or gas public utility shall contain the name and telephone number of each supplier for whom billing is provided, and any other information deemed applicable by the board.

e. In addition to any other penalties, fines or remedies authorized by law, any electric power supplier, electric public utility, gas supplier or gas public utility that violates this section and collects charges for electric power supply or gas supply services from a customer or through an entity providing customer account services shall be liable to the electric power supplier, electric public utility, gas supplier or gas public utility previously selected by the customer in an amount equal to all charges paid by the customer after such violation in accordance with such procedures as the board may prescribe. Any electric power supplier, electric public utility, gas supplier or gas public utility that violates this section shall also be liable for

a civil penalty pursuant to section 34 of this act; and the board is hereby authorized to revoke the license of any entity that violates this section.

C.48:3-87 Environmental disclosure requirements.

38. a. The board shall require an electric power supplier or basic generation service provider to disclose on a customer's bill or on customer contracts or marketing materials, a uniform, common set of information about the environmental characteristics of the energy purchased by the customer, including, but not limited to:

(1) Its fuel mix, including categories for oil, gas, nuclear, coal, solar, hydroelectric, wind and biomass, or a regional average determined by the board;

(2) Its emissions, in pounds per megawatt hour, of sulfur dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant that the board may determine to pose an environmental or health hazard, or an emissions default to be determined by the board; and

(3) Any discrete emission reduction retired pursuant to rules and regulations adopted pursuant to P.L.1995, c.188.

b. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment and public hearing, interim standards to implement this disclosure requirement, including, but not limited to:

(1) A methodology for disclosure of emissions based on output pounds per megawatt hour;

(2) Benchmarks for all suppliers and basic generation service providers to use in disclosing emissions that will enable consumers to perform a meaningful comparison with a supplier's or basic generation service provider's emission levels; and

(3) A uniform emissions disclosure format that is graphic in nature and easily understandable by consumers. The board shall periodically review the disclosure requirements to determine if revisions to the environmental disclosure system as implemented are necessary.

Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

c. (1) The board may adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment,

an emissions portfolio standard applicable to all electric power suppliers and basic generation service providers, upon a finding that:

(a) The standard is necessary as part of a plan to enable the State to meet federal Clean Air Act or State ambient air quality standards; and

(b) Actions at the regional or federal level cannot reasonably be expected to achieve the compliance with the federal standards.

(2) The board shall adopt an emissions portfolio standard applicable to all electric power suppliers and basic generation service providers, if two other states in the PJM power pool comprising at least 40 percent of the retail electric usage in the PJM Interconnection, L.L.C. independent system operator or its successor adopt such standards.

d. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim renewable energy portfolio standards that shall require:

(1) that two and one-half percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I or Class II renewable energy sources; and

(2) beginning on January 1, 2001, that one-half of one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I renewable energy sources. The board shall increase the required percentage for Class I renewable energy sources so that by January 1, 2006, one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources and shall additionally increase the required percentage for Class I renewable energy sources by one-half of one percent each year until January 1, 2012, when four percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection.

Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

e. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall

initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing:

(1) net metering standards for electric power suppliers and basic generation service providers. The standards shall require electric power suppliers and basic generation service providers to offer net metering at non-discriminatory rates to residential and small commercial customers that generate electricity, on the customer's side of the meter, using wind or solar photovoltaic systems for the net amount of electricity supplied by the electric power supplier or basic generation service provider over an annualized period. Where the amount of electricity generated by the customer-generator plus any kilowatt hour credits held over from the previous billing periods exceed the electricity supplied by the electric power supplier or basic generation service provider, the electric power supplier or basic generation service provider, as the case may be, shall credit the customer for the excess kilowatt hours until the end of the annualized period at which point the customer-generator will be compensated for any remaining credits at the electric power supplier's or basic generation service provider's avoided cost of wholesale power. The board may authorize an electric power supplier or basic generation service provider to cease offering net metering whenever the total rated generating capacity owned and operated by net metering customer-generators Statewide equals 0.1 percent of the State's peak electricity demand or the annual aggregate financial impact to electric power suppliers and basic generation service providers Statewide, as determined by the board, exceeds $2,000,000, whichever is less; and

(2) safety and power quality interconnection standards for wind and solar photovoltaic systems that shall be eligible for net metering.

Such standards shall take into consideration the standards of other states and the Institute of Electrical and Electronic Engineers and shall allow customers to use a single, non-demand, non-time differentiated meter.

Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

f. The board may assess, by written order and after notice and opportunity for comment, a separate fee to cover the cost of implementing and overseeing an emission disclosure system or emission portfolio standard, which fee shall be assessed based on an electric power supplier's or basic generation service provider's share of the retail electricity supply market.

C.48:3-88 Status of municipal electric utilities.

39. a. A municipal electric corporation, a municipal electric utility, or a cooperative electric utility that existed prior to the effective date of this act shall not be subject to the requirements of this act, except that a local governmental entity may choose to require the municipal electric corporation, municipal electric utility or cooperative electric utility to implement retail choice, or except as otherwise provided in subsection b. of this section.

b. (1) A municipal electric corporation shall become subject to the provisions of this act if it was an exclusive provider of retail power within its municipal boundaries prior to the effective date of this act, and subsequent to the effective date of this act, it chooses to serve retail customers outside of its municipal boundaries.

(2) A municipal electric utility that is subject to board regulation pursuant to R.S.40:62-24 shall become subject to the provisions of this act, if subsequent to the effective date of this act, it chooses to serve retail customers outside of its franchise area.

(3) A cooperative electric utility shall become subject to the provisions of this act, if subsequent to the effective date of this act, it chooses to serve retail customers outside of its franchise area.

c. A municipal electric corporation or cooperative electric utility that becomes subject to the provisions of this act pursuant to paragraphs (1) and (3) of subsection b. of this section shall be subject to regulation as a public utility under Title 48 of the Revised Statutes.

C.48:3-89 Aggregator contracts; bundling restriction; tax treatment.

40. a. A private aggregator may enter into a contract with a licensed electric power supplier or a licensed gas supplier for the provision of any combination of electric generation service, electric related service, gas supply service or gas related service for business customers.

b. A government aggregator may enter into a contract with a licensed electric power supplier or a licensed gas supplier, as provided in section 42 of this act, for the provision of any combination of electric generation service, electric related service, gas supply service or gas related service for its own use or as combined with the use of other government aggregators in a manner provided by law.

c. For residential customers, gas and electric services cannot be bundled until the gas market is opened up for retail competition for that residential customer.

d. Aggregation of electric generation service or gas supply service by a government aggregator shall not be construed to constitute the formation of a municipal electric corporation or a municipal electric utility created

subsequent to the effective date of this act solely for purposes of State taxation and shall not exempt the sale of such services or income from that sale from any tax to which the sale or income would otherwise be subject, including but not limited to the sales and use tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.) and the corporation business tax imposed pursuant to P.L.1945, c.162 (C.54:10A-1 et seq.).

C.48:3-90 Registration of private aggregator.

41. a. A private aggregator shall register with the board, which shall include the filing of basic information pertaining to the supplier, such as name, address, telephone number, and company background and profile. A private aggregator shall provide annual updates of this information to the board. The registration shall also include evidence of financial integrity, as determined by the board, and evidence that the private aggregator has knowledge of the energy industry.

b. Any residential customer that elects to purchase electric generation service or gas supply service, after the implementation of gas unbundling pursuant to section 10 of this act, through a private aggregator must do so affirmatively and voluntarily, either through a written signature or such alternative forms of verification as the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, may permit.

C.48:3-91 Government aggregator.

42. a. Pursuant to the provisions of sections 42 through 45 of this act, a government aggregator may obtain: electric generation service, electric related service, gas supply service or gas related service, either separately or bundled, for its own facilities or with other government aggregators; and a government aggregator that is a county or municipality may contract for the provision of electric generation service or gas supply service, either separately or bundled, for the business and residential customers within the territorial jurisdiction of the government aggregator. Such a government aggregator may combine the need for its own facilities for electric generation service or gas supply service with that of business and residential customers.

b. A government aggregator shall purchase electric generation service and gas supply service only from licensed electric power suppliers and licensed gas suppliers.

c. The government aggregator shall enter into the contract for electric generation service, electric related service, gas supply service or gas related service for its own facilities or with other government aggregators under the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law," N.J.S.18A:18A-1

et seq., the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), or the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.), as applicable.

d. Nothing in this act shall preclude the State government or any State independent authority or State college from exercising authority to obtain electric generation service, electric related service, gas supply service or gas related service, either separately or bundled, for its own facilities on an aggregated basis.

e. Nothing in this section shall preclude a government aggregator from aggregating its own accounts for regulated utility services, including basic generation or gas service.

f. Nothing in this act shall preclude any interstate authority or agency from exercising authority to obtain electric generation service or gas supply service, either separately or bundled, for its own facilities in this State, including tenants in this State and other utility customers in this State at such facilities, on an aggregated basis. By exercising such authority, no interstate authority or agency shall be deemed to be a public utility pursuant to R.S. 48:1-1 et seq.; provided, however, that nothing in this act shall be construed to exempt such authority or agency from the payment of the market transition charge or its equivalent, imposed pursuant to section 13 of this act, the transition bond charge or its equivalent, imposed pursuant to section 18 of this act and any societal benefits charge or its equivalent, which may be imposed pursuant to section 12 of this act, to the same extent that other customers of an electric public utility pay such charges in conjunction with any transmission and distribution service provided by an electric public utility to the authority or agency.

g. Notwithstanding any other provision of this act to the contrary, a private aggregator that is a private institution of higher education may enter into a contract with a licensed electric power supplier other than a municipal electric corporation, a municipal electric utility, or cooperative electric utility for the provision of electric generation service or electric related service, either separately or bundled, including any private aggregator that is a four-year private institution of higher education which is located within the jurisdiction of a municipality that contains a municipal electric corporation or a municipal electric utility. The right hereunder of a four-year private institution of higher education to enter into a contract with a licensed electric power supplier other than the municipal electric corporation or municipal electric utility shall be subject to the condition that the municipal electric corporation or municipal electric utility shall have the right of first refusal to offer a competitive, market-based price for electric power.

h. The "New Jersey School Boards Association," established pursuant

to N.J.S.18A:6-45, is authorized to serve as a government aggregator to obtain electric generation service, electric related service, gas supply service or gas related service, either separately or bundled, in accordance with the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., for members of the association who wish to voluntarily participate.

i. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim standards governing government energy aggregation programs. Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

j. No government aggregator shall implement the provisions of section 42, 43, 44, or 45 of this act, as appropriate, prior to the starting date of retail competition pursuant to section 5 of this act, or the date on which the board adopts interim standards pursuant to subsection i. of this section, whichever is earlier.

C.48:3-92 Government energy aggregation programs.

43. Government energy aggregation programs shall be subject to the following provisions:

a. A contract between a government aggregator and a licensed electric power supplier or licensed gas supplier shall include the following provisions:

(1) The specific responsibilities of the government aggregator and the licensed electric power supplier or licensed gas supplier;

(2) The charges, rates, fees, or formulas to be used to determine the charges, rates or fees, to be charged to the energy consumers electing to receive electric generation service or gas supply service pursuant to the government energy aggregation program;

(3) The method and procedures to be followed by the licensed electric power supplier or licensed gas supplier to solicit the affirmative and voluntary written consent of the consumer to participate in the government energy aggregation program including, but not necessarily limited to, mechanisms to educate energy consumers concerning the provisions of the aggregation program;

(4) The proposed terms and conditions of a standard contract between energy consumers and the licensed electric power supplier or licensed gas supplier including, but not necessarily limited to:

(a) The allocation of the risks in connection with the provision of such services between the licensed electric power supplier or licensed gas supplier and the energy consumers receiving such services;

(b) The terms of the proposed contract;

(c) The allocation of the risks associated with circumstances or occurrences beyond the control of the parties to the contract;

(d) Default and remedies; and

(e) The allocation of any penalties that may be imposed by any electric public utility or gas public utility as a result of over-delivery of electricity or gas, under-delivery of electricity or gas, or non-performance by the licensed electric power supplier or licensed gas supplier;

(5) The use of government aggregator resources, equipment, systems or employees in connection with such services;

(6) The term of the contract with the government aggregator;

(7) A provision indemnifying and holding the government aggregator harmless from all liabilities, damages and costs associated with any contract between a resident of the government aggregator and the licensed electric power supplier or licensed gas supplier;

(8) The requirements for the provision of a performance bond by the licensed electric power supplier or licensed gas supplier, if so required by the government aggregator;

(9) Procedures to ensure that participation in the aggregation program is the result of an affirmative choice by energy consumers, as evidenced by a written signature, and is consistent with rules and regulations adopted by the board;

(10) Terms and conditions applicable to consumer protection as provided in rules and regulations adopted by the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety; and

(11) Such other terms and conditions as the government aggregator deems necessary.

b. The award of a contract for a government energy aggregation program shall be based on the most advantageous, price and other factors considered. The governing body shall only award a contract for service to residential customers where the rate is lower than that guaranteed by the State-mandated rate reductions pursuant to section 4 of this act and the price of basic generation service pursuant to section 9 of this act, as determined by the board.

c. No concession fees, finders' fees, or other direct monetary benefit shall be paid to any government aggregator by, or on behalf of, a licensed electric power supplier or licensed gas supplier or broker or energy agent as a result of the contract.

d. A licensed electric power supplier or licensed gas supplier shall be subject to the prohibitions against political contributions in accordance with the provisions of R.S.19:34-45.

e. For any specific time period, a government aggregator may enter into only one contract for the provision of electric generation service and one contract for the provision of gas supply service to the consumers within its territorial jurisdiction.

f. A county government acting as a government aggregator shall not enter into a contract for the provision of a government energy aggregation program that is in competition with any existing contract of any government aggregator within its territorial jurisdiction.

(1) A county government may enter into a contract for a government energy aggregation program only if one or more constituent municipalities in the county adopt an ordinance authorizing the county to enter into such a contract.

(2) A county government energy aggregation program shall only be conducted for residential and business customers located within the constituent municipalities that have approved participation in the county's government energy aggregation program.

C.48:3-93 Opportunity for participation in government energy aggregation program.

44. A government aggregator that chooses to provide a government energy aggregation program that includes residential or business customers shall provide such residential and business customers the opportunity to participate in a government energy aggregation program on a voluntary basis and in a clear and consistent manner. Any business or residential customer that elects to purchase electric generation service or gas supply service through a government energy aggregation program must do so affirmatively and voluntarily, as evidenced by a signature authorizing the customer's participation in a government energy aggregation program for electric generation service or a gas supply service where the terms and conditions of the program are clearly and plainly articulated in writing to the customer before the customer's signature. Residential and business customers who do not voluntarily and affirmatively choose, as evidenced by a written signature, to participate in a government energy aggregation program shall continue to be entitled to contract with and purchase electric generation service or gas supply service from any corporation or entity authorized by law to engage in the retail sale of such services.

C.48:3-94 Operation of limited governmental energy aggregation program.

45. A government aggregator that is a municipality or a county may, notwithstanding the provisions of section 44 of this act to the contrary, operate a limited government energy aggregation program that provides for

the aggregation of residential electric generation service or gas supply service without the initial, affirmative, voluntary, written consent of residential customers for electric generation service or gas supply service, either separately or bundled, in accordance with the following procedures:

a. electric generation service or gas supply service for residential customers may be aggregated together with electric generation service, electric related service, gas supply service or gas related service, either separately or bundled, for the government aggregator's own facilities or with other government aggregators, provided that:

(1) the governing body adopts an ordinance in the case of a municipality, or resolution in the case of a county, indicating its intent to solicit bids for the provision of electric generation service or gas supply service, either separately or bundled, without the affirmative, voluntary, written consent of the residential customer, which approval shall require passage by a majority plus one vote of the full membership of the governing body;

(2) within 15 days of the adoption of such an ordinance or resolution, as appropriate, the governing body provides notice, in a form as determined by the board, to its residential customers advising them of their individual right to affirmatively decline participation in the government energy aggregation program, and providing 30 days for residential customers to respond in writing to the governing body of their decision to affirmatively decline participation in the government energy aggregation program; and

(3) upon expiration of the 30-day period required pursuant to paragraph (2) of subsection a. of this section, the governing body shall determine the number and identity of residential customers who did not affirmatively decline to participate in the government energy aggregation program.

b. (1) The governing body shall commence public bidding pursuant to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) to receive bids from a licensed electric power supplier or licensed gas supplier, as appropriate, for electric generation service or gas supply service, either separately or bundled, for those residential customers who did not affirmatively decline to participate in the government energy aggregation program pursuant to paragraph (2) of subsection a. of this section, and for electric generation service, electric related service, gas supply service or gas related service, either separately or bundled, for the government aggregator's own facilities.

(2) Upon receipt of the bids, the governing body shall evaluate the proposals. The governing body shall select a licensed electric power supplier or licensed gas supplier, or both, based on the most advantageous, price and other factors considered. The governing body shall only select a licensed electric power supplier to be awarded a contract for service where the rate is lower than that guaranteed by the State-mandated rate reductions

pursuant to section 4 of this act and the price of basic generation service pursuant to section 9 of this act.

c. Upon selection of a licensed electric power supplier or licensed gas supplier, or both, pursuant to subsection b. of this section, the governing body shall enter into a written agreement with the selected licensed supplier. The written agreement shall include:

(1) the contract with the selected licensed electric power supplier or licensed gas supplier, or both, for the government aggregator's own load;

(2) a contract form which shall comply with and include the requirements of subsection a. of section 43 of this act; and

(3) that the written agreement shall not take effect until the proposed contract in paragraph (2) of this subsection is approved by the board.

d. After entering into a written agreement with the selected licensed supplier, the governing body shall submit, to the board for approval, the proposed contract to be entered into by the selected licensed electric power supplier or licensed gas supplier, or both, with each residential customer who affirmatively consents to enter into a contract with the selected licensed electric power supplier or licensed gas supplier, or both. This submission shall include the proposed contract and any other information deemed appropriate by the board.

(1) Within 30 days of receipt of the submission, the board shall determine whether the submission is complete. If it is determined to be incomplete, it shall be returned, forthwith, along with a notice specifying the deficiency or deficiencies. The governing body shall correct the deficiency or deficiencies and resubmit the submission to the board.

(2) Upon being notified by the board that the submission is complete, the governing body shall cause a copy to be forwarded to the Division of the Ratepayer Advocate. Within 45 days of receipt, the Division of the Ratepayer Advocate shall recommend to the board to approve, modify or reject the submission.

(3) The board shall approve, reject or modify the submission within 60 days of the date the submission is deemed complete.

e. Upon approval of the proposed contract to be entered into by the selected licensed electric power supplier or licensed gas supplier, or both, with each residential customer who affirmatively consents to enter into a contract with the selected licensed electric power supplier or licensed gas supplier, or both, the governing body shall authorize the selected licensed electric power supplier or licensed gas supplier, or both, to solicit the affirmative and voluntary written consent to participate in the government energy aggregation program of any residential customer within the municipality who did not initially affirmatively decline to be part of a government energy aggregation program pursuant to the provisions of

paragraph (2) of subsection a. of this section.

f. The licensed electric power supplier or licensed gas supplier, or both, selected pursuant to the provisions of this section shall be subject to the provisions of section 37 of this act.

g. Whenever the process results in a change of provider of energy or of price to program participants, the governing body shall give residential customers notice, as determined by the board, of their right to decline continued participation.

h. A government aggregator which is a county may implement the provisions of this section only as authorized pursuant to the provisions of subsection f. of section 43 of this act.

i. The provisions of this section shall only apply to government energy aggregation programs for residential customers.

j. Nothing in this section shall preclude a limited government energy aggregation program from including business customers as participants pursuant to section 44 of this act.

C.48:3-95 Rule adoptions by board.

46. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, such interim rules and regulations as the board determines to be necessary to effectuate the provisions of this act within 90 days of the effective date of this act. Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

47. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition

to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages;

Punish beggars; prevention of loitering 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the

use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing

or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only party upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality.

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 45 of P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12.

48. N.J.S.12A:9-103 is amended to read as follows:

Perfection of security interests in multiple state transactions.

12A:9-103. Perfection of Security Interests in Multiple State Transactions.

(1) Documents, instruments, letters of credit, and ordinary goods.

(a) This subsection applies to documents, instruments, rights to proceeds of written letters of credit, and goods other than those covered by a certificate of title described in subsection (2), mobile goods described in subsection (3), and minerals described in subsection (5).

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or nonperfection of a security interest in collateral are governed by the law of the jurisdiction where the collateral is when the last event occurs on which is based the assertion that the security interest is perfected or unperfected.

(c) If the parties to a transaction creating a purchase money security interest in goods in one jurisdiction understand at the time that the security interest attaches that the goods will be kept in another jurisdiction, then the law of the other jurisdiction governs the perfection and the effect of perfection or nonperfection of the security interest from the time it attaches until 30 days after the debtor receives possession of the goods and thereafter if the goods are taken to the other jurisdiction before the end of the 30-day period.

(d) When collateral is brought into and kept in this State while subject to a security interest perfected under the law of the jurisdiction from which the collateral was removed, the security interest remains perfected, but if action is required by subchapter 3 of this chapter to perfect the security interest,

(i) if the action is not taken before the expiration of the period of perfection in the other jurisdiction or the end of four months after the collateral is brought into this State, whichever period first expires, the security interest becomes unperfected at the end of that period and is thereafter deemed to have been unperfected as against a person who became a purchaser after removal;

(ii) if the action is taken before the expiration of the period specified in subparagraph (i), the security interest continues perfected thereafter;

(iii) for the purpose of priority over a buyer of consumer goods (subsection (2) of 12A:9-307), the period of the effectiveness of a filing in the jurisdiction from which the collateral is removed is governed by the rules with respect to perfection in subparagraphs (i) and (ii).

(2) Certificate of title.

(a) This subsection applies to goods covered by a certificate of title issued under a statute of this State or of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection.

(b) Except as otherwise provided in this subsection, perfection and the effect of perfection or nonperfection of the security interest are governed by the law (including the conflict of laws rules) of the jurisdiction issuing the certificate until four months after the goods are removed from that jurisdiction and thereafter until the goods are registered in another jurisdiction, but in any event not beyond surrender of the certificate. After the expiration of that period, the goods are not covered by the certificate of title within the meaning of this section.

(c) Except with respect to the rights of a buyer described in the next paragraph, a security interest, perfected in another jurisdiction otherwise than by notation on a certificate of title, in goods brought into this State and thereafter covered by a certificate of title issued by this State is subject to the rules stated in paragraph (d) of subsection (1).

(d) If goods are brought into this State while a security interest therein is perfected in any manner under the law of the jurisdiction from which the goods are removed and a certificate of title is issued by this State and the certificate does not show that the goods are subject to the security interest or that they may be subject to security interests not shown on the certificate, the security interest is subordinate to the rights of a buyer of the goods who is not in the business of selling goods of that kind to the extent that he gives value and receives delivery of the goods after issuance of the certificate and without the knowledge of the security interest.

(3) Accounts, general intangibles and mobile goods.

(a) This subsection applies to accounts (other than an account described in subsection (5) on minerals) and general intangibles (other than uncertifi-

cated securities) and to goods which are mobile and which are of a type normally used in more than one jurisdiction, such as motor vehicles, trailers, rolling stock, airplanes, shipping containers, road building and construction machinery and commercial harvesting machinery and the like, if the goods are equipment or are inventory leased or held for lease by the debtor to others, and are not covered by a certificate of title described in subsection (2).

(b) The law (including the conflict of laws rules) of the jurisdiction in which the debtor is located governs the perfection and the effect of perfection or nonperfection of the security interest.

(c) If, however, the debtor is located in a jurisdiction which is not a part of the United States, and which does not provide for perfection of the security interest by filing or recording in that jurisdiction, the law of the jurisdiction in the United States in which the debtor has its major executive office in the United States governs the perfection and the effect of perfection or nonperfection of the security interest through filing. In the alternative, if the debtor is located in a jurisdiction which is not a part of the United States or Canada and the collateral is accounts or general intangibles for money due or to become due, the security interest may be perfected by notification to the account debtor. As used in this paragraph, "United States" includes its territories and possessions and the Commonwealth of Puerto Rico.

(d) A debtor shall be deemed located at his place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence. If, however, the debtor is a foreign air carrier under the Federal Aviation Act of 1958, ASCUS.1301 et seq., as amended, it shall be deemed located at the designated office of the agent upon whom service of process may be made on behalf of the foreign air carrier.

(e) A security interest perfected under the law of the jurisdiction of the location of the debtor is perfected until the expiration of four months after a change of the debtor's location to another jurisdiction, or until perfection would have ceased by the law of the first jurisdiction, whichever period first expires. Unless perfected in the new jurisdiction before the end of that period, it becomes unperfected thereafter and is deemed to have been unperfected as against a person who became a purchaser after the change.

(4) Chattel paper.

The rules stated for goods in subsection (1) apply to a possessory security interest in chattel paper. The rules stated for accounts in subsection (3) apply to a nonpossessory security interest in chattel paper, but the security interest may not be perfected by notification to the account debtor.

(5) Minerals.

Perfection and the effect of perfection or nonperfection of a security interest which is created by a debtor who has an interest in minerals or the

like (including oil and gas) before extraction and which attaches thereto as extracted, or which attaches to an account resulting from the sale thereof at the wellhead or minehead are governed by the law (including the conflict of laws rules) of the jurisdiction wherein the wellhead or minehead is located.

(6) Investment property.

(a) This subsection applies to investment property.

(b) Except as otherwise provided in paragraph (f), during the time that a security certificate is located in a jurisdiction, perfection of a security interest, the effect of perfection or non-perfection, and the priority of a security interest in the certificated security represented thereby are governed by the local law of that jurisdiction.

(c) Except as otherwise provided in paragraph (f), perfection of a security interest, the effect of perfection or non-perfection, and the priority of a security interest in an uncertificated security are governed by the local law of the issuer's jurisdiction as specified in subsection d. of 12A:8-110.

(d) Except as otherwise provided in paragraph (f), perfection of a security interest, the effect of perfection or non-perfection, and the priority of a security interest in a security entitlement or securities account are governed by the local law of the securities intermediary's jurisdiction as specified in subsection e. of 12A:8-110.

(e) Except as otherwise provided in paragraph (f), perfection of a security interest, the effect of perfection or non-perfection, and the priority of a security interest in a commodity contract or commodity account are governed by the local law of the commodity intermediary's jurisdiction. The following rules determine a "commodity intermediary's jurisdiction" for purposes of this paragraph:

(i) If an agreement between the commodity intermediary and commodity customer specifies that it is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(ii) If an agreement between the commodity intermediary and commodity customer does not specify the governing law as provided in subparagraph (i) of this paragraph, but expressly specifies that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(iii) If an agreement between the commodity intermediary and commodity customer does not specify a jurisdiction as provided in subparagraph (i) or (ii) of this paragraph, the commodity intermediary's jurisdiction is the jurisdiction in which is located the office identified in an account statement as the office serving the commodity customer's account.

(iv) If an agreement between the commodity intermediary and commodity customer does not specify a jurisdiction as provided in subparagraph (i) or (ii) of this paragraph and an account statement does not

identify an office serving the commodity customer's account as provided in subparagraph (iii) of this paragraph, the commodity intermediary's jurisdiction is the jurisdiction in which is located the chief executive office of the commodity intermediary.

(f) Perfection of a security interest by filing, automatic perfection of a security interest in investment property granted by a broker or securities intermediary, and automatic perfection of a security interest in a commodity contract or commodity account granted by a commodity intermediary are governed by the local law of the jurisdiction in which the debtor is located.

(7) Notwithstanding subsection (3) of this section, the law of this State shall govern the perfection and the effect of perfection of any security interest in bondable transition property.

49. N.J.S.12A:9-105 is amended to read as follows:

Definitions and index of definitions.

12A:9-105. Definitions and Index of Definitions.

(1) In this chapter unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods, but a charter or other contract involving the use or hire of a vessel is not chattel paper. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the chapter dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Deposit account" means a demand, time, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, other than an account evidenced by a certificate of deposit;

(f) "Document" means document of title as defined in the general definitions of chapter 1 (12A:1-201), and a receipt of the kind described in subsection (2) of 12A:7-201;

(g) "Encumbrance" includes real estate mortgages and other liens on real estate and all other rights in real estate that are not ownership interests;

(h) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (12A:9-313), but does not include money, documents, instruments, investment property, accounts, chattel paper, general intangibles, or minerals or the like (including oil and gas) before extraction. "Goods" also includes standing timber which is to be cut and removed under a conveyance or contract for sale, the unborn young of animals, and growing crops;

(i) "Instrument" means a negotiable instrument (defined in 12A:3-104), or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment. The term does not include investment property;

(j) "Mortgage" means a consensual interest created by a real estate mortgage, a trust deed on real estate, or the like;

(k) An advance is made "pursuant to commitment" if the secured party has bound himself to make it, whether or not a subsequent event of default or other event not within his control has relieved or may relieve him from his obligation;

(l) "Security agreement" means an agreement which creates or provides for a security interest;

(m) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party;

(n) "Bondable transition property" shall have the meaning set forth in section 3 of P.L.1999, c.23 (C.48:3-51).

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Account." 12A:9-106.

"Attach." 12A:9-203.

"Commodity contract." 12A:9-115.

"Commodity customer." 12A:9-115.

"Commodity intermediary." 12A:9-115.

"Construction mortgage." 12A:9-313 (1).

"Consumer goods." 12A:9-109 (1).

"Control." 12A:9-115.

"Equipment." 12A:9-109 (2).

"Farm products." 12A:9-109 (3).

"Fixture." 12A:9-313(1).

"Fixture filing." 12A:9-313(1).
"General intangibles." 12A:9-106.
"Inventory." 12A:9-109 (4).
"Investment property." 12A:9-115.
"Lien creditor." 12A:9-301 (3).
"Proceeds." 12A:9-306 (1).
"Purchase money security interest." 12A:9-107.
"United States." 12A:9-103 (3).
(3) The following definitions in other chapters apply to this chapter:
"Broker." 12A:8-102.
"Certificated security." 12A:8-102.
"Check." 12A:3-104.
"Clearing corporation." 12A:8-102.
"Contract for sale." 12A:2-106.
"Control." 12A:8-106.
"Delivery." 12A:8-301.
"Entitlement holder." 12A:8-102.
"Financial asset." 12A:8-102.
"Holder in due course." 12A:3-302.
"Letter of Credit." 12A:5-102.
"Note." 12A:3-104.
"Proceeds of a letter of credit." 12A:5-114.
"Sale." 12A:2-106.
"Securities intermediary." 12A:8-102.
"Security." 12A:8-102.
"Security certificate." 12A:8-102.
"Security entitlement." 12A:8-102.
"Uncertificated security." 12A:8-102.
(4) In addition chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

50. N.J.S.12A:9-403 is amended to read as follows:

Filing of financing statement.

12A:9-403. (1) Presentation for filing of a financing statement, tender of the filing fee and acceptance of the statement by the filing officer constitute filing under this chapter.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected

until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five-year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of 12A:9-405, including payment of the required fee.

Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) Except as provided in subsection (7), a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition, the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement. A financing statement covering collateral which is or is to become a fixture or fixtures, or crops growing or to be grown, shall also be indexed in the name of the record owner of the realty.

(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement or any amendment of either shall be $25.00.

(6) A real estate mortgage which is effective as a fixture filing under subsection (6) of 12A:9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate. If a filed financing statement relates to a

security interest in bondable transition property and the financing statement so states, it is effective until a termination statement is filed.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of 12A:9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this State provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

C.48:3-63 Proceeds of transition bonds not considered income to utility; tax consequences of sale of assets.

51. a. All proceeds received from the issuance of transition bonds shall not be considered income to the electric public utility or gas public utility for the purposes of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.) or the "New Jersey Gross Income Tax Act," P.L.1976, c.47 (C.54A:1-1 et seq.).

b. The Director of the Division of Taxation in the Department of the Treasury is authorized to issue regulations regarding the determination of profit or loss related to the sale of assets which have been deemed to be part of stranded costs pursuant to sections 13 and 14 of this act for purposes of computing the corporation business tax to which the utility is subject.

52. R.S.48:2-13 is amended to read as follows:

Powers of board; public utility defined; exemptions from jurisdiction.

48:2-13. a. The board shall have general supervision and regulation of and jurisdiction and control over all public utilities as defined in this section and their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Title.

The term "public utility" shall include every individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever, their successors, heirs or assigns, that now or hereafter may own, operate, manage or control within this State any railroad, street railway, traction railway, autobus, charter bus operation, special bus operation, canal, express, subway, pipeline, gas, electricity distribution, water, oil, sewer, solid waste collection, solid waste disposal, telephone or telegraph system, plant or equipment for public use,

under privileges granted or hereafter to be granted by this State or by any political subdivision thereof.

b. Nothing contained in this Title shall extend the powers of the board to include any supervision and regulation of, or jurisdiction and control over any vehicles engaged in ridesharing arrangements with a maximum carrying capacity of not more than 15 passengers, including the driver, where the transportation of passengers is incidental to the purpose of the driver or any vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini; hotel buses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations, including local airports, or bus employed solely for transporting school children and teachers, to and from school, or any autobus with a carrying capacity of not more than 10 passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.

c. Except as provided in section 7 of P.L.1995, c.101 (C.58:26-25), the board shall have no regulatory authority over the parties to a contract negotiated between a public entity and a private firm pursuant to P.L.1995, c.101 (C.58:26-19 et al.) in connection with the performance of their respective obligations thereunder. Nothing contained in this title shall extend the powers of the board to include any supervision and regulation of, or jurisdiction and control over, any public-private contract for the provision of water supply services established pursuant to P.L.1995, c.101 (C.58:26-19 et al.).

d. Unless otherwise specifically provided pursuant to P.L.1999, c.23 (C.48:3-49 et al.), all services necessary for the transmission and distribution of electricity and gas, including but not limited to safety, reliability, metering, meter reading and billing, shall remain the jurisdiction of the Board of Public Utilities. The board shall also maintain the necessary jurisdiction with regard to the production of electricity and gas to assure the reliability of electricity and gas supply to retail customers in the State as prescribed by the board or any other federal or multi-jurisdictional agency responsible for reliability and capacity in the State.

e. Notwithstanding the provisions of subsection a. of this section, the board shall have the authority to classify as regulated the sale of any thermal energy service by a cogenerator or district heating system, for the purpose

of providing heating or cooling to a residential dwelling if, after notice and hearing, it determines that the customer does not have sufficient space on its property to install an alternative source of equivalent thermal energy, there is no contract governing the provision of thermal energy service for the relevant period of time, and that sufficient competition is no longer present, based upon consideration of such factors as: ease of market entry; presence of other competitors; and the availability of like or substitute services in the relevant geographic area. Upon such a classification, the board may determine such rates for the thermal energy service for the purpose of providing heating or cooling to a residential dwelling as it finds to be consistent with the prevailing cost of alternative sources of thermal energy in similar situations. The board, however, shall continue to monitor the thermal energy service to such residential dwellings and, whenever the board finds that the thermal energy service has again become sufficiently competitive pursuant to the criteria listed above, the board shall cease to regulate the sale or production of the service. The board shall not have the authority to regulate the sale or production of steam or any other form of thermal energy, including hot and chilled water, to non-residential customers.

f. Nothing contained in this Title shall extend the powers of the board to include supervision and regulation of, or jurisdiction and control over, an entity engaged in the provision or use of sewage effluent for the purpose of providing a cooling medium to an end user or end users on a single site, which provision results in the conservation of potable water which would otherwise have been used for such purposes.

53. Section 3 of P.L.1995, c.180 (C.48:2-21.26) is amended to read as follows:

C.48:2-21.26 Standards for off-tariff rate agreements.

3. a. No later than October 18, 1995 and notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Board of Public Utilities shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, specific standards regarding minimum prices, confidentiality standards, maximum contract duration, filing requirements, and such other standards as the board may determine are necessary for off-tariff rate agreements consistent with this act. Any subsequent modification of the standards that is adopted by the board shall be adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. After the adoption by the board of specific standards pursuant to subsection a. of this section, an electric public utility may, within seven

years of July 20, 1995, enter into an off-tariff rate agreement with an individual retail customer pursuant to the provisions of sections 3 and 4 of P.L.1995, c.180 (C.48:2-21.26 and 48:2-21.27). The provisions of sections 3 and 4 shall not apply to an off-tariff rate agreement entered into by an electric public utility after that seven-year period, except as otherwise provided by the board. Notwithstanding the seven-year limitation imposed pursuant to this subsection, an off-tariff rate agreement that is entered into during that seven-year period shall remain in effect until its expiration pursuant to the terms of the agreement.

c. An off-tariff rate agreement shall be filed with the board a minimum of 30 days prior to its effective date along with sufficient information to demonstrate that the off-tariff rate agreement meets the conditions established in subsection d. of this section and the standards established pursuant to subsection a. of this section. The entire agreement shall be available to the public, except that a public utility may petition the board to keep confidential certain parts of the agreement or supporting documentation that are competitively sensitive. Upon petition by the public utility, the board may classify as confidential any part of the agreement that is found to contain competitively sensitive information that, if revealed, would harm the competitive position of either party to the agreement. A copy of the off-tariff rate agreement and supporting information shall be served simultaneously upon the Director of the Division of the Ratepayer Advocate, or its successor agency. The staff of the board and the division shall have full access to all portions of the agreement and to any supporting documentation, subject to a standard non-disclosure agreement to be approved by the board. The board or its staff shall review the agreement, and upon review the board may delay its implementation if it requires additional time to review the agreement or shall disapprove the agreement upon a finding that it does not meet the conditions established in subsection d. of this section and the standards established pursuant to subsection a. of this section. If the board does not issue notice that it is delaying implementation for further review or that it disapproves the agreement, the utility may implement the off-tariff rate agreement.

An off-tariff rate agreement implemented pursuant to this subsection shall not include any reduction in the gross receipts and franchise tax or a successor tax pursuant to P.L.1997, c.162 (C.54:30A-100 et seq.).

d. An off-tariff rate agreement implemented pursuant to this section prior to the effective date of retail competition as provided in subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53) may establish a price for electricity to a retail customer that is different from, but in no case higher than, that specified in the utility's current cost-of-service based tariff rate otherwise applicable to that customer. An off-tariff rate agreement

implemented pursuant to this section on or after the effective date of retail competition as provided in subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53) may establish a price for the transmission or distribution of electricity to a retail customer that is different from, but in no case higher than, that specified in the electric public utility's current cost-of-service based tariff rate for transmission or distribution service otherwise applicable to that customer. An off-tariff rate agreement shall be subject to the following conditions:

(1) There shall be no retroactive recovery by the utility from its general ratepayer base of any revenue erosion that occurs prior to the conclusion of the utility's next base rate case. Subsequent to the conclusion of the utility's next base rate case, any such recovery shall be prospective only and in accordance with section 4 of P.L.1995, c.180 (C.48:2-21.27).

(2) In no event shall any customer be required to enter into an off-tariff rate agreement.

(3) An off-tariff rate for electricity at a minimum shall equal the sum of the following:

(a) the electric public utility's marginal cost to provide transmission or distribution service to the customer over the term of the off-tariff rate agreement,

(b) the per kilowatt hour contribution to the societal benefits charge, market transition charge, and transition bond charge, as established pursuant to P.L.1999, c.23 (C.48:3-49 et al.) and otherwise chargeable under the standard applicable rate schedule, and

(c) a floor margin to be specified by the board pursuant to subsection a. of this section, which shall constitute the minimum contribution by an off-tariff customer toward a public utility's fixed transmission and distribution costs.

(4) Evidence of a comprehensive energy audit of the customer's facility must be submitted to the utility prior to the effective date of the off-tariff rate agreement, in order to ensure that the customer has evaluated cost-effective energy efficiency and demand side management measures at its facility as part of its efforts to reduce electricity costs.

(5) The term of the off-tariff rate agreement shall not exceed a maximum number of years, to be specified by the board pursuant to subsection a. of this section, except that the term of an off-tariff rate agreement may exceed the maximum contract term established by the board, only with the prior review and approval of the board on a case by case basis.

(6) The electric public utility shall not make the provision of any competitive service or basic generation service offered by the public utility or its related competitive business segment to the customer a pre-condition

to the offering of or agreement to an off-tariff rate agreement.

(7) The utility shall submit any information required by the filing requirements established pursuant to subsection a. of this section.

e. Each electric public utility shall file with the board and the Director of the Division of the Ratepayer Advocate, on a periodic basis to be determined by the board, a report, which shall be made available to the public, that includes the number of off-tariff rate contracts implemented, the aggregate expected revenues and margins derived thereunder, and an estimate of the aggregate differential between the revenues produced under the off-tariff rate agreements and the revenues that would have been produced under a standard board-approved tariff rate, so that the board can evaluate the total impact of off-tariff rate agreements on the financial integrity of the utility and on its ratepayers.

f. Upon notice and hearing, the board may suspend an electric public utility's implementation of additional off-tariff rate agreements based upon information in the report filed pursuant to subsection e. of this section or with other good cause. The board may suspend additional off-tariff rate agreements during the pendency of any such hearings.

54. Section 4 of P.L.1995, c.180 (C.48:2-21.27) is amended to read as follows:

C.48:2-21.27 Base rate case proceedings.

4. a. An electric public utility that enters into an off-tariff rate agreement pursuant to section 3 of P.L.1995, c.180 (C.48:2-21.26) shall not recover through rates any revenue erosion that occurs between the effective date of the agreement and the conclusion of the public utility's next base rate case.

b. As part of a base rate case proceeding, an electric public utility may request prospective recovery of a portion of the quantifiable revenue erosion resulting from an existing off-tariff rate agreement with a customer that previously purchased power from the utility under a tariff set by the board. Whenever a public utility requests partial recovery of revenue erosion from an off-tariff rate agreement, and notwithstanding any provision of subsection c. of section 3 of P.L.1995, c.180 (C.48:2-21.26) to the contrary, the entire agreement shall be available to the public, except that a public utility may petition the board to keep confidential certain parts of the agreement or supporting documentation that are competitively sensitive. Upon petition by the public utility, and after an opportunity for all interested parties to comment, the board may classify as confidential any part of the agreement that is found to contain competitively sensitive information that, if revealed, would harm the competitive position of either party to the agreement. An intervenor in the base rate case proceeding may request access to informa-

tion that has been classified as confidential. The board shall grant such access, subject to an executed non-disclosure agreement, if the board determines that the intervenor's interest cannot be pursued fully in the base rate case proceeding without access to the information and that the intervenor is not a direct competitor of either party to the agreement.

c. In a base rate case proceeding at which an electric public utility requests, pursuant to subsection b. of this section, prospective recovery of revenue erosion, the board may approve prospective recovery of 50 percent of the revenue erosion occurring after the conclusion of that base rate case proceeding, in order to ensure that ratepayers shall not bear a greater portion of the revenue erosion resulting from the off-tariff rate agreement than the public utility, if the board determines that:

(1) All appropriate offsetting financial adjustments, including but not limited to sales growth, standby and backup sales to the customer, are credited to the revenue requirement calculation and that the utility is not already achieving a fair and reasonable rate of return;

(2) The utility has developed and implemented a corporate strategy to lower its cost of delivering power;

(3) Ratepayers are paying lower rates with the implementation of an off-tariff rate agreement for a particular customer than without such implementation, because the off-tariff rate agreement allowed the utility to continue to maintain the customer and thus to continue to receive the customer's contribution to the fixed transmission and distribution costs of the electric public utility. A determination that the public utility's ratepayers are paying lower rates with the implementation of an off-tariff rate agreement prior to the effective date of P.L.1999, c.23 (C.48:3-49 et al.) will therefore include a finding that the customer receiving the off-tariff rate:

(a) Had a viable alternative source of power deliverable to its site and, had it not received the off-tariff rate, would have ceased to obtain its power primarily from the public utility; or

(b) Would have relocated its facility outside of the State to a location where power could be obtained at a lower cost, had it not received the off-tariff rate.

A determination that the public utility's ratepayers are paying lower rates with the implementation of an off-tariff rate agreement on or after the effective date of P.L.1999, c.23 (C.48:3-49 et al.) will therefore include a finding that the customer receiving the off-tariff rate would have relocated its facility outside of the State to a location where it could have obtained delivered power at a lower cost, had it not received the off-tariff rate; and

(4) The utility and the customer have otherwise complied with the provisions of P.L.1995, c.180 (C.48:2-21.24 et seq.) and the off-tariff rate

standards adopted by the board pursuant to subsection a. of section 3 of P.L.1995, c.180 (C.48:2-21.26).

55. Section 5 of P.L.1995, c.180 (C.48:2-21.28) is amended to read as follows:

C.48:2-21.28 Petitions for alternative forms of regulation; NJSAVE program.

5. a. An electric or gas public utility may petition the Board of Public Utilities to be regulated under an alternative form of regulation for its distribution system only, for the setting of prices for all or a portion of its retail customer base, or for the purpose of creating incentives consistent with the provisions of this act without changing the rate reductions for the sustained period as set forth under section 4 of P.L.1999, c.23 (C.48:3-52), no earlier than 12 months after the starting date of retail competition as provided in subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53). The public utility shall submit its plan for an alternative form of regulation with its petition. The public utility shall also file its petition and plan concurrently with the Director of the Division of the Ratepayer Advocate, or its successor. The public utility shall provide, within 15 days of the filing of its petition and plan, notice of the specific filing to the clerk of each municipality, to the clerk of each board of Chosen Freeholders, and to each county executive, in the service territory of the public utility. The public utility shall also provide, within 15 days of the filing, public notice to its customers of the filing, either by notice in a newspaper that has a general circulation in its service territory or by bill inserts as directed by the board. The board shall review the plan and may approve the plan, or approve it with modifications, if the board finds, after notice and hearing, that the plan will provide benefits to customers of the public utility, and that the plan meets the following standards:

(1) Will further the State's objective of producing lower rates for New Jersey consumers;

(2) Will provide incentives for the utility to lower its costs and rates;

(3) Will provide incentives to improve utility efficiency and productivity;

(4) Will foster the long-term delivery of electricity or natural gas in a manner that will improve the quality and choices of service;

(5) Includes a mechanism for the board to monitor and review the plan on a periodic basis over its term and to take appropriate actions if it is found that the plan is not achieving its intended results;

(6) Will maintain or improve pre-existing service quality standards, except that an individual customer may agree to accept lower quality

service. A public utility shall continue to provide safe, adequate and proper service pursuant to R.S.48:2-23;

(7) Will not result in cross-subsidization among or between groups of utility customers, or between the portion of the utility's business or operations subject to the alternative form of regulation and the portion of the utility's business or operations that is not subject to the alternative form of regulation;

(8) Will reduce regulatory delay and cost;

(9) Is in the public interest and will produce just and reasonable rates;

(10) Will enhance economic development in the State;

(11) Will not discourage energy efficiency or distributed generation as alternatives to distribution plant investment and will explore ways to remove the linkage between retail throughput and the recovery of fixed and stranded costs; and

(12) Is otherwise consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

In preparation for the development of such plans, each electric public utility shall begin to collect distribution cost data that will be needed to evaluate accurately alternatives to traditional infrastructure investments.

b. Consistent with the provisions of P.L.1995, c.180 (C.48:2-21.24 et seq.), and provided that the plan meets the standards established in subsection a. of this section, the board may approve a plan for an alternative form of regulation that permits a gas or electric public utility to establish a rate for a group of retail customers without a finding of rate base and reasonable rate of return pursuant to the pre-existing provisions of Title 48 of the Revised Statutes, if the board determines that the rate being charged by the utility to a retail customer is no lower than a minimum price that is determined by the board to prevent anti-competitive pricing and that:

(1) The group of customers has access to a competitive market for supply of power to its site and that market pricing of delivery services for that group of customers is thereby appropriate; or

(2) The group of customers has otherwise voluntarily agreed in writing to accept a price that has not been established based upon rate base and reasonable rate of return standards pursuant to Title 48 of the Revised Statutes; or

(3) At the time of the plan's approval, the level of retail prices of the utility for the group of customers is determined to be reasonably reflective of the level necessary to produce a fair and reasonable rate of return pursuant to a current evaluation under pre-existing standards of Title 48 of the Revised Statutes, and that the plan provides mechanisms for prospective adjustments to rates that will track trends in utility rates.

c. (Deleted by amendment, P.L.1999, c.23).

d. An alternative regulation plan as provided for in this section shall not include any mechanism for:

(1) Recovery of revenue erosion from other ratepayers; or

(2) A reduction in the gross receipts and franchise tax or a successor tax pursuant to P.L.1997, c.162 (C.54:30A-100 et seq.).

e. The board may require an independent audit or such accounting and reporting systems from electric and gas utilities as are necessary to allow a proper allocation of investments, costs or expenses for all services provided under the provisions of P.L.1995, c.180 (C.48:2-21.24 et seq.) that are subject to the jurisdiction of the board.

f. Consistent with the provisions of this section, the Legislature hereby authorizes and directs the New Jersey Economic Development Authority, in conjunction with the Board of Public Utilities, to establish the New Jersey Senior and Alternate Vital Energy (NJ SAVE) program for the purpose of funding capital improvements of natural gas distribution facilities, and for purchase and installation of natural gas heating equipment and appliances located on the premises of homeowners, where those homeowners reside in all-electric homes in age-restricted communities.

The authority may issue bonds on behalf of gas public utilities, the proceeds of which may be used for the purpose of distributing in the form of loans to eligible customers for the purpose of allowing such customers to pay home heating and appliance conversion costs and the customer's contribution, to the extent applicable, to gas distribution system extension costs required to serve those customers.

The gas public utility shall be permitted to assess a meter charge, as approved by the board, to recover the funds to repay loan principal and interest. Monies collected by the gas public utility as a result of such meter charge shall be utilized by the gas public utility to repay the bonds issued by the authority. Nothing in this section shall be construed to relieve the gas public utility of its obligation to repay any bonds issued by the authority.

56. Section 6 of P.L.1995, c.180 (C.48:2-21.29) is amended as follows:

C.48:2-21.29 Reports.

6. The Board of Public Utilities shall submit a report to the Legislature on the implementation of P.L.1995, c.180 (C.48:2-21.24 et seq.) and of the restructuring of the electric power industry pursuant to P.L.1999, c.23 (C.48:3-49 et al.) on December 1 of the third year following the effective date of P.L.1999, c.23 (C.48:3-49 et al.) and every four years thereafter.

C.48:3-96 Standards for inspection, maintenance, repair, replacement of electric equipment, facilities.

57. a. The Board of Public Utilities shall adopt, pursuant to the

"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), standards for the inspection, maintenance, repair and replacement of the distribution equipment and facilities of electric public utilities. The standards may be prescriptive standards, performance standards, or both, and shall provide for high quality, safe and reliable service. The board shall also adopt standards for the operation, reliability and safety of such equipment and facilities during periods of emergency or disaster. The board shall adopt a schedule of penalties for violations of these standards.

b. In adopting standards pursuant to this section, the board shall consider cost, local geography and weather, applicable industry codes, national electric industry practices, sound engineering judgment, and past experience.

c. The board shall require each electric public utility to report annually on its compliance with the standards adopted pursuant to this section, and the utility shall make these reports available to the public.

58. Section 10 of P.L.1975, c.291 (C.40:55D-19) is amended to read as follows:

C.40:55D-19 Appeal or petition in certain cases to the Board of Public Utilities.

10. Appeal or petition in certain cases to the Board of Public Public Utilities.

If a public utility, as defined in R.S.48:2-13, or an electric power generator, as defined in section 3 of P.L.1999, c.23 (C.48:3-51), is aggrieved by the action of a municipal agency through said agency's exercise of its powers under this act, with respect to any action in which the public utility or electric power generator has an interest, an appeal to the Board of Public Utilities of the State of New Jersey may be taken within 35 days after such action without appeal to the municipal governing body pursuant to section 8 of this act unless such public utility or electric power generator so chooses. In such case appeal to the Board of Public Utilities may be taken within 35 days after action by the governing body. A hearing on the appeal of a public utility to the Board of Public Utilities shall be had on notice to the agency from which the appeal is taken and to all parties primarily concerned, all of whom shall be afforded an opportunity to be heard. If, after such hearing, the Board of Public Utilities shall find that the present or proposed use by the public utility or electric power generator of the land described in the petition is necessary for the service, convenience or welfare of the public, including, but not limited to, in the case of an electric power generator, a finding by the board that the present or proposed use of the land is necessary to maintain reliable electric or natural gas supply service for the general public and that no alternative site or sites are reasonably available to achieve

an equivalent public benefit, the public utility or electric power generator may proceed in accordance with such decision of the Board of Public Utilities, any ordinance or regulation made under the authority of this act notwithstanding.

This act or any ordinance or regulation made under authority thereof, shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service, if upon a petition of the public utility, the Board of Public Utilities shall after hearing, of which any municipalities affected shall have notice, decide the proposed installation of the development in question is reasonably necessary for the service, convenience or welfare of the public.

Nothing in this act shall be construed to restrict the right of any interested party to obtain a review of the action of the municipal agency or of the Board of Public Utilities by any court of competent jurisdiction according to law.

59. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid by any court of competent jurisdiction, the invalidity shall not affect any other provision or the application of this act which can be given effect without the invalid provision or application.

C.48:3-97 Construction of act relative to DOT, DEP.

60. a. No provision of this act shall be interpreted or construed in any fashion so as to amend or alter the functions, powers and duties of the Commissioner of Transportation in respect to autobuses, charter and special bus operations, railroads, street railways, traction railways, and subways as transferred to the commissioner by Executive Reorganization filed on October 5, 1978, pursuant to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. No provision of this act shall be interpreted or construed in any fashion so as to amend or alter the functions, powers and duties of the Commissioner of Environmental Protection in respect to the commissioner's role in protecting the environment.

61. Section 5 of P.L.1970, c.73 (C.56:9-5) is amended to read as follows:

C.56:9-5 Certain activities permitted.

5. a. This act shall not forbid the existence of trade and professional organizations created for the purpose of mutual help, and not having capital stock, nor forbid or restrain members of such organizations from lawfully carrying out the legitimate objects thereof not otherwise in violation of this

act; nor shall those organizations or members per se be illegal combinations or conspiracies in restraint of trade under the provisions of this act.

b. No provisions of this act shall be construed to make illegal:

(1) The activities of any labor organization or of individual members thereof which are directed solely to labor objectives which are legitimate under the laws of either the State of New Jersey or the United States;

(2) The activities of any agricultural or horticultural cooperative organization, whether incorporated or unincorporated, or of individual members thereof, which are directed solely to objectives of such cooperative organizations which are legitimate under the laws of either the State of New Jersey or the United States;

(3) The activities of any public utility, as defined in R.S.48:2-13 to the extent that such activities are subject to the jurisdiction of the Board of Public Utilities, the Department of Transportation, the Federal Energy Regulatory Commission, the Federal Communications Commission, the Federal Department of Transportation or the Interstate Commerce Commission, except that this exemption, and that of subsection c. of this section, shall apply to the activities of any electric public utility or gas public utility or any related competitive business segment of an electric public utility or related competitive business segment of a gas public utility, or any public utility holding company or related competitive business segment of a public utility holding company as those terms are defined in section 3 of P.L.1999, c.23 (C.48:3-51), only to the extent such activities are expressly required by and supervised pursuant to State regulation or are required by federal or State law;

(4) The activities, including, but not limited to, the making of or participating in joint underwriting or joint reinsurance arrangements, of any insurer, insurance agent, insurance broker, independent insurance adjuster or rating organization to the extent that such activities are subject to regulation by the Commissioner of Banking and Insurance of this State under, or are permitted, or are authorized by, the "Department of Banking and Insurance Act of 1948," P.L.1948, c.88 (C.17:1-1.1 et al.) and the "Department of Insurance Act of 1970," P.L.1970, c.12 (C.17:1C-1 et seq.), provided, however, the provisions of this paragraph (4) shall not apply to private passenger automobile insurance business, except as provided in section 69 of P.L.1990, c.8 (C.17:33B-31);

(5) The bona fide religious and charitable activities of any not for profit corporation, trust or organization established exclusively for religious or charitable purposes, or for both purposes;

(6) The activities engaged in by securities dealers, issuers or agents who are (I) a. licensed by the State of New Jersey under the "Uniform Securities Law (1967)," P.L.1967, c.93 (C.49:3-47 et seq.); or (ii) members of the

National Association of Securities Dealers, or (iii) members of any National Securities Exchange registered with the Securities and Exchange Commission under the "Securities Exchange Act of 1934," as amended, in the course of their business of offering, selling, buying and selling, or otherwise trading in or underwriting securities, as agent, broker, or principal, and activities of any National Securities Exchange so registered, including the establishment of commission rates and schedules of charges;

(7) The activities of any State or national banking institution to the extent that such activities are regulated or supervised by officers of the State government under the "Department of Banking and Insurance Act of 1948," P.L.1948, c.88 (C.17:1-1.1 et al.) or P.L.1970, c.11 (C.17:1B-1 et seq.), or the federal government under the banking laws of the United States;

(8) The activities of any state or federal savings and loan association to the extent that such activities are regulated or supervised by officers of the State government under the "Department of Banking and Insurance Act of 1948," P.L.1948, c.88 (C.17:1-1.1 et al.) or P.L.1970, c.11 (C.17:1B-1 et seq.), or the federal government under the banking laws of the United States;

(9) The activities of any bona fide not for profit professional association, society or board, licensed and regulated by the courts or any other agency of this State, in recommending schedules of suggested fees, rates or commissions for use solely as guidelines in determining charges for professional and technical services; or

(10) The activities permitted under the provisions of chapter 4 of Title 56 of the Revised Statutes, "An act to regulate the retail sale of motor fuels," P.L.1938, c.163 (C.56:6-1 et seq.), the "Unfair Motor Fuels Practices Act," P.L.1953, c.413 (C.56:6-19 et seq.) and the "Unfair Cigarette Sales Act of 1952," P.L.1952, c.247 (C.56:7-18 et seq.).

c. This act shall not apply to any activity directed, authorized or permitted by any law of this State that is in conflict or inconsistent with the provisions of this act, and the enactment of this act shall not be deemed to repeal, either expressly or by implication, any such other law in effect on the date of its enactment.

62. Section 26 of P.L.1997, c.162 (C.54:32B-8.46) is amended to read as follows:

C.54:32B-8.46 Receipts from sale, exchange, delivery, use of electricity; purchase or use of natural gas or utility service.

26. a. Receipts from the sale, exchange, delivery or use of electricity are exempt from the tax imposed under the Sales and Use Tax Act if the electricity:

(1) (a) Is sold by a municipal electric corporation in existence as of December 31, 1995 and used within its municipal boundaries except if the customer is located within a franchise area served by an electric public utility other than the municipal electric corporation. If a municipal electric corporation makes sales of electricity used outside of its municipal boundaries or within a franchise area served by an electric public utility other than the municipal electric corporation, then receipts from those sales of electricity by the municipal electric corporation shall be subject to tax under P.L.1966, c.30; or

(b) Is sold by a municipal electric utility in existence as of December 31, 1995, and used within its municipal boundaries. However, a municipal electric utility's receipts from the sale, exchange, delivery or use of electricity used by customers outside of its municipal boundaries and within its franchise area existing as of December 31, 1995 shall be subject to tax. If a municipal electric utility makes sales of electricity used outside of its franchise area existing as of December 31, 1995, then receipts from those sales of electricity by the municipal electric utility shall be subject to tax under P.L.1966, c.30;

(2) Was generated by a facility located on the user's property or property purchased or leased from the user by the person owning the generation facility and such property is contiguous to the user's property, and the electricity was consumed by the one on-site end user on the user's property, and was not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcated the user's or generation facility owner's otherwise contiguous property or the electricity was consumed by an affiliated user on the same site, or by a non-affiliated user on the same site with an electric distribution system which is integrated and interconnected with the user on or before March 10, 1997; the director may promulgate rules and regulations and issue guidance with respect to all issues related to affiliated users; or

(3) Is sold for resale.

The State Treasurer shall monitor monies deposited into the Energy Tax Receipts Property Tax Relief Fund on an annual basis and may report the results of the State Treasurer's analysis on the fund to the Governor and the Legislature, along with any recommendations on the exemptions in this subsection.

b. Receipts from the purchase or use of the following are exempt from the tax imposed under the Sales and Use Tax Act:

(1) Natural gas or utility service that is used to generate electricity that is sold for resale or to an end user other than the end user upon whose property is located a co-generation facility or self-generation unit that generated the electricity or upon the property purchased or leased from the

end user by the person owning the co-generation facility or self-generation unit if such property is contiguous to the user's property and is the property upon which is located a co-generation facility or self-generation unit that generated the electricity; and

(2) Natural gas and utility service that is used for co-generation at any site at which a co-generation facility was in operation on or before March 10, 1997, or for which an application for an operating permit or a construction permit and a certificate of operation in order to comply with air quality standards under P.L.1954, c.212 (C.26:2C-1 et seq.) has been filed with the Department of Environmental Protection on or before March 10, 1997, to produce electricity for use on that site.

C.40A:11-15.2 Contracts for purchase of electricity for new county correction facility.

63. In the case of construction of a new county correction facility, in addition to the purchase of thermal energy, contracts for the purchase of electricity shall be permitted pursuant to subsection (1)(c) of section 15 of P.L.1971, c.198 (C.40A:11-15).

64. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to read as follows:

C.40A:11-15 Duration of certain contracts.

15. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 24 consecutive months, except that contracts for professional services pursuant to subparagraph (i) of paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) shall be made for a period not to exceed 12 consecutive months. Contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of:

(a) (Deleted by amendment, P.L.1996, c.113.)

(b) (Deleted by amendment, P.L.1996, c.113.)

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment, P.L.1977, c.53.)

(3) The collection and disposal of municipal solid waste, the collection and disposition of recyclable material, or the disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The collection and recycling of methane gas from a sanitary landfill

facility, for any term not exceeding 25 years, when such contract is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the approval of the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Environmental Protection establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed ten years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et al.), except for those contracts otherwise exempted pursuant to subsection (30), (31), (34) or (35) of this section. For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these

resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of resource recovery services by a qualified vendor, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the residual ash generated at a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, and the Department of Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et al.); and when the resource recovery facility is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production; and "residual ash" means the bottom ash, fly ash, or any combination thereof, resulting from the combustion of solid waste at a resource recovery facility;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Department of Environmental Protection, and when the resource recovery facility is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L.1985, c.72 (C.58:27-1 et al.), except for those contracts otherwise exempted pursuant to subsection (36) of this section.

For the purposes of this subsection, "wastewater treatment services" means any services provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of electricity for that purpose are approved by the Board of Public Utilities;

(21) In the case of a contracting unit which is a county or municipality, the provision of emergency medical services by a hospital to residents of a municipality or county as appropriate for a term not to exceed five years;

(22) Towing and storage contracts, awarded pursuant to paragraph u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for any term not exceeding three years;

(23) Fuel for the purpose of generating electricity for a term not to exceed eight years;

(24) The purchase of electricity or administrative or dispatching services related to the transmission of such electricity, from a public utility company subject to the jurisdiction of the Board of Public Utilities, a similar regulatory body of another state, or a federal regulatory agency, or from a qualifying small power producing facility or qualifying cogeneration facility, as defined by 16 U.S.C. s.796, by a contracting unit engaged in the generation of electricity for retail sale, as of May 24,1991, for a term not to exceed 40 years;

(25) Basic life support services, for a period not to exceed five years. For the purposes of this subsection, "basic life support" means a basic level of prehospital care, which includes but need not be limited to patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization;

(26) Claims administration services, for any term not to exceed three years;

(27) The provision of transportation services to elderly, disabled or indigent persons for any term of not more than three years. For the purposes of this subsection, "elderly persons" means persons who are 60 years of age or older. "Disabled persons" means persons of any age who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary

incapacity or disability, are unable, without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. "Indigent persons" means persons of any age whose income does not exceed 100 percent of the poverty level, adjusted for family size, established and adjusted under section 673(2) of subtitle B, the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C. s.9902 (2));

(28) The supplying of liquid oxygen or other chemicals, for a term not to exceed five years, when the contract includes the installation of tanks or other storage facilities by the supplier, on or near the premises of the contracting unit;

(29) The performance of patient care services by contracted medical staff at county hospitals, correction facilities and long term care facilities, for any term of not more than three years;

(30) The acquisition of an equitable interest in a water supply facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to the "County and Municipal Water Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into no later than January 7, 1995, for any term of not more than forty years;

(31) The provision of water supply services or the financing, construction, operation or maintenance or any combination thereof, of a water supply facility or any component part or parts thereof, by a partnership or copartnership established pursuant to a contract authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a period not to exceed 40 years;

(32) Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years;

(33) The supplying of any product or the rendering of any service, including consulting services, by a cemetery management company for the maintenance and preservation of a municipal cemetery operating pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for a term not exceeding 15 years;

(34) A contract between a public entity and a private firm pursuant to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water supply services may be entered into for any term which, when all optional extension periods are added, may not exceed 40 years;

(35) An agreement for the purchase of a supply of water from a public utility company subject to the jurisdiction of the Board of Public Utilities in accordance with tariffs and schedules of charges made, charged or exacted or contracts filed with the Board of Public Utilities, for any term of not more than 40 years;

(36) A contract between a public entity and a private firm or public authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the provision of wastewater treatment services may be entered into for any term of not

more than 40 years, including all optional extension periods; and

(37) The operation and management of a facility under a license issued or permit approved by the Department of Environmental Protection, including a wastewater treatment system or a water supply or distribution facility, as the case may be, for any term of not more than seven years. For the purposes of this subsection, "wastewater treatment system" refers to facilities operated or maintained for the storage, collection, reduction, disposal, or other treatment of wastewater or sewage sludge, remediation of groundwater contamination, stormwater runoff, or the final disposal of residues resulting from the treatment of wastewater; and "water supply or distribution facility" refers to facilities operated or maintained for augmenting the natural water resources of the State, increasing the supply of water, conserving existing water resources, or distributing water to users.

All multiyear leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16), (30), (31), (34), (35) or (37) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19), (36) or (37) above, and contracts for the purchase of electricity or administrative or dispatching services related to the transmission of such electricity authorized pursuant to subsection (24) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

Repealer.

65. The following sections are repealed:

The "Public Utility Accident Fault Determination Act," P.L.1983, c.94

(C.48:2-21.4 et seq.).

P.L.1963, c.114 (C.48:7-7 through 48:7-13).

The "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 through 25).

R.S.48:9-20.

Sections 2, 5.1, 10, 11, 17, 23, and 25 of the "Department of Energy Act," P.L.1977, c.146 (C.52:27F-2, 52:27F-6, 52:27F-12, 52:27F-13, 52:27F-19, 52:27F-26, and 52:27F-28).

C.48:3-98 Effective date; retroactivity.

66. This act shall take effect immediately, except that, to the extent not already provided for by existing law, the authority of the board to order rate unbundling filings, restructuring filings, and stranded cost filings, perform audits of utility competitive services and take such other regulatory actions, including, but not limited to, the holding of hearings, providing of notice and opportunity for comment, the issuance of orders, and the establishment of standards, including auction standards adopted for application to an electric public utility that is executing a divestiture plan, and to take such other anticipatory regulatory action as it deems necessary to fulfill the purposes or requirements of this act shall apply retroactively to April 1, 1997 provided that the board shall take such actions as may be necessary, if any, to ensure that the requirements of this act are met in all regulatory actions related to this act which were commenced prior to its enactment.

Approved February 9, 1999.

CHAPTER 24

AN ACT concerning policies and procedures for contracting for certain professional services by State agencies, and amending P.L.1997, c.399.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 8 of P.L.1997, c.399 is amended to read as follows:

8. This act shall take effect August 1, 1999 but an agency may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

2. This act shall take effect immediately.

Approved February 16, 1999.

CHAPTER 25

AN ACT concerning money laundering and amending P.L.1968, c.409, N.J.S.2C:5-4, P.L.1994, c.121, N.J.S.2C:41-1, N.J.S.2C:41-3, P.L.1991, c.329 and supplementing Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to read as follows:

C.2A:156A-8 Authorization for application for order to intercept communications.

8. The Attorney General, county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire, or electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, a violation of paragraph (1) or (2) of subsection b. of N.J.S.2C:12-1, a violation of N.J.S.2C:21-19 punishable by imprisonment for more than one year, a violation of P.L.1994, c.121 (C.2C:21-23 et seq.), terroristic threats, violations of N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116), arson, burglary, theft and related offenses punishable by imprisonment for more than one year, endangering the welfare of a child pursuant to N.J.S.2C:24-4, escape, forgery, alteration of motor vehicle identification numbers, unlawful manufacture, purchase, use, or transfer of firearms, unlawful possession or use of destructive devices or explosives, racketeering or a violation of subsection g. of N.J.S.2C:5-2, leader of organized crime, organized criminal activity directed toward the unlawful transportation, storage, disposal, discharge, release, abandonment or disposition of any harmful, hazardous, toxic, destructive, or polluting substance, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

2. N.J.S.2C:5-4 is amended to read as follows:

Grading of criminal attempt and conspiracy; mitigation in cases of lesser danger.

2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger. a. Grading. Except as provided in subsections c.

and d., an attempt or conspiracy to commit a crime of the first degree is a crime of the second degree; except that an attempt to commit murder is a crime of the first degree. Otherwise an attempt is a crime of the same degree as the most serious crime which is attempted, and conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy; provided that, leader of organized crime is a crime of the second degree. An attempt or conspiracy to commit an offense defined by a statute outside the code shall be graded as a crime of the same degree as the offense is graded pursuant to sections 2C:1-4 and 2C:43-1.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

c. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime set forth in subsection a., b., or d. of N.J.S.2C:17-1 where the structure which was the target of the crime was a church, synagogue, temple or other place of public worship is a crime of the first degree.

d. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime as set forth in P.L.1994, c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most serious crime that was conspired to be committed.

3. Section 3 of P.L.1994, c.121 (C.2C:21-25) is amended to read as follows:

C.2C:21-25 Money laundering, illegal investment, crime.

3. A person is guilty of a crime if the person:

a. transports or possesses property known to be derived from criminal activity; or

b. engages in a transaction involving property known to be derived from criminal activity

(1) with the intent to facilitate or promote the criminal activity; or

(2) knowing that the transaction is designed in whole or in part

(a) to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity; or

(b) to avoid a transaction reporting requirement under the laws of this State or any other state or of the United States; or

c. directs, organizes, finances, plans, manages, supervises, or controls the transportation of or transactions in property known to be derived from criminal activity.

d. For the purposes of this act, property is known to be derived from criminal activity if the person knows that the property involved represents proceeds from some form, though not necessarily which form, of criminal activity. Among the factors that the finder of fact may consider in determining that a transaction has been designed to avoid a transaction reporting requirement shall be whether the person, acting alone or with others, conducted one or more transactions in currency, in any amount, at one or more financial institutions, on one or more days, in any manner. The phrase "in any manner" includes the breaking down of a single sum of currency exceeding the transaction reporting requirement into smaller sums, including sums at or below the transaction reporting requirement, or the conduct of a transaction, or series of currency transactions, including transactions at or below the transaction reporting requirement. The transaction or transactions need not exceed the transaction reporting threshold at any single financial institution on any single day in order to demonstrate a violation of subparagraph (b) of paragraph (2) of subsection b. of this section.

4. Section 5 of P.L.1994, c.121 (C.2C:21-27) is amended to read as follows:

C.2C:21-27 Degrees of offense; penalties; nonmerger.

5. a. The offense defined in section 3 of P.L.1994, c.121 (C.2C:21-25) constitutes a crime of the first degree if the amount involved is $500,000.00 or more. If the amount involved is at least $75,000.00 but less than $500,000.00 the offense constitutes a crime of the second degree; otherwise, the offense constitutes a crime of the third degree. Notwithstanding the provisions of N.J.S.2C:43-3, the court may also impose a fine up to $500,000.00. The amount involved in a prosecution for violation of this section shall be determined by the trier of fact. Amounts involved in transactions conducted pursuant to one scheme or course of conduct may be aggregated in determining the degree of the offense. Notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, a person convicted of a crime of the first degree pursuant to the provisions of this subsection shall be sentenced to a term of imprisonment that shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which time the defendant shall not be eligible for parole.

b. In addition to any other dispositions authorized by this Title, upon conviction of a violation of this section, the court may sentence the defendant to pay an amount as calculated pursuant to subsection a. of section 6 of P.L.1994, c.121 (C.2C:21-28).

c. Notwithstanding N.J.S.2C:1-8 or any other provision of law, a conviction of an offense defined in this section shall not merge with the conviction of any other offense constituting the criminal activity involved or from which the property was derived, and a conviction of any offense constituting the criminal activity involved or from which the property was derived shall not merge with a conviction of an offense defined in section 3 of P.L.1994, c.121 (C.2C:21-25), and the sentence imposed upon a conviction of any offense defined in section 3 of P.L.1994, c.121 (C.2C:21-25) shall be ordered to be served consecutively to that imposed for a conviction of any offense constituting the criminal activity involved or from which the property was derived. Nothing in P.L.1994, c.121 (C.2C:21-23 et. seq.) shall be construed in any way to preclude or limit a prosecution or conviction for any other offense defined in this Title or any other criminal law of this State.

5. N.J.S.2C:41-1 is amended to read as follows:

Definitions.

2C:41-1. Definitions.

For purposes of this section and N.J.S.2C:41-2 through N.J.S.2C:41-6:

a. "Racketeering activity" means (1) any of the following crimes which are crimes under the laws of New Jersey or are equivalent crimes under the laws of any other jurisdiction:

(a) murder
(b) kidnapping
(c) gambling
(d) promoting prostitution
(e) obscenity
(f) robbery
(g) bribery
(h) extortion
(i) criminal usury
(j) violations of Title 33 of the Revised Statutes
(k) violations of Title 54A of the New Jersey Statutes and Title 54 of the Revised Statutes
(l) arson
(m) burglary

(n) theft and all crimes defined in chapter 20 of Title 2C of the New Jersey Statutes

(o) forgery and fraudulent practices and all crimes defined in chapter 21 of Title 2C of the New Jersey Statutes

(p) fraud in the offering, sale or purchase of securities

(q) alteration of motor vehicle identification numbers

(r) unlawful manufacture, purchase, use or transfer of firearms

(s) unlawful possession or use of destructive devices or explosives

(t) violation of sections 112 through 116 inclusive of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116)

(u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6 and all crimes involving illegal distribution of a controlled dangerous substance or controlled substance analog, except possession of less than one ounce of marijuana

(v) violation of subsection b. of N.J.S.2C:24-4 except for subparagraph (b) of paragraph (5) of subsection b.

(2) any conduct defined as "racketeering activity" under Title 18, U.S.C.s.1961(1)(A), (B) and (D).

b. "Person" includes any individual or entity or enterprise as defined herein holding or capable of holding a legal or beneficial interest in property.

c. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business or charitable trust, association, or other legal entity, any union or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.

d. "Pattern of racketeering activity" requires

(1) Engaging in at least two incidents of racketeering conduct one of which shall have occurred after the effective date of this act and the last of which shall have occurred within 10 years (excluding any period of imprisonment) after a prior incident of racketeering activity; and

(2) A showing that the incidents of racketeering activity embrace criminal conduct that has either the same or similar purposes, results, participants or victims or methods of commission or are otherwise interrelated by distinguishing characteristics and are not isolated incidents.

e. "Unlawful debt" means a debt

(1) Which was incurred or contracted in gambling activity which was in violation of the law of the United States, a state or political subdivision thereof; or

(2) Which is unenforceable under state or federal law in whole or in part as to principal or interest because of the laws relating to usury.

f. "Documentary material" includes any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic or recording or video tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into useable form or other tangible item.

g. "Attorney General" includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor if a county prosecutor is expressly authorized in writing by the Attorney General to carry out the powers conferred on the Attorney General by this chapter.

h. "Trade or commerce" shall include all economic activity involving or relating to any commodity or service.

6. N.J.S.2C:41-3 is amended to read as follows:

Criminal penalties.

2C:41-3. Criminal penalties.

a. Any person who violates any provision of N.J.S.2C:41-2 in connection with a pattern of racketeering activity which involves a crime of violence, a crime of the first degree or the use of firearms shall be guilty of a crime of the first degree. All other violations of N.J.S.2C:41-2 shall be crimes of the second degree.

b. In addition, such persons shall forfeit to the entity funding the prosecuting agency involved the following:

(1) Any interest including money or anything of value he has acquired or maintained in violation of this chapter and

(2) Any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which he has established, acquired, maintained, operated, controlled, conducted, or participated in the conduct of, in violation of this chapter.

c. In any action brought by the Attorney General under this section, the Superior Court shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interests subject to forfeiture under this section, as it shall deem proper.

d. Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section, subject to the rights of innocent persons such as any prior lienholders or other valid lienholders, upon such other terms and conditions as the court shall deem proper. If a property right

or other interest is not exercisable or transferable for value by the Attorney General, it shall expire, and shall not revert to the convicted person.

e. The Attorney General shall dispose of all such property as soon as commercially feasible, making due provision for the rights of innocent persons.

f. When an offense charged may result in a criminal forfeiture, the indictment shall allege the extent of the interest or property subject to forfeiture. If the indictment alleges that an interest or property is subject to criminal forfeiture, a special verdict shall be returned as to the extent of the interest or property subject to forfeiture, if any.

7. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read as follows:

C.2C:46-4.1 Application of moneys collected; priority.

13. Moneys that are collected in satisfaction of any assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or in satisfaction of restitution or fines imposed in accordance with the provisions of Title 2C of the New Jersey Statutes or with the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the following order:

a. first, in satisfaction of all assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);

b. second, except as provided in subsection f. of this section, in satisfaction of any restitution ordered;

c. third, in satisfaction of all assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2);

d. fourth, in satisfaction of any forensic laboratory fee assessed pursuant to N.J.S.2C:35-20;

e. fifth, in satisfaction of any mandatory Drug Enforcement and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

f. sixth, in satisfaction of any anti-drug profiteering penalty imposed pursuant to section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1 et seq.);

g. seventh, in satisfaction of any anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2);

h. eighth, in satisfaction of restitution for any extradition costs imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4); and

i. ninth, in satisfaction of any fine.

C.2C:21-27.1 Criteria for imposition of anti-money laundering profiteering penalty.

8. Criteria for Imposition of Anti-Money Laundering Profiteering Penalty.

In addition to any other disposition authorized by this title, including but not limited to any fines which may be imposed pursuant to the provisions of

N.J.S.2C:43-3, where a person has been convicted of a crime defined in P.L.1994, c.121 (C.2C:21-23 et seq.) or an attempt or conspiracy to commit such a crime, the court shall, upon the application of the prosecutor, sentence the person to pay a monetary penalty in an amount determined pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2), provided the court finds at a hearing, which may occur at the time of sentencing, that the prosecutor has established by a preponderance of the evidence that the defendant was convicted of a violation of P.L.1994, c.121 (C.2C:21-23 et seq.).

C.2C:21-27.2 Calculation of anti-money laundering profiteering penalty.

9. Calculation of Anti-Money Laundering Profiteering Penalty.

Where, pursuant to section 8 of P.L.1999, c.25 (C.2C:21-27.1) the prosecutor has established by a preponderance of the evidence that the defendant was convicted of a violation of P.L.1994, c.121 (C.2C:21-23 et seq.), the court shall assess a monetary penalty as follows:

a. $500,000.00 in the case of a crime of the first degree; $250,000.00 in the case of a crime of the second degree; $75,000.00 in the case of a crime of the third degree; or

b. an amount equal to three times the value of any property involved in a money laundering activity in violation of P.L.1994, c.121 (C.2C:21-23 et seq.).

c. Where the prosecution requests that the court assess a penalty in an amount calculated pursuant to subsection b. of this section, the prosecutor shall have the burden of establishing by a preponderance of the evidence the appropriate amount of the penalty to be assessed pursuant to that subsection. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings and shall also consider the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit. The court's findings shall be incorporated in the record, and such findings shall not be subject to modification by an appellate court except upon a showing that the finding was totally lacking support in the record or was arbitrary and capricious.

C.2C:21-27.3 Revocation or reduction of penalty assessment.

10. Revocation or reduction of penalty assessment. The court shall not revoke or reduce a penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2). An anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) shall not be deemed a fine for purposes of N.J.S.2C:46-3.

C.2C:21-27.4 Payment schedule.

11. Payment Schedule.

The court may, for good cause shown, and subject to the provisions of this section, grant permission for the payment of an anti-money laundering profiteering penalty assessed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) to be made within a specified period of time or in specified installments, provided however that the payment schedule fixed by the court shall require the defendant to pay the anti-money laundering profiteering penalty in the shortest period of time consistent with the nature and extent of his assets and his ability to pay, and further provided that the prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution. In such event, the court may only grant permission for the payment to be made within a specified period of time or installments with respect to that portion of the assessed penalty which would not be satisfied by the liquidation of property which is or may be subject to levy and execution, unless the court finds that the immediate liquidation of such property would result in undue hardship to innocent persons. If no permission to make payment within a specified period of time or in installments is embodied in the sentence, the entire penalty shall be payable forthwith.

C.2C:21-27.5 Relation to other dispositions.

12. Relation to Other Dispositions.

a. An anti-money laundering profiteering penalty assessed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) shall be imposed and paid in addition to any penalty, fine, fee or order for restitution which may be imposed.

b. An anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) shall be in addition to and not in lieu of any forfeiture or other cause of action instituted pursuant to chapter 41 or 64 of Title 2C of the New Jersey Statutes, and nothing in this chapter shall be construed in any way to preclude, preempt or limit any such cause of action. A defendant shall not be entitled to receive credit toward the payment of an anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) for the value of property forfeited, or subject to forfeiture, pursuant to the provisions of chapter 41 or 64 of Title 2C of the New Jersey Statutes.

C.2C:21-27.6 Collection and distribution.

13. Collection and Distribution.

All anti-money laundering profiteering penalties assessed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) shall be docketed and collected as provided for the collection of fines, penalties, fees and restitution in chapter 46 of Title 2C of the New Jersey Statutes. The Attorney General or prosecutor may prosecute an action to collect any anti-money laundering

profiteering penalties imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2). All anti-money laundering profiteering penalties assessed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2) shall be disposed of, distributed, appropriated and used as if the collected penalties were the proceeds of property forfeited pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

14. This act shall take effect immediately.

Approved February 16, 1999.

CHAPTER 26

AN ACT concerning continuing education requirements for shorthand reporters and supplementing P.L.1940, c.175 (C.45:15B-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:15B-3.1 Continuing education requirements for shorthand reporters.

1. The State Board of Shorthand Reporting shall require each shorthand reporter certified pursuant to section 3 of P.L.1940, c.175 (C.45:15B-3) to complete any continuing education requirements imposed by the board pursuant to section 2 of this act.

C.45:15B-3.2 Responsibilities of board.

2. a. The board shall:

(1) establish standards for continuing shorthand reporting education, including the subject matter and content of courses of study, the selection of instructors, and the number and type of continuing education credits required of a certified shorthand reporter as a condition for biennial license renewal;

(2) approve educational programs offering continuing education credits; and

(3) approve other equivalent educational programs and establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

b. In the case of shorthand reporting education courses and programs, each hour of instruction shall be equivalent to one credit.

C.45:15B-3.3 Grounds for waiving requirements.

3. The board may, in its discretion, waive requirements for continuing education on an individual basis for reasons of hardship such as illness or disability, retirement of the license, or other good cause.

4. This act shall take effect on the 90th day after the date of enactment, but the State Board of Shorthand Reporting shall immediately promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of this act.

Approved February 24, 1999.

CHAPTER 27

AN ACT concerning planning board powers in certain municipalities and amending P.L.1975, c.291.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 16 of P.L.1975, c.291 (C.40:55D-25) is amended to read as follows.

C.40:55D-25 Powers of planning board.

16. a. The planning board shall follow the provisions of this act and shall accordingly exercise its power in regard to:

(1) The master plan pursuant to article 3;

(2) Subdivision control and site plan review pursuant to article 6;

(3) The official map pursuant to article 5;

(4) The zoning ordinance including conditional uses pursuant to article 8;

(5) The capital improvement program pursuant to article 4;

(6) Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to article 7.

b. The planning board may:

(1) Participate in the preparation and review of programs or plans required by State or federal law or regulation;

(2) Assemble data on a continuing basis as part of a continuous planning process; and

(3) Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

c. (1) In a municipality having a population of 15,000 or less, a nine-member planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

(2) In any municipality, a nine-member planning board, if so provided by ordinance, subject to voter referendum, shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

d. In a municipality having a population of 2,500 or less, the planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all of the powers of an historic preservation commission, provided that at least one planning board member meets the qualifications of a Class A member of an historic preservation commission and at least one member meets the qualifications of a Class B member of that commission.

e. In any municipality in which the planning board exercises the power of a zoning board of adjustment pursuant to subsection c. of this section, a zoning board of adjustment may be appointed pursuant to law, subject to voter referendum permitting reconstitution of the board. The public question shall be initiated through an ordinance adopted by the governing body.

2. This act shall take effect immediately.

Approved February 24, 1999.

CHAPTER 28

AN ACT concerning 10 year driver's licenses, amending various parts of the statutory law, supplementing chapter 3 of Title 39 of the Revised Statutes, and repealing various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1987, c.20 (C.39:3-9a) is amended to read as follows:

C.39:3-9a Legal name of licensee; endorsement.

2. Each driver's license issued pursuant to R.S.39:3-10 shall have the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be recorded on the driver's

license. A person who has been issued a driver's license pursuant to R.S.39:3-10 whose name is changed due to marriage, divorce or by order of court shall notify the director of the change in name within two weeks after the change is made.

A person who fails to notify the Director of the Division of Motor Vehicles of a change in name as required in this section shall be subject to a fine. A person who is fined under this section for a violation of this section shall not be subject to a surcharge under the New Jersey Merit Rating Plan as provided in section 6 of P.L.1983, c.65 (C.17:29A-35).

For the purposes of this section, a digitized signature image shall constitute a licensee's signature in his own handwriting. A digitized signature image is an electronic representation of a person's written signature.

2. R.S.39:3-10 is amended to read as follows:

Licensing of drivers; classifications.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless in possession of a validated permit, or a provisional or basic driver's license issued to him in accordance with this article.

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until he has passed a satisfactory examination and other requirements as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road. A road test shall be required for a provisional license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The director shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

The director shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the

requirements of this title for not less than one year, not including any period of suspension or postponement, either from the date of issuance of an examination permit pursuant to R.S.39:3-13 or a provisional license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points and has not been convicted in the previous year for a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related violation the director determines to be significant and applicable pursuant to regulation; and (3) passed an examination of his ability to operate a motor vehicle pursuant to this section.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health and Senior Services concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health and Senior Services supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the director that are of particular relevance to youthful drivers, after consultation with the Director of the Office of Highway Traffic Safety.

The director shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state or jurisdiction upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the director, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering;

b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.;

c. (Deleted by amendment, P.L.1999, c.28).

d. All motor vehicles not included in classifications a.and b. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or a person authorized by him has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, issue a license to the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 120th calendar month following the calendar month in which such license was issued.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for licenses with expiration dates fixed by the director shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 120-month period shall be as follows:

Motorcycle license or endorsement	$35
Omnibus or school bus endorsement	$35
Basic driver's license	$35

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made in a manner prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a permit or license, but no defect of the applicant shall debar him from receiving a permit or license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

A person violating this section shall be subject to a fine not exceeding $500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than $200 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

3. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read as follows:

C.39:3-10f Initial license, renewal, color picture of licensee required; exceptions.

1. In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10, on and after January 1, 2000, each initial New Jersey license and each renewal of a New Jersey driver's license shall have a color picture of the licensee except that a person born before January 1, 1939 or a handicapped person may elect to have a license issued that does not bear a color picture of the licensee. All licenses issued on and after January 1, 2000 shall be valid for a period of 120 calendar months. However, the director may, at his discretion, issue licenses and endorsements which shall expire on a date fixed by him. The fee for such licenses or

endorsements shall be fixed in amounts proportionately less or greater than the fee otherwise established. Notwithstanding the provisions of this section to the contrary, a person 62 years of age or older or a handicapped person may elect to have a license issued for a period of five or 10 years, which election may not be altered by the director. The fee for the five-year license shall be proportionately less than the fee otherwise established.

Each initial motor vehicle license issued to a person under the age of 21 after the effective date of P.L.1999, c.28 shall be conspicuously distinct, through the use of color, from the driver's licenses issued to persons 21 years of age or older. The director, in consultation with the Superintendent of State Police, shall determine the color and the manner in which that color shall be used to achieve this result. The license shall also bear the words 'UNDER 21" in a conspicuous manner. The director shall provide that upon attaining the age of 21, a licensee shall be issued a replacement driver's license.

As conditions for the renewal of a driver's license, the director shall provide that the picture of a licensee be updated except that in the case of a person born before January 1, 1939 or a handicapped person, the licensee may elect to have a license issued that does not bear a color picture of the licensee.

Whenever a person has reconstructive or cosmetic surgery which significantly alters the person's facial features, the person shall notify the division and the director may require the picture of the licensee to be updated.

Nothing in this section shall be construed to alter or change any expiration date on any New Jersey driver's license issued prior to January 1, 2000 and, unless a licensee's driving privileges are otherwise suspended or revoked; that license shall remain valid until that expiration date.

Specific use of the driver's license and any information stored or encoded, electronically or otherwise, in relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal Driver's Privacy Protection Act of 1994, Pub. L.103-322.

To replace a photo-license issued prior to the effective date of this act for a licensee who is temporarily out of this State, the director may issue a "valid without picture" picture license for the unexpired term of the license.

As used in this section, a "handicapped person" means any individual who has been issued a handicapped person identification card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205).

4. Section 3 of P.L.1979, c.261 (C.39:3-10h) is amended to read as follows:

C.39:3-10h Process to prevent forgery, alteration.

3. The director shall provide for the use of a process or processes in the issuance of licenses with color pictures that prevent, to the extent possible,

the alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license and prevent the superimposition of a color picture other than the authorized original on such license. The director shall provide that material used for, and the manufacturing process of, the license shall prevent, to the greatest extent possible, any alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license. In addition, the director may provide that the license include features to ensure the security and integrity of the license. Any information encoded in a bar code or magnetic stripe on the license shall be limited to the following: name, address, municipality of residence, state, zip code of residence, date of birth, under 21 until xx/xx/xx (date of licensee's 21st birthday), gender, color of eyes, height, driver's license number, date of issuance, expiration date, document type, class, endorsements and restrictions, organ donor status, identification of issuer, license fee, transaction number, and the licensee's digitized signature. Any information encoded in a bar code or magnetic stripe on the license shall be displayed on the driver's license, which may be done in abbreviated form.

5. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended to read as follows:

C.39:3-10.30 Fees; duration of license.

22. Notwithstanding the provisions of R.S.39:3-14 or any other sections of law which permit or require the issuance of a driver's license without charge, the required fee for a commercial driver license examination or learner's permit shall be $35. A permit issued before April 1, 1992 shall be valid for a period of two years from the date of issuance, unless another time period is established for such permits in federal regulations promulgated by the Secretary of the United States Department of Transportation. The permit holder shall have unlimited testing opportunities consistent with the scheduling obligations of the Division of Motor Vehicles and the need to provide testing opportunities to all persons affected by this act. For an examination or learner's permit issued on or after April 1, 1992, the director may limit the permit's validity to a specific length of time or number of testing opportunities.

After the issuance of a commercial driver license, the examination or learner's permit fee for an additional endorsement or license class shall be $10 per endorsement or class.

In addition to fees for a basic driver license and any non-commercial endorsement and renewals thereof, the required fee for a 120-month licensing period shall be $35 for each commercial driver license and renewal thereof and $10 for each endorsement and renewal thereof.

The commercial driver license shall expire on the last day of the 120th calendar month following the calendar month in which the license was issued. However, the director may, at his discretion, issue licenses and endorsements which shall expire on a date fixed by him. The fee for such licenses or endorsements shall be fixed in amounts proportionately less or greater than the fee otherwise established.

Nothing in this section shall be construed to alter or change any expiration date on any New Jersey commercial driver license issued prior to January 1, 2000 and, unless a licensee's driving privileges are otherwise suspended or revoked, the license shall remain valid until its expiration date.

6. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read as follows:

C.39:3-12.2 License to include designation as organ donor.

1. a. The Director of the Division of Motor Vehicles shall provide with every new license, renewal license, identification card or renewal identification card the opportunity for each person pursuant to the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-65 et seq.), to designate that the person shall donate all or any body organs or parts for the purposes of transplantation, therapy, medical research or education upon his death.

b. The designation indicating that a person is a donor pursuant to subsection a. of this section shall be done in accordance with procedures prescribed by the director. The designation shall be displayed in print in a conspicuous form and manner on the license or identification card, and electronically, by substantially the following statement: "ORGAN DONOR" and shall constitute sufficient legal authority for the removal of a body organ or part upon the death of the licensee or identification cardholder. The designation shall be removed in accordance with procedures prescribed by the director.

c. (Deleted by amendment, P.L.1999, c.28).

d. For the purposes of this section, license shall not include any temporary license or learner's permit.

7. Section 3 of P.L.1980, c.47 (C.39:3-29.4) is amended to read as follows:

C.39:3-29.4 Identification card to bear color picture.

3. Every identification card authorized by section 2 of this act shall bear a color picture of the person to whom it is issued and shall be issued upon the standard license form prescribed by the Division of Motor Vehicles for color picture drivers' licenses, except that the card shall prominently contain the words "For Identification Only."

8. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as follows:

C.39:3-29.5 Expiration of card; renewal; cards for blind, handicapped valid for life.

4. Each original identification card authorized by section 2 of this act shall, unless canceled earlier, be valid for 120 calendar months from its date of issuance, and shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the Division of Motor Vehicles, and upon payment of a fee as required by section 6 of this act. An identification card issued pursuant to this act to an applicant who is blind, disabled, or handicapped shall be valid for the life of the holder unless canceled by the holder. Cards issued prior to October 16, 1989 and valid upon the effective date of this amendatory act shall be valid for the life of the holder unless canceled by the holder. Cards issued to blind, disabled or handicapped persons between October 16, 1989 and the effective date of this amendatory act, and which are valid on the effective date of this act, shall be made valid for the life of the holder unless canceled by the holder, upon presentation of proof that the blindness, disability, or handicap existed at the time of the original application. The director is authorized to require periodic verification of information included on any identification card issued for or valid for the life of the holder. Nothing in this section shall be construed to alter or change any expiration date on any New Jersey identification card issued prior to January 1, 2000 and any such identification card shall remain valid until its expiration date.

9. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as follows:

C.39:3-29.7 Fees.

6. The Division of Motor Vehicles shall charge fees as follows:

Identification Card, Original	$35
Identification Card, Duplicate (Due to loss, stolen or destroyed card)	$5 with stored color picture $10 with new color picture
Identification Card, Renewal	$35

10. R.S.39:3-31 is amended to read as follows:

Duplicate certificates; licenses; new pictures; fees.

39:3-31. The director, upon presentation of a statement duly sworn to, stating that the original registration certificate or original motorized bicycle registration certificate has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true,

issue a duplicate or amended registration certificate or motorized bicycle registration certificate to the original holder thereof, upon the payment to the director of a fee of $5 for each duplicate or amended registration certificate or motorized bicycle registration certificate so issued. The director, upon presentation of a statement, duly sworn to, stating that the original driver's license has been destroyed, lost or stolen, or requesting a new color picture, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate driver's license to the original holder thereof, upon payment to the director of a fee of $5 if the color picture used is a stored color picture or $10 if the color picture used is a new color picture for each duplicate driver's license so issued.

11. R.S.39:3-36 is amended to read as follows:

Notification of change of residence, fee for picture.

39:3-36. The registered owner of a motor vehicle or a motorized bicycle and a licensed operator shall notify the director of a change in his residence within one week after the change is made. Notice shall be in such form and shall contain such information as the director may require. A person who violates this section shall be subject to a penalty of not more than $10. Upon notification, and payment of a fee of $5 if it involves a stored color picture or $10 if it involves a new color picture, the director shall provide the registered owner or licensed operator either with a new license or change the license currently held by that owner or operator pursuant to terms established by the Division of Motor Vehicles.

12. Section 1 of P.L.1941, c.343 (C.39:3-86) is amended to read as follows:

C.39:3-86 Penalty when no specific penalty provided.

1. For a violation of a provision of chapter three of Title 39 of the Revised Statutes for which no specific penalty is provided, the offender shall be liable to a penalty of not less than $25 or more than $500 or imprisonment for a term of not exceeding fifteen days or both.

13. Section 4 of P.L.1995, c.401 (C.12:7-73) is amended to read as follows:

C.12:7-73 Fee for power vessel operator's license.

4. a. The fee for a 120-month power vessel operator's license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall be $35 and shall be paid to the director for deposit into the State General Fund.

b. Each New Jersey power vessel operator's license issued pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a color picture of the licensee.

14. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read as follows:

C.2C:21-2.1 Offenses involving false government documents, degree of crime.

1. a. A person who knowingly sells, offers or exposes for sale, or otherwise transfers, or possesses with the intent to sell, offer or expose for sale, or otherwise transfer, a document, printed form or other writing which falsely purports to be a driver's license or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age is guilty of a crime of the third degree.

b. A person who knowingly makes, or possesses devices or materials to make, a document or other writing which falsely purports to be a driver's license or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age is guilty of a crime of the third degree.

c. A person who knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age is guilty of a crime of the fourth degree.

d. A person who knowingly possesses a document or other writing which falsely purports to be a driver's license or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age is guilty of a disorderly persons offense.

e. In addition to any other disposition authorized by this Title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that may be ordered for an adjudication of delinquency, and, notwithstanding the provisions of subsection c. of N.J.S.2C:43-2, every person convicted of or adjudicated delinquent for a violation of any offense defined in this section shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed. In the case of any person who at the time of the imposition of the sentence is less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than

two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this Title, the revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension or postponement.

The court before whom any person is convicted of or adjudicated delinquent for a violation of any offense defined in this section shall collect forthwith the New Jersey driver's license or licenses of that person and forward the license or licenses to the Director of the Division of Motor Vehicles along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the director. The report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license, but shall notify forthwith the director who shall notify the appropriate officials in that licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privileges in this State.

In addition to any other condition imposed, a court, in its discretion, may suspend, revoke or postpone the driving privileges of a person admitted to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

C.39:3-10f1 Construction of act concerning local law enforcement costs.

15. Nothing in this act shall be construed as requiring any county or municipal law enforcement agency to acquire or use any electronic reader or other device in order to verify the authenticity of a driver's license issued

pursuant to the provisions of this act, unless the cost of acquiring and using such devices is paid for by the State of New Jersey.

C.39:3-10f2 Release, disclosure of licensee's picture prohibited; exceptions.

16. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary, a licensee's picture shall not be released or otherwise disclosed by the director, except, subject to the approval of the director, for use by a governmental agency, including any court or law enforcement agency in carrying out its functions, or, subject to the approval of the director, for use by any private person or entity acting on behalf of a federal, State or local agency in carrying out its functions.

C.39:3-10f3 Rules, regulations.

17. The Director of the Division of Motor Vehicles, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and regulations to effectuate the purposes of this act.

Repealer.

18. R.S.39:3-39, section 2 of P.L.1979, c.261 (C.39:3-10g) and section 1 of P.L.1964, c.172 (C.39:3-38.1) and section 2 of P.L.1975, c.268 (C.39:3-38.2) are repealed.

19. This act shall take effect January 1, 2000, but the Division of Motor Vehicles in the Department of Transportation may take such anticipatory administrative and regulatory action in advance as shall be necessary to implement the provisions of this act; provided, however, that section 14 of this act shall take effect immediately and, further provided, that for good cause, the Director of the Division of Motor Vehicles may on January 1, 2000 delay implementation of the provisions of this act, other that those set forth in section 14, for a period not to extend beyond January 1, 2001.

Approved February 25, 1999.

CHAPTER 29

AN ACT concerning truck dimensions and amending R.S.39:3-84.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.39:3-84 is amended to read as follows:

Vehicles; dimensional, weight limitations.

39:3-84. a. The following constitute the maximum dimensional limits for width, height and length for any vehicle or combination of vehicles, including load or contents or any part or portion thereof, found or operated on any public road, street or highway or any public or quasi-public property in this State. Violations shall be enforced pursuant to subsection i. of section 5 of P.L.1950, c.142 (C.39:3-84.3).

The dimensional limitations set forth in this subsection are exclusive of safety and energy conservation devices necessary for safe and efficient operation of a vehicle or combination of vehicles, including load or contents, except that no device excluded herein shall have by its design or use the capability to carry, transport or otherwise be utilized for cargo.

Any rules and regulations authorized to be promulgated pursuant to this subsection shall be consistent with any rules and regulations promulgated by the Secretary of Transportation of the United States of America, and shall be in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). In addition to the other requirements of this subsection and notwithstanding any other provision of this Title, no vehicle or combination of vehicles, including load or contents or any part or portion thereof, except as otherwise provided by this subsection shall be operated in this State, unless by special permit authorized by subsection d. of this section with a dimension, the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving federal highway funds.

As used herein and pursuant to R.S.39:1-1, the term "vehicle" includes, but is not limited to, commercial motor vehicles, trucks, truck tractors, tractors, road tractors, recreation vehicles, or omnibuses. As used herein and pursuant to R.S.39:1-1, the term "combination of vehicles" includes, but is not limited to, vehicles as heretofore designated, when those vehicles are the drawing or power unit of a combination of vehicles and motor-drawn vehicles, such as, but not limited to, trailers, semi-trailers, or other vehicles. As used herein, the term "recycling vehicle" means a commercial motor vehicle used for the collection or transportation of recyclable material; or any truck, trailer or other vehicle approved by the New Jersey Office of Recycling for use by persons engaging in the business of recycling or otherwise providing recycling services in this State; and "recyclable material" means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

(1) The maximum outside width of any vehicle or combination of vehicles, including load or contents of any part or portion thereof, except as

otherwise provided by this subsection, shall be no more than 102 inches; except that the Commissioner of Transportation, after consultation with the Director of the Division of Motor Vehicles and the Superintendent of State Police, may promulgate rules and regulations for those public roads, streets or highways or public or quasi-public property in this State, where it is determined that the interests of public safety and welfare require the maximum outside width be no more than 96 inches.

(2) The maximum height of any vehicle or combination of vehicles, including load or contents of any part or portion thereof, except as otherwise provided by this subsection, shall not exceed 13 feet, 6 inches.

(3) The maximum overall length of any vehicle, as set forth in this subsection, including load or contents or any part or portion thereof, except as otherwise provided by this subsection, shall not exceed 40 feet, except that the overall length of a vehicle, including load or contents or any part or portion thereof, otherwise subject to the provisions of this paragraph shall not exceed 50 feet when transporting poles, pilings, structural units or other articles which cannot be dismembered, dismantled or divided. When a vehicle, subject to this paragraph, is the drawing or power unit of a combination of vehicles, as set forth in this subsection, the overall length of the combination of vehicles, including load or contents or any part or portion thereof, shall not exceed 62 feet. The provisions of this paragraph shall not apply to omnibuses or to vehicles which are not designed, built or otherwise capable of carrying cargo or loads.

(4) The maximum overall length of a motor-drawn vehicle, as set forth in this subsection, including load or contents or any part or portion thereof, except as otherwise provided by this subsection, shall not exceed 53 feet when operated as part of a combination of vehicles consisting of one motor-drawn vehicle and a drawing or power unit vehicle not designed, built or otherwise capable of carrying cargo or loads, except that a motor-drawn vehicle, the overall length of which is greater than 48 feet and not more than 53 feet, shall be constructed so that the distance between the kingpin of the motor-drawn vehicle and the centerline of its rear axle or rear axle group does not exceed 41 feet; the motor-drawn vehicle shall be equipped with a rear-end protection device of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the motor-drawn vehicle and located not more than 22 inches from the surface as measured with the vehicle empty and on a level surface; the kingpin of the trailer shall not be set back further than 3.5 feet from the front of the semitrailer; the rear overhang, measured from the center of the rear tandem axles to the rear of the semitrailer shall not exceed 35% of the semitrailer's wheelbase; the width of the semitrailer and the distance between the outside edges of the trailer tires shall be 102 inches;

and the vehicle shall be equipped with such reflectorization, including but not limited to side-marker reflectorization strips located between the rear axle and the rear of the motor-drawn vehicle, as shall be prescribed by the Division of Motor Vehicles, and as is consistent with any applicable federal standards concerning reflectorization. The overall length of a motor-drawn vehicle otherwise subject to the provisions of this paragraph shall not exceed 63 feet when transporting poles, pilings, structural units or other articles that cannot be dismembered, dismantled or divided. The provisions of this paragraph shall not apply to any vehicle or combination of vehicles designed, built and utilized solely to transport other motor vehicles. The Commissioner of Transportation, after consultation with the Director of the Division of Motor Vehicles and the Superintendent of State Police, shall promulgate rules and regulations specifying those portions or parts of the National System of Interstate and Defense Highways, Federal-aid Primary System Highways and public roads, streets, highways, toll roads, freeways or parkways in this State where the combination of vehicles as described in this paragraph may lawfully operate. The commissioner shall promulgate rules and regulations within 120 days after the effective date of this amendatory act to identify a network of roads with reasonable access for motor-drawn vehicles greater than 48 feet in length but not more than 53 feet in length. The commissioner shall, in establishing this network, consider all portions of the network for 48 foot long and 102 inch wide motor-drawn vehicles and specify those routes or portions thereof where motor-drawn vehicles greater than 48 feet in length but not more than 53 feet in length shall be excluded from lawful operation for reasons of safety.

(5) No combination of vehicles, including load or contents, consisting of more than two motor-drawn vehicles, as set forth in this subsection, and any other vehicle, shall be found or operated on any public road, street or highway or any public or quasi-public property in this State.

(6) The maximum overall length of a motor-drawn vehicle, as set forth in this section, including load or contents or any part or portion thereof, except as otherwise provided by this subsection, when operated as part of a combination of vehicles consisting of two motor-drawn vehicles and a drawing or power unit vehicle which is not designed, built or otherwise capable of carrying cargo or loads, shall not exceed 28 feet for each motor-drawn vehicle in the combination of vehicles. The provision of this paragraph shall not apply to any vehicle or combination of vehicles designed, built and utilized solely to transport other motor vehicles. The Commissioner of Transportation, after consultation with the Director of the Division of Motor Vehicles and the Superintendent of State Police, shall promulgate rules and regulations specifying those portions or parts of the National System of Interstate and Defense Highways, Federal-aid Primary

System Highways and public roads, streets, highways, toll roads, freeways or parkways in this State where combinations of vehicles as described in this paragraph may lawfully operate.

(7) The maximum length and outside width of an omnibus found or operated in this State shall be established by rules and regulations promulgated by the Commissioner of Transportation, after consultation with the Director of the Division of Motor Vehicles and the Superintendent of State Police. Unless otherwise specified in the aforesaid rules and regulations, the maximum outside width shall be 102 inches; any other dimension established for width in the aforesaid rules and regulations shall be based upon a determination that operation of an omnibus with a width of less than 102 inches, but no less than 96 inches is required in the interest of public safety on those public roads, streets, highways, toll roads, freeways, parkways or the National System of Interstate and Defense Highways in this State specified in the aforesaid rules and regulations, or that operation of an omnibus with a width greater than 102 inches is not unsafe on those public roads, streets, highways, toll roads, freeways, parkways or the National System of Interstate and Defense Highways in this State specified in the aforesaid rules and regulations.

(8) The maximum width and length of farm tractors and traction equipment and farm machinery and implements shall be established by rules and regulations promulgated by the Director of the Division of Motor Vehicles. The operation of the aforesaid vehicles shall be subject to the provisions of R.S.39:3-24 and they shall not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law.

(9) The maximum outside width of the cargo or load of a vehicle or combination of vehicles, including farm trucks, loaded with hay or straw shall not exceed 105 1/2 inches, but the maximum outside width of the vehicle or combination of vehicles, including farm trucks, shall otherwise comply with the provisions of paragraph (1) of this subsection. The Commissioner of Transportation, after consultation with the Director of the Division of Motor Vehicles and the Superintendent of State Police, may promulgate rules and regulations establishing a maximum outside width of 102 inches for the aforesaid cargo or load when operating on those highways where a greater width is prohibited by operation of law.

(10) Notwithstanding the provisions of paragraphs (4) and (6) of this subsection pertaining to length, the Director of the Division of Motor Vehicles may adopt rules and regulations specifying maximum length dimensions for any vehicle or combination of vehicles designed, built and utilized solely to transport other motor vehicles.

(11) The provisions of this subsection pertaining to length shall not apply to a vehicle or combination of vehicles or special mobile equipment operated by a public utility, as defined in R.S.48:2-13, when that vehicle or combination of vehicles or special mobile equipment is used by the public utility in the construction, reconstruction, repair or maintenance of its property or facilities.

(12) The provisions of this subsection pertaining to width shall not apply to a recycling vehicle when that vehicle is used for the collection of recyclable material on a street or highway other than a highway which is designated part of the National System of Interstate and Defense Highways in this State or as a freeway or parkway as provided by law. The maximum outside width of any recycling vehicle so used, including load or contents of any part or portion thereof, shall be no more than 96 inches, except that the width may be up to 105 inches whenever that vehicle is operating at 15 miles per hour or less, and access steps are deployed and recyclable materials are actually being collected.

b. No vehicle or combination of vehicles, including load or contents, found or operated on any public road, street or highway or any public or quasi-public property in this State shall exceed the weight limitations set forth in this Title. Violations shall be enforced pursuant to subsection j. of section 5 of P.L.1950, c.142 (C.39:3-84.3).

Where enforcement of a weight limit provision of this Title requires a measurement of length between axle centers, the distance between axle centers shall be measured to the nearest whole foot or whole inch, whichever is applicable, and when the measurement includes a fractional part of a foot equaling six inches or more or a fractional part of an inch equaling one-half inch or more, the next larger whole foot or whole inch, whichever is applicable, shall be utilized. The term "tandem axle" as used in this act is defined as a combination of consecutive axles, consisting of only two axles, where the distance between axle centers is 40 inches or more but no more than 96 inches.

In addition to the other requirements of this section and notwithstanding any other provision of this Title, no vehicle or combination of vehicles, including load or contents, shall be operated in this State, unless by special permit authorized by this Title, with a gross weight, single or multiple axle weight, or gross weight of two or more consecutive axles, the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving federal highway funds.

(1) The gross weight imposed on the highway or other surface by the wheels of any one axle of a vehicle or combination of vehicles, including load or contents, shall not exceed 22,400 pounds.

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For the purpose of this Title the combined gross weight imposed on the highway or other surface by all the wheels of any one axle of a vehicle or combination of vehicles, including load or contents, shall be deemed to mean the total gross weight of all wheels whose axle centers are spaced less than 40 inches apart.

(2) The gross weight imposed on the highway or other surface by all the wheels of all consecutive axles of a vehicle or combination of vehicles, including load or contents, shall not exceed 34,000 pounds where the distance between consecutive axle centers is 40 inches or more, but no more than 96 inches apart.

(3) The combined gross weight imposed on the highway or other surface by all the wheels of consecutive axles of a vehicle or combination of vehicles, including load or contents, shall not exceed 22,400 pounds for each single axle where the distance between consecutive axle centers is more than 96 inches; except that on any highway in this State which is part of, or designated as part of, the National Interstate System, as provided at 23 U.S.C.s.103(e), this single axle limitation shall not apply and in those instances the provisions of this Title as set forth at R.S.39:3-84b.(5) shall apply.

(4) The maximum total gross weight imposed on the highway or other surface by a vehicle or combination of vehicles, including load or contents, shall not exceed 80,000 pounds.

(5) On any highway in this State which is part of, or designated as part of, the National Interstate System, as provided at 23 U.S.C.s.103(e), the total gross weight, in pounds, imposed on the highway or other surface by any group of two or more consecutive axles of a vehicle or combination of vehicles, including load or contents, shall not exceed that listed in the following Table of Maximum Gross Weights, for the respective distance, in feet, between the axle centers of the first and last axles of the group of two or more consecutive axles under consideration; except that in addition to the weights specified in that Table, two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more. The gross weight of each set of tandem axles shall not exceed 34,000 pounds and the combined gross weight of the two consecutive sets of tandem axles shall not exceed 68,000 pounds.

In all cases the combined gross weight for a vehicle or combination of vehicles, including load or contents, or the maximum gross weight for any axle or combination of axles of the vehicle or combination of vehicles, including load or contents, shall not exceed that which is permitted pursuant to this paragraph or R.S.39:3-84b.(2); R.S.39:3-84b.(3); or R.S.39:3-84b.(4) of this act, whichever is the lesser allowable gross weight.

TABLE OF MAXIMUM GROSS WEIGHTS

Distance in feet between axle centers of first and last axles of any group of two or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
3	22400	22400	22400	22400	22400	22400
4	34000	34000	34000	34000	34000	34000
5	34000	34000	34000	34000	34000	34000
6	34000	34000	34000	34000	34000	34000
7	34000	34000	34000	34000	34000	34000
8	34000	34000	34000	34000	34000	34000
9	39000	42500	42500	42500	42500	42500
10	40000	43500	43500	43500	43500	43500
11	41000	44000	44000	44000	44000	44000
12	42000	45000	50000	50000	50000	50000
13	43000	45500	50500	50500	50500	50500
14	44000	46500	51500	51500	51500	51500
15	44800	47000	52000	52000	52000	52000
16	44800	48000	52500	58000	58000	58000
17	44800	48500	53500	58500	58500	58500
18	44800	49500	54000	59000	59000	59000
19	44800	50000	54500	60000	60000	60000
20	44800	51000	55500	60500	66000	66000
21	44800	51500	56000	61000	66500	66500
22	44800	52500	56500	61500	67000	67000
23	44800	53000	57500	62500	68000	68000
24	44800	54000	58000	63000	68500	74000
25	44800	54500	58500	63500	69000	74500
26	44800	55500	59500	64000	69500	75000
27	44800	56000	60000	65000	70000	75500
28	44800	57000	60500	65500	71000	76500
29	44800	57500	61500	66000	71500	77000
30	44800	58500	62000	66500	72000	77500
31	44800	59000	62500	67500	72500	78000
32	44800	60000	63500	68000	73000	78500
33	44800	60500	64000	68500	74000	79000
34	44800	61500	64500	69000	74500	80000
35	44800	62000	65500	70000	75000	80000
36	44800	63000	66000	70500	75500	80000
37	44800	63500	66500	71000	76000	80000
38	44800	64500	67500	71500	77000	80000
39	44800	65000	68000	72500	77500	80000
40	44800	66000	68500	73000	78000	80000
41	44800	66500	69500	73500	78500	80000
42	44800	67200	70000	74000	79000	80000
43	44800	67200	70500	75000	80000	80000
44	44800	67200	71500	75500	80000	80000
45	44800	67200	72000	76000	80000	80000

46	44800	67200	72500	76500	80000	80000
47	44800	67200	73500	77500	80000	80000
48	44800	67200	74000	78000	80000	80000
49	44800	67200	74500	78500	80000	80000
50	44800	67200	75500	79000	80000	80000
51	44800	67200	76000	80000	80000	80000
52	44800	67200	76500	80000	80000	80000
53	44800	67200	77500	80000	80000	80000
54	44800	67200	78000	80000	80000	80000
55	44800	67200	78500	80000	80000	80000
56	44800	67200	79500	80000	80000	80000
57	44800	67200	80000	80000	80000	80000
58	44800	67200	80000	80000	80000	80000
59	44800	67200	80000	80000	80000	80000
60	44800	67200	80000	80000	80000	80000
61	44800	67200	80000	80000	80000	80000
62	44800	67200	80000	80000	80000	80000
63	44800	67200	80000	80000	80000	80000
64	44800	67200	80000	80000	80000	80000
65	44800	67200	80000	80000	80000	80000
66	44800	67200	80000	80000	80000	80000
67	44800	67200	80000	80000	80000	80000
68	44800	67200	80000	80000	80000	80000
69	44800	67200	80000	80000	80000	80000
70	44800	67200	80000	80000	80000	80000

c. The dimensional and weight restrictions set forth herein shall not apply to a combination of vehicles which includes a disabled vehicle or a combination of vehicles being removed from a highway in this State, provided that such oversize or overweight vehicle combination may not travel on the public highways more than five miles from the point where such disablement occurred. If the disablement occurred on a limited access highway, the distance to the nearest exit of such highway shall be added to the five-mile limitation.

d. The Director of the Division of Motor Vehicles may promulgate rules and regulations, including the establishment of fees, for the issuance, at his discretion and if good cause appears, of a special written permit authorizing the applicant:

(1) To operate or move a vehicle or combination of vehicles or special mobile equipment, transporting one piece loads that cannot be dismembered, dismantled or divided in order to comply with the weight limitations set forth in this act. The special written permit issued by the director shall be in the possession of the driver or operator of the vehicle or combination of vehicles or special mobile equipment for which said permit was issued; and

(2) To operate or move a vehicle or combination of vehicles or specialized mobile equipment, transporting a load or cargo that cannot be dismembered, dismantled or divided in order to comply with the dimensional limitations set forth in this act. The special written permit shall be in

the possession of the driver or operator of the vehicle or combination of vehicles or special mobile equipment for which the permit was issued; and

(3) Under emergency conditions, to operate or move a type of vehicle or combination of vehicles or special mobile equipment of a size or weight, including load or contents, which exceeds the maximum size or weight limitations specified in this act.

2. This act shall take effect immediately.

Approved February 26, 1999.

CHAPTER 30

AN ACT concerning the lease of park lands and concessions by county park commissions and amending P.L.1946, c.276.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 13 of P.L.1946, c.276 (C.40:37-95.13) is amended to read as follows:

C.40:37-95.13 Powers of commission.

13. The commission may:

a. Acquire, maintain and make available to the inhabitants of the county, public parks, playgrounds and recreation places;

b. Locate such public parks, playgrounds and recreation places at such point or points within the limits of the county as it may determine;

c. Preserve, care for, lay out, construct, maintain, and improve any such parks and places and by itself, or jointly with the State Highway Commission, board of chosen freeholders, or any municipality or other public body, provide for the construction, improvement or maintenance of any roadway or boulevard, within such park or parks or other places;

d. Lay out, construct and maintain such sidewalks, roadways, service ways, bridle paths, footpaths, or other ways within any such park or parks or other places;

e. Construct, reconstruct, alter, provide, renew and maintain such buildings or other structures, playgrounds and the equipment thereof, as it may determine;

f. Enter into contracts with any person, or municipality or other public body, with respect to the laying out, construction or maintenance thereof;

g. Engage, or contract for, the services of competent engineers or engineering firms, and do all other acts and things as may in the judgment of the commission be necessary or proper to effectuate and carry out the plan and purposes of this act, but such contract and employment shall not be for a longer period of time than five years; provided, however, that this provision shall not preclude the commission from extending any such contract and employment for a period of not exceeding five years from the date of such extension;

h. Whether or not a regularly organized full-time county park police department has been or shall hereafter be established pursuant to law, appoint and commission as many special policemen to patrol such county parks, playgrounds and recreation places as it may deem necessary and any such special policeman shall have the same powers therein as may be exercised by a municipal policeman pursuant to law and such special policeman shall be charged with the duty of preserving order and shall have power to arrest and to hold any offender against the public peace in such county parks, playgrounds and recreation places;

i. Subject to the approval of the board of chosen freeholders, lease to the highest bidder, after published advertisement not less than 10 days prior to award of lease, park lands or concessions therein to produce revenues from facilities required for or incidental to the operation of such public parks, playgrounds or recreation places; provided, however, that the period of any such lease shall not exceed 10 years.

2. This act shall take effect immediately.

Approved February 26, 1999.

CHAPTER 31

AN ACT concerning the Hackensack meadowlands and the Hackensack river watershed, creating the Meadowlands Conservation Trust, and supplementing Titles 13, 39, and 54 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.13:17-87 Short title.

1. This act shall be known, and may be cited, as the "Meadowlands Conservation Trust Act."

C.13:17-88 Definitions relative to Meadowlands Conservation Trust.

2. As used in this act:

"Board" means the board of trustees of the Meadowlands Conservation Trust established pursuant to section 4 of P.L.1999, c.31 (C.13:17-90);

"Convey" means to sell, transfer, lease, or donate land;

"Governmental entity" means the federal government, the State, a bi-state agency, a county, or a municipality, or any political subdivision, department, authority, board, bureau, commission, or agency thereof; an independent authority; Rutgers, The State University, or any other public institution of higher education in the State; or the Hackensack Meadowlands Development Commission established pursuant to section 5 of P.L.1968, c.404 (C.13:17-5);

"Hackensack meadowlands" means the same as that term is defined pursuant to section 3 of P.L.1968, c.404 (C.13:17-3);

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, riparian and other rights, easements, and privileges, and all other rights or interests of any kind or description in, relating to, or connected with real property; and

"Trust" means the Meadowlands Conservation Trust created pursuant to section 3 of P.L.1999, c.31 (C.13:17-89).

C.13:17-89 Meadowlands Conservation Trust.

3. There is created in but not of the Hackensack Meadowlands Development Commission, established pursuant to section 5 of P.L.1968, c.404 (C.13:17-5), a body corporate and politic with corporate succession, to be known as the Meadowlands Conservation Trust. The trust is hereby constituted as an instrumentality exercising public and essential government functions and the exercise by the trust of the powers conferred by this act shall be deemed and held to be an essential government function of the State. The purposes of the trust shall be to acquire and hold, or acquire and convey to other governmental entities or to qualified nonprofit organizations, environmentally important, valuable, or sensitive lands located in the Hackensack meadowlands or within the Hackensack river watershed, which lands shall be permanently preserved and managed in their natural state or in a largely natural or undeveloped state for the purposes of conserving and enhancing natural resources, protecting elements of natural diversity, providing open space, or providing public outdoor passive recreational opportunities.

C.13:17-90 Powers, duties of trust; board of trustees.

4. a. The powers and duties of the trust shall vest in and be exercised by a board of trustees, comprised of seven voting members, of whom four shall be private citizens appointed by the Governor, with the advice and consent of the Senate. The four trustees thus appointed shall serve for three-year terms and shall continue to serve until succeeded; except, of the four trustees first appointed, two shall serve a term of three years, one shall serve a term of two years, and one shall serve a term of one year. A trustee may

be reappointed to a succeeding term or terms. The Governor shall appoint the four trustees from a list of 12 candidates that shall be provided by the following entities within 90 days of the effective date of this section: American Littoral Society - Baykeeper; The Nature Conservancy; New Jersey Audubon Society; New Jersey Chapter of the Sierra Club; New Jersey Conservation Foundation; and The Trust for Public Land. Each of those six entities shall provide two nominees for the list of 12 candidates. In the event that less than 12 candidates are provided by those six entities, persons suggested to the Governor by other nonprofit organizations having open space preservation or environmental education as their corporate purpose shall be added to the list to make a total of 12 candidates to be considered by the Governor for the four appointments.

The remaining three trustees, all of whom shall serve ex officio, shall be: the Commissioner of Community Affairs or the commissioner's designee; the executive director of the Hackensack Meadowlands Development Commission, or the executive director's designee; and a mayor, or elected chief executive of a municipality, appointed by, and who shall serve at the pleasure of, the Hackensack Meadowlands Municipal Committee established pursuant to section 7 of P.L.1968, c.404 (C.13:17-7).

b. (1) A trustee may be removed for cause by the appropriate appointing authority.

(2) A vacancy on the board shall be filled in the same manner as the original appointment was made.

(3) The trustees shall serve without compensation, but may be reimbursed for all reasonable expenses necessarily incurred in the discharge of their official duties.

(4) A majority of the full membership of the board shall constitute a quorum for the transaction of business.

Action may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of a majority of the full membership of the board.

(5) The trustees shall elect a chairperson and a vice-chairperson from the members of the board.

(6) The board shall meet regularly as it may determine, and shall also meet at the call of the chairperson of the board or the Governor. Meetings of the board shall be subject to the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

C.13:17-91 Powers of trust.

5. The Meadowlands Conservation Trust shall have the power to:

a. Sue and be sued in its own name;

b. Adopt a seal and alter it at pleasure;

c. Adopt bylaws for the regulation of its affairs and the conduct of its business, and adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as necessary to implement this act;

d. Maintain an office or offices at such place or places within the State as it may designate;

e. Appoint such officers, who need not be trustees, in addition to a secretary and a treasurer, as the trust shall deem advisable, to establish advisory groups, and to employ such other employees, consultants, and agents, including an executive director, as may be necessary or desirable in its judgment, to fix their compensation, and to promote and discharge such officers, employees, consultants, and agents, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes;

f. Authorize, if deemed useful, the establishment by appropriate persons or organizations of a nonprofit organization or organizations exempt from taxation pursuant to section 501 (c)(3) of the federal Internal Revenue Code of 1986, 26 U.S.C.s.501 (c)(3), for the purposes of assisting the trust in furthering the purposes of the trust as set forth in this act;

g. Cooperate with and assist, insofar as practicable, any governmental entity or any private entity or person in furtherance of the purposes of the trust;

h. Call to its assistance and avail itself of the services of such employees of any governmental entity as it may require and as may be available to it for the purpose of exercising its powers and performing its duties under this act;

i. Incur such traveling and other miscellaneous expenses as it may deem necessary in the exercise of its powers and the performance of its duties under this act, and as may be within the limits of funds appropriated or otherwise made available to it for those purposes;

j. Acquire in the name of the trust, hold, and dispose of personal property in the exercise of its powers and the performance of its duties under this act;

k. Make, enter into, and perform all contracts and agreements necessary or incidental to the exercise of its powers and the performance of its duties under this act. No contract on behalf of the trust shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, if the sum to be expended exceeds the appropriate amount set forth in, or the amount calculated by the Governor pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7), unless the trust first publicly advertises for bids therefor, and awards the contract to the lowest responsible, qualified bidder; but advertising is not required if the contract to be entered into is one for furnishing or performing services of a professional nature, if there is only one source for the product or service being procured, or if the product or service is supplied or rendered by a public utility subject to the jurisdiction

of the Board of Public Utilities, and tariffs and schedules of the charges made, charged, or exacted by the public utility for such products to be supplied or services to be rendered are filed with the Board of Public Utilities. The provisions of this subsection shall not prevent the trust from having any work done by its own employees, nor does it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the circumstances will not admit of such advertisement. In such case the trust shall, by resolution passed by the affirmative vote of a majority of the trustees in attendance, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be expended;

l. Apply for and accept any grant or aid, whether from a governmental entity, a nonprofit organization, a foundation or trust, or any other public or private source, that might be or may become available for programs in furtherance of the purposes of the trust, to subscribe to and comply with any rule or regulation with respect to the application of such grant or aid, and to enter into and perform any contract or agreement with respect to the application of such grant or aid;

m. Solicit and to accept gifts, donations, legacies, bequests, and endowments, including but not limited to land, money, securities, or other property of value from public or private sources, to enable the trust to acquire and hold or convey land for any purpose which falls within those of the trust; and, unless otherwise specified by the person making such a gift, donation, legacy, bequest, or endowment of money or securities, to invest it in whole or in part as provided in section 6 of P.L.1999, c.31 (C.13:17-92);

n. Solicit and accept rents or royalties, if appropriate, and to apply them to furthering the purposes of the trust;

o. Apply all moneys, assets, property, or other things of value it may receive as an incident to its operation to furthering the purposes of the trust;

p. Plan and implement strategies to maximize land acquisition and preservation and environmental enhancement in the Hackensack meadowlands and the Hackensack river watershed in keeping with the purposes of the trust;

q. Acquire and hold, or acquire and convey to other governmental entities, including but not limited to the New Jersey Natural Lands Trust created pursuant to P.L.1968, c.425 (C.13:1B-15.119 et seq.), or to qualified nonprofit organizations, environmentally important, valuable, or sensitive lands located in the Hackensack meadowlands or within the Hackensack river watershed; and to preserve and manage those lands in their natural state or in a largely natural or undeveloped state for the purposes of conserving and enhancing natural resources, including but not limited to wetlands mitigation sites and banks, and protecting elements of natural

diversity, providing open space, or providing public outdoor passive recreational opportunities;

r. Establish a special working relationship with the Hackensack Meadowlands Development Commission established pursuant to section 5 of P.L.1968, c.404 (C.13:17-5) and the Hackensack Meadowlands Municipal Committee established pursuant to section 7 of P.L.1968, c.404 (C.13:17-7) in furthering the purposes of the trust;

s. Establish incentive programs to encourage landowners within the Hackensack meadowlands or the Hackensack river watershed to (1) convey land to the trust or to other public or private entities seeking to preserve land in keeping with the purposes of the trust, or (2) manage their lands in keeping with the purposes of the trust;

t. Establish a volunteer stewardship program, and take all reasonable action necessary for management and maintenance of trust property;

u. Procure insurance against any losses in connection with its property, operations, or assets, in such amounts and from such insurers as it deems desirable;

v. Exercise its powers and perform its duties as required pursuant to sections 9 through 14 of P.L.1999, c.31 (C.39:3-27.100 through C.39:3-27.105) pertaining to the issuance of Meadowlands conservation license plates; and

w. Do all acts and things necessary or convenient to exercising its powers and performing its duties under this act in furthering the purposes of the trust.

C.13:17-92 "Meadowlands Conservation Trust Fund."

6. a. There is established in the Meadowlands Conservation Trust a trust fund, to be known as the "Meadowlands Conservation Trust Fund," and the moneys therein are to be held in those depositories as the State Treasurer may select. The State Treasurer shall deposit into the trust fund all moneys: (1) received as a grant or other form of aid by the trust or by the State and designated for the trust; (2) given, donated, bequeathed, or endowed to the trust from public or private sources; (3) received as rent or as a royalty by the trust or by the State on behalf of the trust; (4) received as net revenues from the Division of Motor Vehicles in the Department of Transportation in connection with the issuance of Meadowlands conservation license plates as provided pursuant to sections 9 through 14 of P.L.1999, c.31 (C.39:3-27.100 through C.39:3-27.105); and (5) appropriated or otherwise made available to the trust by the State. The moneys in the trust fund are specifically dedicated and shall be utilized only for the purposes of the trust as set forth in this act. Such grants, contributions, donations, and reimbursements from federal aid programs as may be lawfully used for the purposes of the trust as set forth in this act shall also be held in the trust fund. Moneys in the trust fund shall not be expended except in accordance with appropriations from the trust fund made by law. Any act appropriating moneys from the trust fund to acquire land shall identify the particular project or projects to be funded by the moneys, and any expenditure for a land

acquisition project for which the location is not identified by municipality and county in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor. Pending their application to the purposes set forth in this act, the moneys in the trust fund shall be invested and reinvested as are trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the trust fund shall be redeposited therein and become part of the trust fund to be used only for the purposes of the trust.

b. (1) No moneys in the Meadowlands Conservation Trust Fund shall be utilized for the development of any land for any purpose or for the acquisition of land that will not remain in a natural or largely natural or undeveloped state, except that up to 5% of the moneys annually received and deposited into the trust fund may be utilized to pay for development of sites to allow for public access and environmental education and interpretation and for the development of trails, and up to 2% of the moneys annually received and deposited into the trust fund may be utilized to pay for promotional and program awareness efforts.

(2) No moneys in the trust fund shall be utilized to pay or discharge the principal of or interest on any indebtedness incurred for any purpose by the trust or any other governmental entity.

c. Notwithstanding any law, rule, or regulation to the contrary, any proceeds returned to the trust or the State from the conveyance of lands acquired by the trust with moneys from the "Meadowlands Conservation Trust Fund" or from other sources shall be redeposited therein and become part of the trust fund to be used only for the purposes of the trust.

C.13:17-93 Attorney General to provide legal services.

7. The trustees may request, and upon such request shall receive, from the Attorney General of the State of New Jersey, all legal counsel and services necessary to further the purposes of the trust.

C.13:17-94 Annual report.

8. The trust shall report annually to the Governor and the Legislature of the State of New Jersey as to its activities during the preceding year, together with any recommendations or requests the trustees deem appropriate to further the purposes of the trust.

C.39:3-27.100 Issuance of Meadowlands conservation license plates.

9. The Director of the Division of Motor Vehicles in the Department of Transportation shall, upon proper application therefor, issue Meadowlands conservation license plates for any motor vehicle owned or leased and registered in the State. In addition to the registration number and other markings or identification otherwise prescribed by law, a Meadowlands

conservation license plate shall display words or a slogan and an emblem indicating support for, or an interest in, conservation of the Hackensack meadowlands and the Hackensack river watershed. The words or slogan and emblem shall be chosen by the director; however, the director shall solicit, in conjunction with the Legislature, input on the design of the plate from the general public and from the board of trustees of the Meadowlands Conservation Trust created pursuant to section 4 of P.L.1999, c.31 (C.13:17-90), and shall review the submissions prior to choosing the design. Issuance of Meadowlands conservation license plates in accordance with this section shall be subject to the provisions of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter otherwise specifically provided.

C.39:3-27.101 Application for Meadowlands conservation license plate; fee; registration, fee.

10. a. Application for issuance of a Meadowlands conservation license plate shall be made to the Division of Motor Vehicles on forms and in a manner as may be prescribed by the director. In order to be deemed complete, an application shall be accompanied by a fee of $50 payable to the Division of Motor Vehicles, which fee shall be in addition to all fees otherwise required by law for the registration of the motor vehicle.

b. The annual fee for the registration certificate of a motor vehicle that has been issued a Meadowlands conservation license plate pursuant to the provisions of sections 9 through 14 of P.L.1999, c.31 (C.39:3-27.100 through C.39:3-27.105) shall include in each year subsequent to the year of issuance a fee in the amount of $10, which fee shall be in addition to all fees otherwise required by law for the renewal of the registration of the motor vehicle and shall be collected by the Division of Motor Vehicles and remitted to the Meadowlands Conservation Trust created pursuant to section 3 of P.L.1999, c.31 (C.13:17-89) for deposit in the Meadowlands Conservation Trust Fund created pursuant to section 6 of P.L.1999, c.31 (C.13:17-92).

C.39:3-27.102 Fees deposted into Meadowlands Conservation Trust Fund.

11. There shall be deposited in the Meadowlands Conservation Trust Fund created pursuant to section 6 of P.L.1999, c.31 (C. 13:17-92) the amount collected from all license plate fees collected pursuant to section 10 of P.L.1999, c.31 (C.39:3-27.101), less the amounts necessary to reimburse the Division of Motor Vehicles for all costs authorized pursuant to section 12 of P.L.1999, c.31 (C.39:3-27.103).

C.39:3-27.103 Reimbursement to Division of Motor Vehicles.

12. a. Prior to the deposit of license plate fees collected pursuant to section 10 of P.L.1999, c.31 (C.39:3-27.101) into the Meadowlands Conservation Trust Fund created pursuant to section 6 of P.L.1999, c.31 (C.13:17-92), amounts thereof as are necessary shall be used to reimburse

the Division of Motor Vehicles for all costs reasonably and actually incurred, as stipulated by the director, for:

(1) producing, issuing, renewing, and publicizing the availability of Meadowlands conservation license plates; and

(2) any initial computer programming changes that may be necessary to implement the Meadowlands conservation license plate program established pursuant to sections 9 through 14 of P.L.1999, c.31 (C.39:3-27.100 through C.39:3-27.105).

b. The Director of the Division of Motor Vehicles shall annually certify to the board of trustees of the Meadowlands Conservation Trust created pursuant to section 4 of P.L.1999, c.31 (C.13:17-90) the average cost per license plate incurred in the immediately preceding year by the Division of Motor Vehicles in producing, issuing, renewing, and publicizing the availability of Meadowlands conservation license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee or its successor.

c. In the event that the average cost per license plate as certified by the director and approved by the Joint Budget Oversight Committee, or its successor, is greater than the $50 application fee established in subsection a. of section 10 of P.L.1999, c.31 (C.39:3-27.101) in two consecutive fiscal years, the director may discontinue the issuance of Meadowlands conservation license plates.

C.39:3-27.104 Notification of availability of Meadowlands conservation license plates.

13. The Director of the Division of Motor Vehicles shall notify eligible motorists of the opportunity to obtain Meadowlands conservation license plates by including a notice with all motor vehicle registration renewals, and by posting appropriate posters or signs in all facilities and offices of the Division of Motor Vehicles. The notices, posters, and signs shall be designed by the board of trustees of the Meadowlands Conservation Trust created pursuant to section 4 of P.L.1999, c.31 (C.13:17-90). The designs shall be subject to the approval of the director, and the board of trustees of the Meadowlands Conservation Trust shall supply the Division of Motor Vehicles with the notices, posters, and signs to be circulated or posted by that division.

C.39:3-27.105 Interagency memorandum of agreement.

14. The board of trustees of the Meadowlands Conservation Trust created pursuant to section 4 of P.L.1999, c.31 (C.13:17-90), the Director of the Division of Motor Vehicles, and the State Treasurer shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed by those parties in carrying out their respective responsibilities under sections 9 through 14 of P.L.1999, c.31 (C.39:3-27.100 through C.39:3-27.105).

C.54:4-3.159 Real property acquired by Meadowlands Conservation Trust exempt from taxation.

15. Notwithstanding any law, rule, or regulation to the contrary, real property acquired by the Meadowlands Conservation Trust created pursuant to P.L.1999, c.31 (C.13:17-87 et al.) pursuant to purchase, conveyance, bequest, exchange, donation, acceptance, or otherwise shall become exempt from taxation and the payment of any in lieu of tax obligation as of the date of acquisition by the trust. If, at the time of acquisition by the trust, the prior owner has paid the taxes or any in lieu of tax obligation for the current tax year in full or for a period beyond the date of acquisition by the trust, the prior owner shall be entitled to a prorated refund from the taxing authority of the taxes or in lieu of tax obligations paid by the prior owner for the remaining portion of the tax year beyond the date of acquisition by the trust. If insufficient or no taxes, or insufficient or no in lieu of tax obligations, shall have been paid by the prior owner for the portion of the tax year prior to acquisition by the trust, the prior owner shall pay the amount due for that period to the appropriate taxing authority.

16. Sections 1 through 8 and section 15 of this act shall take effect immediately and sections 9 through 14 of this act shall take effect on the 180th day after the date of enactment, but the State Treasurer, the Director of the Division of Motor Vehicles, and the board of trustees of the Meadowlands Conservation Trust, created pursuant to section 4 of this act, may take such anticipatory acts in advance of the 180th day after the date of enactment as may be necessary for the timely implementation of sections 9 through 14 of this act upon the effective date thereof.

Approved March 2, 1999.

CHAPTER 32

AN ACT concerning agricultural commodities and supplementing Title 4 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:32-1.6 Review, modification of bid, product specifications relative to purchase of N.J. agricultural commodities.

1. The Director of the Division of Purchase and Property in the Department of the Treasury shall, upon consultation with the Department of Agriculture, review and modify all bid and product specifications

relating to the purchase of agricultural commodities, so that the specifications do not discriminate against, but encourage the maximum purchase of New Jersey agricultural commodities. In purchasing any agricultural commodities for use by the various agencies and departments of the State government or for any county, municipality or school district pursuant to P.L.1969, c.104 (C.52:25-16.1 et al.), the Director of the Division of Purchase and Property, to the maximum extent possible, shall make contracts available for New Jersey agricultural commodities. The Department of Agriculture shall provide information regarding the location and time of year New Jersey agricultural commodities are available to the Division of Purchase and Property.

2. This act shall take effect immediately.

Approved March 2, 1999.

CHAPTER 33

AN ACT concerning railroads and amending R.S.48:12-57.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.48:12-57 is amended to read as follows:

Safety measure for locomotives; penalties; "supplementary safety measure" defined.

48:12-57. Every railroad company shall place on each engine a bell weighing not less than 30 pounds which shall be rung continuously in approaching a grade crossing of a highway, beginning at a distance of at least 300 yards from the crossing and continuing until the engine has crossed such highway, or a whistle or horn operated by steam, air or electricity, which shall be sounded, except in cities, at least 300 yards from the crossing and at intervals until the engine has crossed the highway.

For every default the company operating such road shall pay a penalty of $100.00 to be sued for by any informer within 10 days after such penalty was incurred, 1/2 to go to the informer and 1/2 to the county wherein such default occurred. Nothing herein shall take away any remedy for such neglect from any person injured thereby.

Upon application from the governing body of a county or municipality in which a grade crossing is located, the Commissioner of Transportation may, in his discretion, exempt railroad companies from observing the provisions of this section with respect to grade crossings in that county or municipality employing supplementary safety measures which have been

approved by the Federal Railroad Administration or the Secretary of Transportation of the United States pursuant to 49 U.S.C.s. 20153 as fully compensating for the absence of the warning provided by the locomotive horn and which have received a waiver or exemption under 49 U.S.C. s.20153(d).

As used in this act, "supplementary safety measure" means a safety system or procedure, provided by the appropriate traffic control authority or law enforcement authority responsible for safety at the highway-rail grade crossing, that is determined by the Secretary of Transportation of the United States to be an effective substitute for the locomotive horn in the prevention of highway-rail casualties. A traffic control arrangement that prevents careless movement over the crossing, for example, as where adequate median barriers prevent movement around crossing gates extending over the full width of the lanes in the particular direction of travel, and that conforms to standards prescribed by the Secretary, shall be deemed to constitute a supplementary safety measure. However, the following do not, individually, or in combination, constitute supplementary safety measures: standard traffic control devices or arrangements such as reflectorized crossbucks, stop signs, flashing lights, flashing lights with gates that do not completely block travel over the line of railroad, or traffic signals.

2. This act shall take effect immediately.

Approved March 5, 1999.

CHAPTER 34

AN ACT concerning certain emergency medical services and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:62A-23 Legislative findings relative to acquisition, deployment, use of automated external defibrillators.

1. The Legislature finds that more than 350,000 Americans die annually from out-of-hospital sudden cardiac arrest. Many die needlessly because life saving defibrillators are not immediately available. The American Heart Association estimates that almost 100,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

Many communities in this State have invested in 911 emergency telephone equipment, ambulances and the training of emergency personnel. Not all emergency personnel, however, have been trained in or have immediate access to defibrillators. It is the intent of the Legislature to encourage greater acquisition, deployment and use of automated external defibrillators by trained personnel throughout this State.

C.2A:62A-24 Definitions relative to acquisition, deployment, use of automated external defibrillators.

2. As used in this act:

"Automated external defibrillator" or "defibrillator" means a medical device heart monitor and defibrillator that:

a. Has received approval of its pre-market notification filed pursuant to 21 U.S.C. s.360 (k) from the United States Food and Drug Administration;

b. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

c. Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

C.2A:62A-25 Responsibilities of person, entity acquiring automated external defibrillator.

3. A person or entity that acquires an automated external defibrillator shall:

a. Ensure that any person, prior to using that defibrillator, has successfully completed and holds a current certification from the American Red Cross, American Heart Association or other training program recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator;

b. Ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines;

c. Notify the appropriate first aid, ambulance or rescue squad or other appropriate emergency medical services provider that the person or entity has acquired the defibrillator, the type acquired and its location; and

d. Prior to purchasing the automated external defibrillator, provide the prescribing licensed physician with documentation that the person or entity purchasing the defibrillator has a protocol in place to comply with the requirements of subsections a., b. and c. of this section.

C.2A:62A-26 Requirements for user of defibrillator.

4. a. A person shall not use a defibrillator unless he has successfully completed and holds a current certification from the American Red Cross, American Heart Association or other training program recognized by the

Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator; provided however, this section shall not be applicable to a person who is licensed as a paramedic, emergency medical technician-D, or a first responder-D by the Department of Health and Senior Sevices.

b. Any person who uses a defibrillator shall request emergency medical assistance from the appropriate first aid, ambulance or rescue squad as soon as practicable.

C.2A:62A-27 Immunity from civil liability for user of defibrillator; exceptions.

5. a. Any person or entity who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment by the use of a defibrillator or supervises such care or treatment and, who has complied with the requirements of this act, shall be immune from civil liability for any personal injury as a result of such care or treatment, or as a result of any acts or omissions by the person or entity in providing, rendering or supervising the emergency care or treatment.

b. The immunity provided in subsection a. of this section shall include the prescribing licensed physician and the person or entity who provided the training in cardio-pulmonary resuscitation and use of the defibrillator.

c. This subsection shall not immunize a person for any act of gross negligence or willful or wanton misconduct. It shall not be considered gross negligence or willful or wanton misconduct to fail to use a defibrillator in the absence of an otherwise preexisting duty to do so.

6. This act shall take effect immediately.

Approved March 8, 1999.

CHAPTER 35

AN ACT concerning farmland preservation and soil and water conservation, making various appropriations and reappropriations therefor from certain bond acts, and approving funding eligibility of certain farmland preservation projects in southern New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. There is appropriated from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee the sum of $21,000,000 for the purpose of: (1) providing grants to counties and

municipalities for up to 80% of the cost of acquisition of development easements on farmland, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37; and (2) providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37.

b. There is appropriated from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to the State Agriculture Development Committee the sum of $835,918 for the purpose of: (1) providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37; and (2) providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37.

c. There is reappropriated from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to the State Agriculture Development Committee the unexpended balances of $800,275 and any additional funds which may become available due to cancellation of obligations appropriated or reappropriated pursuant to P.L.1995, c.60, P.L.1996, c.54, and P.L.1997, c.104, for the purpose of: (1) providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37; and (2) providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37.

d. There is reappropriated from the "1989 Farmland Preservation Fund," established pursuant to section 22 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, to the State Agriculture Development Committee the unexpended balances of $1,377,758 and any additional funds which may become available due to cancellation of obligations appropriated or reappropriated pursuant to P.L.1993, c.262, P.L.1995, c.60, P.L.1996, c.54, and P.L.1996, c.56, for the purpose of: (1) providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37; and (2) providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37.

e. There is reappropriated from the "Farmland Preservation Fund," established pursuant to section 5 of the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, as amended by P.L.1987, c.240, to the State Agriculture Development Committee the unexpended balances of $14,596 and any additional funds which may become available due to cancellation of obligations appropriated pursuant to P.L.1989, c.44, for the purpose of: (1) providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37; and (2) providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1999, c.36, and section 1 of P.L.1999, c.37.

2. The following projects in southern New Jersey are eligible for funding with the monies appropriated or reappropriated pursuant to section 1 of this act:

Project (Farm)	**County**	**Municipality**	**Acres (+/-)**	**Amount of Grant Not To Exceed**
Sikking Brothers	Atlantic	Buena Vista	104	$ 325,000
Burlington/Robson Land	Burlington	Chesterfield	144	$ 475,000

Burlington/Kuser	Burlington	Chesterfield/ Mansfield	228	$ 775,000
Burlington/D'Amico	Burlington	North Hanover	54	$ 250,000
Burlington/Roberts	Burlington	Southampton	248	$ 850,000
Burlington/DubinCreators	Burlington	Springfield	69	$ 225,000
Burlington/Hlubik	Burlington	Springfield	141	$ 375,000
Burlington/Specca	Burlington	Springfield	101	$ 225,000
Cape May/Devico	Cape May	Dennis	36	$ 50,000
Cape May/Novasack	Cape May	Dennis	329	$1,925,000
Cape May/Kozak	Cape May	Middle	125	$ 100,000
Cape May/Mattera	Cape May	Middle	60	$ 100,000
Hubschmidt	Cumberland	Hopewell	152	$ 275,000
Indian Mills Nursery	Cumberland	Upper Deerfield	95	$ 175,000
Scheese	Cumberland	Upper Deerfield	53	$ 125,000
Periconi	Cumberland	Vineland	30	$ 125,000
Visalli	Gloucester	Elk	161	$ 425,000
Marino Brothers	Gloucester	South Harrison	182	$ 525,000
Coleman	Salem	Alloway	107	$ 175,000
Haluszka	Salem	Alloway	295	$ 375,000
Emel	Salem	Mannington	203	$ 300,000
Sickler	Salem	Upper Pittsgrove/ Pilesgrove	349	$ 725,000
Kern	Salem	Upper Pittsgrove	377	$ 775,000
Myers Farms	Salem	Upper Pittsgrove	95	$ 200,000

3. There is appropriated from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee the sum of $750,000 for the purpose of providing grants to landowners for up to 50% of the cost of soil and water conservation projects approved as eligible for such funding.

4. There is appropriated from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to the State Agriculture Development Committee the sum of $1,000,000 for the purpose of providing for costs, as defined in section 3 of P.L.1992, c.88, incurred in implementing the provisions of the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).

5. There is appropriated from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee the sum of $750,000 for the purpose of providing for costs, as defined in section 3 of P.L.1995,

c.204, incurred in implementing the provisions of the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).

6. The expenditure of the sums appropriated or reappropriated by this act is subject to the provisions and conditions of P.L.1981, c.276, P.L.1987, c.240, P.L.1989, c.183, P.L.1992, c.88, or P.L.1995, c.204, as appropriate.

7. This act shall take effect immediately.

Approved March 9, 1999.

CHAPTER 36

AN ACT approving certain farmland preservation projects in central New Jersey as eligible for funding from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, or the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, as amended by P.L.1987, c.240.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following projects in central New Jersey are eligible for funding with monies made available from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, or the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, as amended by P.L.1987, c.240, and appropriated or reappropriated to the State Agriculture Development Committee pursuant to section 1 of P.L.1999, c.35:

Project (Farm)	**County**	**Municipality**	**Acres (+/-)**	**Amount of Grant Not To Exceed**
Weidel	Mercer	Hopewell Twp.	35	$ 250,000
Mercer/Woodward	Mercer	Hopewell Twp.	221	$1,500,000
Radvany	Mercer	Hopewell Twp.	24	$ 300,000
Mastoris	Mercer	Washington	38	$ 175,000
Washington/Sunshine	Mercer	Washington	100	$ 775,000
Conrad	Middlesex	Cranbury	183	$ 875,000
Simonson, et al.	Middlesex	Cranbury	78	$ 350,000

DeSandre	Middlesex	Plainsboro	45	$ 250,000
Palma	Monmouth	Millstone	208	$ 500,000
Dey	Monmouth	Upper Freehold	95	$ 375,000
DiPiero	Monmouth	Upper Freehold	117	$ 450,000
Erbe	Monmouth	Upper Freehold	76	$ 225,000
Potter Estate	Monmouth	Upper Freehold	62	$ 250,000
Herenchak	Monmouth	Upper Freehold	143	$ 600,000
Smith, L. & C.	Monmouth	Upper Freehold	142	$ 400,000
Lech	Ocean	Plumsted	66	$ 150,000
Liedtka	Ocean	Plumsted	82	$ 175,000
LaBaw	Somerset	Hillsborough	45	$ 250,000
Osterman	Somerset	Hillsborough	103	$ 325,000
Smith, R. & C.	Somerset	Hillsborough	129	$ 500,000

2. This act shall take effect immediately.

Approved March 9, 1999.

CHAPTER 37

AN ACT approving certain farmland preservation projects in northern New Jersey as eligible for funding from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, or the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, as amended by P.L.1987, c.240.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following projects in northern New Jersey are eligible for funding with monies made available from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, or the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, as amended by P.L.1987, c.240, and appropriated or reappropriated to the State Agriculture Development Committee pursuant to section 1 of P.L.1999, c.35:

Project (Farm)	**County**	**Municipality**	**Acres (+/-)**	**Amount of Grant Not To Exceed**
Emmons	Hunterdon	Delaware	141	$ 550,000
Sayles	Hunterdon	Delaware	214	$ 750,000

East Amwell/Sowsian	Hunterdon	East Amwell	150	$ 550,000
Mack	Hunterdon	East Amwell	66	$ 225,000
Readington/Moore	Hunterdon	Readington	70	$ 400,000
Readington/Wade	Hunterdon	Readington	132	$ 750,000
Morris/Hildebrant	Morris	Mount Olive	54	$ 750,000
Morris/Kenney	Morris	Washington	46	$ 275,000
Morris/Malinowski	Morris	Washington	20	$ 150,000
Morris/Radics	Morris	Washington	143	$ 550,000
Stuyvesant Estate	Sussex	Green	88	$ 350,000
Mooney	Sussex	Green	296	$ 900,000
Snook	Sussex	Lafayette	144	$ 275,000
Frankowski	Sussex	Wantage	107	$ 200,000
Russell	Sussex	Wantage	85	$ 225,000
Zebrowski	Sussex	Wantage	158	$ 350,000
Stuyvesant Estate	Warren	Allamuchy	233	$ 725,000
Augusta	Warren	Franklin	109	$ 300,000
Sigler	Warren	Franklin	105	$ 350,000
Bennett	Warren	Frelinghuysen	90	$ 250,000
Heeres	Warren	Harmony	148	$ 400,000
Warren/Risko	Warren	Harmony	98	$ 175,000
McShane & Company	Warren	Independence	112	$ 350,000
Mansfield/New Era	Warren	Mansfield	180	$ 475,000

2. This act shall take effect immediately.

Approved March 9, 1999.

CHAPTER 38

AN ACT concerning export financing and amending P.L.1995, c.209.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1995, c.209 (C.34:1B-94) is amended to read as follows:

C.34:1B-94 Findings, declarations relative to export financing.

2. The Legislature finds and declares that:

a. Currently, despite the existence of banks with active international export departments, small and medium-sized businesses in New Jersey find it difficult to obtain pre-export financing and other export finance services needed to defray the costs of potentially profitable orders.

b. Although there is currently a State-sponsored export working capital program for small and medium-sized businesses and an export loan guarantee program offered in conjunction with participating banks, relatively few transactions have been approved under these programs.

c. The public interest calls for encouraging the growth of exports and small and medium-sized businesses as well as providing stimulation to the economy and to employment by the creation of an export financing company supported by both public and private funds.

d. The public funding of an export financing company shall be accomplished by the purchase of stock or an interest in the company, as the case may be, by the New Jersey Economic Development Authority and other public entities involved in international export markets, such purchases to be specifically limited as to the percentage of participation.

e. The capitalization of the export financing company would be so structured that the New Jersey Economic Development Authority and other public entities would incur minimal risk on their investment, with private investors assuming most of the risk and earning more of the profits should the new venture prove successful.

2. Section 3 of P.L.1995, c.209 (C.34:1B-95) is amended to read as follows:

C.34:1B-95 Definitions.

3. As used in this act:

"Authority" means the New Jersey Economic Development Authority, established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).

"Commissioner" means the Commissioner of Commerce and Economic Development.

"Department" means the Department of Commerce and Economic Development.

"Export financing company" means a private corporation or limited liability company incorporated or organized for the purpose of financing the export activities of small or medium-sized businesses.

"Limited liability company" means a company organized pursuant to the "New Jersey Limited Liability Company Act," P.L.1993, c.210 (C.42:2B-1 et seq.).

"Small or medium-sized business" means a business enterprise, which has its principal place of business in this State, is independently owned and operated as a sole proprietorship, partnership, corporation, or limited liability company with a level of gross income from operations defined by the authority as a small or medium-sized business.

3. Section 4 of P.L.1995, c.209 (C.34:1B-96) is amended to read as follows:

C.34:1B-96 Investment of moneys in export financing company.

4. The authority is authorized, notwithstanding any law to the contrary, to invest such moneys from the "Economic Recovery Fund," established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12), or from other export or business assistance programs administered by the authority, as may be available and which the authority deems appropriate for the purposes of this act, in an export financing company, hereinafter "the company," to be incorporated or organized pursuant to the provisions of this act, which, together with those investments which may be made in the stock or interest of the company by other public entities involved in international export markets that may include, but not necessarily be limited to, the Delaware River Port Authority and the Port Authority of New York and New Jersey, shall be at a minimum amount to be determined by the Export Finance Company Advisory Council established pursuant to section 7 of this act. The moneys shall be used for the purchase of stock or an interest in the company, provided that the class of stock or interest purchased by the authority and other public entities shall be of such type and character as to require the company to repay the investment of funds from the authority and other public entities prior to the repayment of funds from private sources, but in no event shall the amount of such stock or interest purchased by the authority and other public entities exceed 49% of the total outstanding stock or total shared interest of the company. The authority is authorized in its discretion to sell or otherwise dispose of the stock or interest purchased by the authority as shall be in the interest of the authority but the authority shall sell or otherwise dispose of the stock or interest no later than three years after the date of purchase.

Nothing in this act shall be construed to preclude the company from being organized as a limited liability company or to preclude the authority and other public entities involved in international export markets from purchasing an interest in such a limited liability company provided that the interest purchased by the authority and other public entities shall not exceed 49 percent of the total shared interest of the company, and provided that the operating agreement of the company grants the authority and any other public entity the right to resign and receive a distribution, representing the fair value of the authority's or public entity's interest in the company, prior to the resignation of and distribution to any private members.

4. Section 5 of P.L.1995, c.209 (C.34:1B-97) is amended to read as follows:

C.34:1B-97 Qualification as export financing company.

5. In order to qualify as an export financing company eligible to be the subject of an investment by the authority and by the other public entities involved in international export markets, a company shall:

a. Have a board of directors or board of trustees appropriate to the form of incorporation or organization of the company consisting of: (1) the commissioner and the chairman of the authority, who shall be members ex officio; and (2) representatives of export trading companies, banking and other financial institutions, and other representatives of the private sector, who shall be selected by private stockholders or members, and who shall constitute the majority of the membership of the board.

b. Retain the services of an independent commercial auditor:

(1) to determine the extent to which funds made available to the company for its purposes have been expended in a manner that is consistent with the purposes of this act and the charter or operating agreement of the company; and

(2) to prepare and submit to the Legislature, the State Treasurer, the authority and the other public entities participating in the purchase of stock or an interest in the company, an independent certified statement annually containing the findings and determinations of such auditor.

c. In connection with the investment of authority moneys in the company pursuant to this act, solicit other forms of support, such as grants from the federal government or from other public and private sources, and make available its stock or a shared interest for purchase by private entities.

5. Section 7 of P.L.1995, c.209 (C.34:1B-99) is amended to read as follows:

C.34:1B-99 Export Finance Company Advisory Council.

7. a. There is established an Export Finance Company Advisory Council in, but not of, the Department of Commerce and Economic Development. The council shall be made up of eleven members: one shall be the Commissioner of Commerce and Economic Development, or the commissioner's designee; one shall be the Chairman of the New Jersey Economic Development Authority, or the chairman's designee; three public members shall be appointed by the Governor; three public members shall be appointed by the President of the Senate; and three public members shall be appointed by the Speaker of the General Assembly, one of whom shall be designated by the Speaker as chair of the council. The appointment of the members shall take place within 60 days of the effective date of this act. The appointee of the Speaker of the General Assembly designated as chair of the council shall convene the council as soon as is practicable following the appointment of at least six public members to the council.

b. The members of the council shall serve without compensation.

c. The council is authorized, empowered and directed to:

(1) Develop a form of organization and a plan of operation for the export financing company consistent with the purposes of this act. In so doing the council shall consider, but not be limited to, the form of organization, plan of operation and experiences of local and regional business partnerships organized jointly by the public and private sectors in the State for business development purposes.

(2) Seek out and gain commitments from persons, natural and otherwise, to be initial investors in, incorporators of or founding members of the export financing company.

(3) Cooperate and coordinate its efforts at gaining public and private sources of equity capital for the establishment of the company with the Department of Commerce and Economic Development.

(4) Investigate the feasibility of gaining additional public sources of equity capital for the establishment of the company from sources which may include, but need not be limited to, other departments and agencies of this State and in other states which are engaged in economic development and which seek to cooperate with the council to assist it in the accomplishment of its mission.

(5) Continue to interact with and to monitor the export finance company, as well as provide advisory input, during and subsequent to its creation and expansion.

d. Within one year of the effective date of this act, the council shall provide the Governor and the Legislature with information concerning the results of its efforts under subsection c. of this section, the status of the export financing company and the implementation of the goals of this act.

e. Nothing in this act shall prohibit public members of the council from being among those who serve on the export finance company board of directors or board of trustees, as appropriate to its organizational charter or operating agreement.

6. This act shall take effect immediately.

Approved March 9, 1999.

CHAPTER 39

AN ACT concerning bids submitted for local public contracts, and supplementing and amending P.L.1971, c.198.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40A:11-23.1 Plans, specifications, bid proposal documents; required contents.

1. All plans, specifications and bid proposal documents for the erection, alteration, or repair of a building, structure, facility or other improvement to real property, the total price of which exceeds the amount set forth in, or the amount calculated by the Governor pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3), shall include:

a. a document for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents; and

b. a form listing those documentary and informational forms, certifications, and other documents that the contracting agent requires each bidder to submit with the bid. The form shall list each of the items to be submitted with the bid proposal and a place for the bidder to indicate, by initialing each entry, that the bidder has included those required items with the completed bid proposal. Each bidder shall complete this form and submit it with the bid proposal in addition to those documentary and informational forms, certifications, and other documents that are listed on the form.

C.40A:11-23.2 Required mandatory items for bid plans, specifications.

2. When required by the bid plans and specifications, the following requirements shall be considered mandatory items to be submitted at the time specified by the contracting unit for the receipt of the bids; the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body:

a. A guarantee to accompany the bid pursuant to section 21 of P.L.1971, c.198 (C.40A:11-21);

b. A certificate from a surety company pursuant to section 22 of P.L.1971, c.198 (C.40A:11-22);

c. A statement of corporate ownership pursuant to section 1 of P.L.1977, c.33 (C.52:25-24.2);

d. A listing of subcontractors pursuant to section 16 of P.L.1971, c.198 (C.40A:11-16); and

e. A document provided by the contracting agent in the bid plans, specifications, or bid proposal documents for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents.

3. Section 21 of P.L.1971, c.198 (C.40A:11-21) is amended to read as follows:

C.40A:11-21 Guarantee to be furnished with bid.

21. A person bidding on a contract or agreement for the erection, alteration or repair of a public building, structure, facility or other improve-

ment to real property, the total price of which exceeds $100,000, shall furnish a guarantee as provided for herein. A contracting unit may provide that a person bidding on any other contract or agreement, advertised in accordance with law, shall furnish a guarantee as provided for herein. The guarantee shall be payable to the contracting unit so that if the contract or agreement is awarded to the bidder, the bidder will enter into a contract therefor and will furnish any performance bond or other security required as a guarantee or indemnification. The guarantee shall be in the amount of 10% of the bid, but not in excess of $20,000.00, except as otherwise provided herein, and may be given, at the option of the bidder, by certified check, cashier's check or bid bond. In the event that any law or regulation of the United States imposes any condition upon the awarding of a monetary grant to any contracting unit, which condition requires the depositing of a guarantee in an amount other than 10% of the bid or in excess of $20,000.00 the provisions of this section shall not apply and the requirements of the law or regulation of the United States shall govern.

4. Section 22 of P.L.1971, c. 198 (C.40A:11-22) is amended to read as follows:

C.40A:11-22 Surety company certificate.

22. a. A person bidding on a contract or agreement for the erection, alteration or repair of a building, structure, facility or other improvement to real property, the total price of which exceeds $100,000, shall furnish a certificate from a surety company, as provided for herein. A contracting unit may provide that a person bidding on any other contract or agreement shall furnish a certificate from a surety company, as provided for herein.

b. When a surety company bond is required in the advertisement or specifications for a contract or agreement, every contracting unit shall require from any bidder submitting a bid in accordance with plans, specifications and advertisements, as provided for by law, a certificate from a surety company stating that it will provide the contractor with a bond in such sum as is required in the advertisement or in the specifications.

This certificate shall be obtained for a bond--

(1) For the faithful performance of all provisions of the specifications or for all matters which may be contained in the notice to bidders, relating to the performance of the contract or agreement, and

(2) If any be required, for a guarantee bond for the faithful performance of the contract provisions relating to the repair and maintenance of any work, project or facility and its appurtenances and keeping the same in good and serviceable condition during the term of the bond as provided for in the notice to bidders or in the specifications, or

(3) In such other form as may be provided in the notice to bidders or in the specifications.

If a bidder desires to offer the bond of an individual instead of that of a surety company, the bidder shall submit with the bid a certificate signed by such individual similar to that required of a surety company.

The contracting unit may reject any such bid if it is not satisfied with the sufficiency of the individual surety offered.

5. This act shall take effect on the first day of the fourth month after enactment.

Approved March 12, 1999.

CHAPTER 40

AN ACT concerning the cancellation of mortgages of record upon satisfaction and supplementing P.L.1975, c.137 (C.46:18-11.2 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.46:18-11.5 Definitions relative to mortgage cancellations.

1. As used in this act:

"Mortgage" means a residential mortgage, security interest or the like, in which the security is a residential property such as a house, real property or condominium, which is occupied, or is to be occupied, by the debtor, who is a natural person, or a member of the debtor's immediate family, as that person's residence. The provisions of sections 2 and 3 of P.L.1999, c.40 (C.46:18-11.6 and C.46:18-11.7) shall apply to all residential mortgages wherever made, which have as their security a residence in the State of New Jersey, provided that the real property which is the subject of the mortgage shall not have more than four dwelling units, one of which shall be, or is planned to be, occupied by the debtor or a member of the debtor's immediate family as the debtor's or family member's residence at the time the loan is originated.

"Pay-off letter" means a written document prepared by the holder or servicer of the mortgage being paid, which is dated not more than 60 days prior to the date the mortgage is paid, and which contains a statement of all the sums due to satisfy the mortgage debt, including, but not limited to, interest accrued to the date the statement is prepared and a means of calculating per diem interest accruing thereafter.

C.46:18-11.6 Conditions under which discharge of mortgage may be executed.

2. a. A person which is entitled to receive payment of a mortgage duly recorded or registered in this State pursuant to a written agreement, whether or not recorded, entered into with the holder or owner of the mortgage may execute a discharge, satisfaction-piece, release, subordination or postponement on behalf of the holder or owner thereof, which instrument shall be accepted for recording by the county clerk or register of deeds and mortgages, so long as:

(1) it meets the requirements of section 2 of P.L.1991, c.308 (C.46:15-1.1); and

(2) it contains the following wording in the body thereof: "_____ is authorized to execute this instrument pursuant to the terms of a written agreement dated _____, between _____, as owner or holder of the mortgage, and _____, as servicer thereof."

b. A person which is the owner or holder of a mortgage duly recorded or registered in this State for which a prior assignment thereof is unrecorded, may execute a discharge, satisfaction-piece, release, subordination or postponement thereof, which instrument shall be accepted for recording by the county clerk or register of deeds and mortgages, so long as:

(1) it meets the requirements of section 2 of P.L.1991, c.308 (C.46:15-1.1); and

(2) it contains wording in the body of the instrument setting forth the particulars concerning all assignments of the mortgage, whether or not recorded.

c. Upon payment of the appropriate fees therefor, the county clerk or register of deeds and mortgages shall cause a marginal notation to be made upon the record of a mortgage which is specifically described in an instrument submitted in accordance with subsection a. or b. of this section.

C.46:18-11.7 Conditions for a discharge, satisfaction on the record.

3. a. An attorney-at-law of this State or a person duly licensed as an insurance producer pursuant to the "New Jersey Insurance Producer Licensing Act," P.L.1987, c.293 (C.17:22A-1 et seq.), in the line of title insurance who has caused payment in full to be made of a mortgage duly recorded or registered in this State, which mortgage has not been timely canceled in accordance with section 1 of P.L.1975, c.137 (C.46:18-11.2), may submit for recording a discharge or satisfaction-piece, executed as agent or attorney-in-fact for the owner or holder of the mortgage, by virtue of this section, provided the discharge or satisfaction-piece is accompanied by an affidavit setting forth the circumstances of payment, which discharge or satisfaction-piece and affidavit shall be accepted for recording by the

county clerk or register of deeds and mortgages, so long as the affidavit is substantially in the form set forth below:

AFFIDAVIT OF PAYMENT TO DISCHARGE MORTGAGE
PURSUANT TO SECTION 3 OF P.L.1999, c.40 (C.46:18-11.7)

State of New Jersey
County of _____, ss. :

The undersigned, being duly sworn upon the undersigned's oath, avers as follows:

1. I am: (a) an attorney-at-law duly admitted to practice before the Courts of this State; or (b) duly licensed as an insurance producer in the line of title insurance.

2. On _____, _____, I caused to be sent to _____, located at _____(the address designated for receipt of payment in the pay-off letter, or if no address is designated, the address given on the letterhead of the pay-off letter), the sum of $_____, in full payment of a certain mortgage dated _____, _____, in the face amount of $ _____, between _____ (mortgagor) and _____ (mortgagee), which mortgage was recorded on _____, _____ in the Office of the County Clerk/Register of Deeds of the County of _____ in Mortgage Book _____, page _____ (and which mortgage was subsequently assigned to _____ by assignment of mortgage dated _____, _____, in Assignment of Mortgage Book ____, page_____).

3. Said payment was made by check or electronic wire transfer, in accordance with a pay-off letter received from _____, dated _____, _____; and I have received advice that (a) the check has been negotiated and canceled on _____, _____; or (b) the wire transfer was received and credited to the recipient's account on _____, ____.

4. On _____, ____, at least 30 days' notice having elapsed since the date the payment was received, I caused a notice to be sent to _____, located at _____(the address designated for receipt of payment in the pay-off letter, or if no address is designated, the address given on the letter head of the pay-off letter), by registered or certified mail, return receipt requested, pursuant to section 2 of P.L.1975, c.137 (C.46:18-11.3).

5. On _____, _____, at least 30 days having elapsed since the date the notice as set forth in paragraph 4 of this affidavit was received, I caused a notice to be sent to _____, located at _____(the

address designated for receipt of payment in the pay-off letter, or if no address is designated, the address given on the letterhead of the pay-off letter), by registered or certified mail, return receipt requested, of my intention to cause the mortgage to be discharged by affidavit pursuant to section 3 of P.L.1999, c.40 (C.46:18-11.7), if the mortgage remains uncancelled 15 days after the notice is received.

6. At least 15 days have now elapsed since the notice described in paragraph 5 of this affidavit was received. To the best of my knowledge and belief, no letter or other written communication has been received from _____, to the effect that it denies or disputes that the mortgage has been paid in full and ought to be discharged of record at this time.

7. Wherefore, the undersigned directs the county clerk or register of deeds of the County of _____ to cause to be recorded the discharge or satisfaction-piece accompanying this affidavit, and further directs the county clerk or register of deeds to cause a marginal notation of discharge to be made upon the record of the mortgage described in paragraph 2 of this affidavit.

_____

Sworn and subscribed before me
this _____ day of _____, ____.

b. Upon payment of the appropriate fees therefor, the county clerk or register of deeds and mortgages shall cause the marginal notation "Discharge recorded in Book _____, Page _____" to be made upon the record of any mortgage which is specifically described in the affidavit.

4. This act shall take effect on the 90th day after enactment.

Approved March 12, 1999.

CHAPTER 41

AN ACT concerning the location of sexually oriented businesses and amending P.L.1995, c.230.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2C:34-7 Sexually oriented business; location, building requirements; penalty.

1. Section 3 of P.L.1995, c.230 (C.2C:34-7) is amended to read as follows:

3. a. Except as provided in a municipal zoning ordinance adopted pursuant to N.J.S.2C:34-2, no person shall operate a sexually oriented business within 1,000 feet of any existing sexually oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, or within 1,000 feet of any area zoned for residential use. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this act where another sexually oriented business, an elementary or secondary school or school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, is subsequently established within 1,000 feet, or a residential district or residential lot is subsequently established within 1,000 feet.

b. Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. The municipality may, by ordinance, require the perimeter buffer to meet additional requirements or standards. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this act.

c. No sexually oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving notice that the premises are off limits to minors. The identification sign shall be no more than 40 square feet in size.

d. A person who violates this section is guilty of a crime of the fourth degree.

2. This act shall take effect immediately.

Approved March 12, 1999.

CHAPTER 42

AN ACT concerning the examination of State tax records or files and amending R.S.54:50-8.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.54:50-8 is amended to read as follows:

Confidentiality.

54:50-8. a. The records and files of the director respecting the administration of the State Tax Uniform Procedure Law or of any State tax law shall be considered confidential and privileged and neither the director nor any employee engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom under subsection d., e., f., or g. of R.S.54:50-9 or any other provision of State law, shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the director nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of the State Tax Uniform Procedure Law or of the State tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the State under some State tax law, or in any lawful proceeding for the investigation and prosecution of any violation of the criminal provisions of the State Tax Uniform Procedure Law or of any State tax law.

b. The prohibitions of this section, against unauthorized disclosure, use or examination by any present or former officer or employee of this State or any other individual having custody of such information obtained pursuant to the explicit authority of State law, shall specifically include, without limitation, violations involving the divulgence or examination of any information from or any copy of a federal return or federal return information required by New Jersey law to be attached to or included in any New Jersey return. Any person violating this section by divulging, disclosing or using information shall be guilty of a crime of the fourth degree. Any person violating this section by examining records or files for any reason other than a reason necessitated by the performance of official duties shall be guilty of a disorderly persons offense.

c. Whenever records and files are used in connection with the prosecution of any person for violating the provisions of this section by divulging, disclosing or using records or files or examining records and files for any reason other than a reason necessitated by the performance of official duties, the defendant shall be given access to those records and files. The court shall review such records and files in camera, and that portion of the court record containing the records and files shall be sealed by the court.

2. This act shall take effect immediately.

Approved March 12, 1999.

CHAPTER 43

AN ACT concerning cable television companies and supplementing chapter 5A of Title 48 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.48:5A-11b. Notice to subscribers of refund liability, rate decreases.

1. Notice to subscribers of refund liability and ordered rate decreases shall commence concurrent with subscriber credits within the next billing cycle following approval of the refund liability statement by the appropriate agency, whether the Board of Public Utilities for basic rates, or the Federal Communications Commission for cable programming service rates.

2. This act shall take effect immediately.

Approved March 12, 1999.

CHAPTER 44

AN ACT concerning collateral protection insurance and supplementing Title 17 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:16V-1 Short title.

1. This act shall be known and may be cited as the "Collateral Protection Insurance Act."

C.17:16V-2 Definitions relative to collateral protection insurance.

2. As used in this act:

"Collateral" means all personal property used to secure payment or performance pursuant to a credit transaction.

"Collateral protection insurance" means insurance purchased by a creditor in which the creditor is made the loss payee or beneficiary providing coverage against loss or damage to collateral as a result of fire, theft, damage or other risks that would impair the creditor's interest in the

collateral, which insurance is purchased as a result of the debtor's failure to provide evidence of insurance or failure to maintain insurance covering the collateral as required in a credit agreement. "Collateral protection insurance" shall not include (1) insurance to protect the creditor following completion of foreclosure and sale or repossession and sale of the collateral, (2) credit insurance or mortgage protection insurance, (3) credit life insurance or credit health insurance as defined in N.J.S.17B:29-2, (4) insurance issued to cover personal or real property of the debtor which is not required by the creditor and is purchased by the creditor voluntarily, or (5) title insurance. The fact that the insurance may have some other designation or title, such as "creditor placed insurance," shall not mean it is not collateral protection insurance as defined in this act.

"Cost of collateral protection insurance" or "cost" means the premium paid which premium includes all commissions and fees paid by the insurer, whether the commission is paid to the creditor, to a person or entity that is an affiliate of the creditor or to a person or entity that is unrelated to the creditor, or whether such commissions are for a fixed percentage. "Cost" shall also include all fees, penalties and administrative costs charged to the creditor upon cancellation of the collateral protection insurance but shall not include any placement charges or fees for the collateral protection insurance charged by the creditor.

"Credit agreement" means the open-end or closed-end loan agreement, promissory note, security agreement, sales agreement, line of credit agreement, contract or other document or documents that set forth the terms of the credit transaction.

"Credit transaction" means any transaction pursuant to which a creditor gives consideration for an obligation by a debtor to make payment or repayment at a future date or dates, which obligation is secured in whole or in part by collateral. "Credit transaction" includes, but is not limited to, an advance of money, opening a line of credit, a letter of credit and an installment sale.

"Creditor" means any entity chartered, licensed or otherwise authorized by law to provide credit through a credit transaction and includes successors and assignees of the original creditor.

"Debtor" means a natural person obligated to a creditor pursuant to a credit transaction in which the money, property or services which are the subject of the transaction are primarily for personal, family or household purposes, whether the obligation is primary or secondary, and includes all persons who are successors to a debtor.

C.17:16V-3 Collateral protection insurance, purchase by creditor.

3. a. If the terms of the credit agreement require the debtor to obtain and continue to maintain insurance which designates the creditor as loss payee

or beneficiary protecting against loss or damage to the collateral and the debtor has not obtained or does not maintain that insurance, a creditor may purchase collateral protection insurance as of the date of the debtor's failure to provide evidence of insurance or failure to maintain insurance covering the collateral, or at a later date at the option of the creditor, with the cost to be paid or reimbursed by the debtor.

b. Collateral protection insurance purchased by the creditor shall be effective: as of the date of the initial credit transaction, if insurance designating the creditor as loss payee or beneficiary protecting against loss or damage to the collateral is not purchased by the debtor; as of the date the required coverage lapsed, if purchased initially but not maintained by the debtor; or at a later date as determined by the creditor.

c. Within 14 calendar days following the placement of the collateral protection insurance, the creditor shall mail or cause a notice to be mailed to the debtor at the address on file with the creditor, by United States mail, first class, postage prepaid, informing the debtor that:

(1) as of (insert date), evidence that you have purchased or maintained the insurance required by the terms of your credit agreement has not been provided to the creditor, (name of creditor);

(2) collateral protection insurance has been purchased by the creditor, with respect to the following credit transaction: (insert type of credit transaction);

(3) you are responsible for the cost of the collateral protection insurance purchased by the creditor, which cost is $;

(4) the amount stated under paragraph (3) of this notice has been added to the principal balance in your account as of (indicate date);

(5) all or part of the cost of the collateral protection insurance stated under paragraph (3) of this notice may be paid by you at any time and amounts paid will be applied to your account;

(6) the effective date of coverage of the collateral protection insurance purchased by the creditor is the date of the initial credit transaction, if you failed to obtain insurance coverage initially, or the date of the lapse of coverage, if you failed to maintain or renew your coverage, or on (specify date if on a later date as determined by the creditor pursuant to subsection b. of this section);

(7) the cost of the collateral protection insurance purchased by the creditor may be more than the cost of insurance you can obtain on your own;

(8) the amount of coverage will not be greater than the outstanding principal balance in your account as of the effective date of the collateral protection insurance purchased by the creditor, which may be less than the value of your property, and as a result, you may be underinsured;

(9) the coverage purchased by the creditor will not include any liability coverage for claims made against you and will not satisfy any mandatory liability insurance law or financial responsibility law of this or any other state;

(10) if you provide us with evidence that you have the required insurance, we shall cause the collateral protection insurance to be canceled as of the effective date of the coverage which you provide (as shown on the policy or other evidence of coverage sent to us), and any unearned premium, costs and interest applicable to the collateral protection insurance after that date will be applied to the balance of your account, and the excess, if any, will be paid to you; and

(11) if you have insurance coverage in place, or if you have replaced the coverage, and it has been in place without any lapse in the coverage but you have failed to provide the creditor with evidence of that coverage, you may, within 30 days after this notice was mailed, provide the creditor evidence of the insurance coverage showing the creditor as loss payee or beneficiary, and the collateral protection insurance coverage placed by the creditor will be canceled and the creditor will deduct from your principal balance all costs of the collateral protection insurance purchased by the creditor, including any interest charged to your account as a result of the costs of that insurance being added to your principal balance.

d. Paragraph (9) of the notice required in subsection c. of this section shall be in a larger type size than the other paragraphs in that notice, and in bold type.

e. The creditor shall inform the debtor, in the notice, that if the debtor has insurance coverage naming the creditor as loss payee or beneficiary in place, or has replaced the insurance coverage, without a lapse in coverage but has failed to notify the creditor, the debtor has 30 days from the date the notice required under subsection c. of this section was mailed to provide evidence of that coverage and include the address to which evidence of coverage is to be sent.

f. If, within 30 days after the notice required by subsection c. of this section was mailed to the debtor, the debtor provides evidence of insurance coverage to the creditor and evidence that the insurance coverage required by the credit agreement was in place or has been replaced, without any lapse in the coverage, and the only failure to comply with the credit agreement was the failure to provide evidence of that coverage to the creditor in a timely fashion, then the creditor shall cancel the coverage placed by the creditor and, if the costs of purchasing collateral protection insurance have been added to the obligation of the borrower, deduct those costs from the debtor's obligation, including interest, and no costs for the purchase of collateral protection insurance by the lender shall be assessed against the borrower.

g. The costs charged to the debtor shall not be excessive or discriminatory. Any cost or element of cost which is approved by the Department of Banking and Insurance or filed with the department and not disapproved, pursuant to P.L.1944, c.27 (C.17:29A-1 et seq.) or P.L.1982, c.114 (C.17:29AA-1 et seq.), shall not be deemed to be excessive or discriminatory for the purposes of this act.

C.17:16V-4 Collateral protection insurance; effective date, face amount, term.

4. a. The effective date of the collateral protection insurance policy purchased by the creditor shall not be sooner than the earlier of the date the debtor's insurance lapsed or the date that the debtor failed to provide evidence of insurance on the collateral.

b. The face amount of the collateral protection insurance policy shall not exceed the outstanding balance of the obligation as of the effective date of the coverage purchased by the creditor even though the coverage may exceed the actual cash value or cost of repair.

c. A collateral protection insurance policy term may, but need not, extend to the full life of the credit transaction.

C.17:16V-5 Termination, cancellation conditions.

5. a. Collateral protection insurance shall terminate or shall be canceled upon the occurrence of any of the following:

(1) the date the creditor is provided with evidence of proper insurance coverage purchased by the debtor as required by the credit transaction agreement;

(2) completion of foreclosure, including sale, or repossession or similar event, including sale;

(3) the date that there is no further balance due from the debtor to the creditor; or

(4) the date specified in the collateral protection insurance policy.

b. If the collateral protection insurance is canceled and there is any unearned premium paid by the debtor which is refunded to the creditor, the creditor shall pay or credit the debtor with the amount of the refund pursuant to paragraph (10) of subsection c. of section 3 of this act. All statements of the loan balance and activity provided by the creditor to the debtor shall include all amounts debited or credited to the obligation due to the purchase and cancellation of collateral protection insurance.

C.17:16V-6 Obtaining insurance.

6. Collateral protection insurance may be obtained from an insurance carrier chosen by the creditor which is licensed or otherwise authorized to provide such insurance in this State, and shall be set forth in an individual policy or certificate of insurance.

C.17:16V-7 Cause of action not created to debtor or third party; remedy; exempt transactions.

7. a. A creditor that places, or a person that receives commissions or fees arising out of, collateral protection insurance shall not be liable to any debtor, guarantor or other party for the placement of collateral protection insurance, except if the purchase of collateral protection insurance is the result of error by the creditor. If the creditor does not substantially comply with the provisions of this act in purchasing collateral protection insurance, the sole and exclusive remedy of the debtor is that the debtor does not have to pay for the insurance and any associated creditor fees or costs. A creditor is not, by virtue of this act, required to purchase collateral protection insurance or otherwise insure collateral.

b. This act shall not create a cause of action to the debtor or any third party:

(1) for the purchase or placement of collateral protection insurance in substantial compliance with the terms of this act;

(2) for not purchasing collateral protection insurance;

(3) as a result of the amount or level of coverage, geographical scope of coverage or deductible associated with collateral protection insurance purchased by the creditor;

(4) because the creditor purchases collateral protection insurance that protects only the interest of the creditor or less than all of the interest of the debtor; or

(5) nondisclosure of commissions or fees included in costs.

c. The list under subsection b. of this section does not imply that a cause of action is otherwise created by this act.

d. This act shall not apply to credit transactions involving extensions of credit primarily for business, commercial or agricultural purposes, and shall not be deemed to regulate or limit the rights of the parties to a business, commercial or agricultural transaction to contract for terms and provisions regarding insurance otherwise not prohibited by law.

C.17:16V-8 Fiduciary relationship not imposed.

8. Neither this act nor the purchase of collateral protection insurance nor receipt of commission or other consideration by the creditor shall impose a fiduciary relationship between the creditor and debtor. Placement of collateral protection insurance is for the purpose of protection of the interest of the creditor when the debtor fails to insure collateral as required by the credit transaction agreement.

C.17:16V-9 Remedies, rights, options unimpaired.

9. This act shall not impair any other remedies, rights or options available to a creditor pursuant to law, regulation, ruling or contract.

C.17:16V-10 Notices to primary debtor.

10. If a credit transaction involves more than one debtor, notices or warnings required to be mailed under this act, shall be mailed to any primary debtor.

C.17:16V-11 Applicability when debtor resides in State.

11. This act shall apply to all credit transactions entered into in this State or if the debtor resides in this State, provided, however, that if the debtor resides in another state, compliance with that state's requirements regarding notice of purchase by the creditor of collateral protection insurance shall be deemed compliance with the notice provisions of this act.

C.17:16V-12 Transactions to which act applies.

12. This act shall apply to all credit transactions whether entered into prior or subsequent to the effective date of this act but shall apply only to collateral protection insurance purchased after the effective date of this act.

13. This act shall take effect on the first business day following the 60th day after enactment.

Approved March 12, 1999.

CHAPTER 45

AN ACT concerning motor vehicle franchises and revising various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1971, c.356 (C.56:10-7) is amended to read as follows:

C.56:10-7 Prohibited practices.

7. It shall be a violation of this act for any franchisor, directly or indirectly, through any officer, agent or employee, to engage in any of the following practices:

a. To require a franchisee at time of entering into a franchise arrangement to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this act.

b. To prohibit directly or indirectly the right of free association among franchisees for any lawful purpose.

c. To require or prohibit any change in management of any franchisee unless such requirement or prohibition of change shall be for good cause, which cause shall be stated in writing by the franchisor.

d. To restrict the sale of any equity or debenture issue or the transfer of any securities of a franchise or in any way prevent or attempt to prevent the transfer, sale or issuance of equity securities or debentures to employees, personnel of the franchisee, or spouse, child or heir of an owner, as long as basic financial requirements of the franchisor are complied with, and provided any such sale, transfer or issuance does not have the effect of accomplishing a sale or transfer of control, including, but not limited to, change in the persons holding the majority voting power of the franchise. Nothing contained in this subsection shall excuse a franchisee's obligation to provide prior written notice of any change of ownership to the franchisor if that notice is required by the franchise.

e. To impose unreasonable standards of performance upon a franchisee.

f. To provide any term or condition in any lease or other agreement ancillary or collateral to a franchise, which term or condition directly or indirectly violates this act.

2. Section 3 of P.L.1991, c.459 (C.56:10-13.2) is amended to read as follows:

C.56:10-13.2 Violations related to termination or nonrenewal.

3. Within 90 days of the termination, cancellation or nonrenewal of a motor vehicle franchise as provided for in section 5 of P.L.1971, c.356 (C.56:10-5), the termination, cancellation or nonrenewal of a motor vehicle franchise by the motor vehicle franchisee or by mutual agreement of the motor vehicle franchisee and motor vehicle franchisor, or the termination, cancellation or nonrenewal of a motor vehicle franchise as a result of a termination or cessation of a part of the franchisor's business operations throughout the United States, which is not a part of any change in the ownership, operation or control of all or any part of the franchisor's business, the motor vehicle franchisor shall repurchase from the motor vehicle franchisee:

a. any unused, undamaged and unsold inventory, and any unused, undamaged and unsold parts, supplies and accessories, listed in the franchisor's current price catalog and acquired from the franchisor or a source approved or recommended by the franchisor at the franchisee's net acquisition cost therefor, plus the franchisee's cost of handling, packing, loading and transporting the inventory, parts, supplies and accessories for return to the franchisor. For the purposes of this subsection, inventory, parts, supplies and accessories used by the franchisee or its employees for

display, demonstration or other marketing purposes shall be deemed to be unused or unsold.

b. any special tools and signs which were required by the franchisor, at:

(1) the franchisee's net acquisition cost if the item was acquired in the 12 months immediately preceding the effective date of the termination, cancellation or nonrenewal;

(2) the greater of the fair market value or 75% of the franchisee's net acquisition cost if the item was acquired more than 12 but less than 24 months immediately preceding the effective date of the termination, cancellation or nonrenewal;

(3) the greater of the fair market value or 50% of the franchisee's net acquisition cost if the item was acquired more than 24 but less than 36 months immediately preceding the effective date of the termination, cancellation or nonrenewal;

(4) the greater of the fair market value or 25% of the franchisee's net acquisition cost if the item was acquired more than 36 but less than 60 months immediately preceding the effective date of the termination, cancellation or nonrenewal; or

(5) the fair market value if the item was acquired more than 60 months immediately preceding the effective date of the termination, cancellation or nonrenewal; plus the franchisee's cost of handling, packing, loading and transporting the item for return to the franchisor.

Payment shall be made by the motor vehicle franchisor within 30 days after the tender of the property by the motor vehicle franchisee free and clear of liens and encumbrances.

Nothing in this section shall prohibit the franchise from containing provisions in addition to, but not inconsistent with, those required by this section.

3. Section 3 of P.L.1977, c.84 (C.56:10-15) is amended to read as follows:

C.56:10-15 Reimbursement for services or parts under warranty or law.

3. If any motor vehicle franchise shall require or permit motor vehicle franchisees to perform services or provide parts in satisfaction of a warranty issued by the motor vehicle franchisor:

a. The motor vehicle franchisor shall reimburse each motor vehicle franchisee for such services as are rendered and for such parts as are supplied, in an amount equal to the prevailing retail price charged by such motor vehicle franchisee for such services and parts in circumstances where such services are rendered or such parts supplied other than pursuant to warranty; provided that such motor vehicle franchisee's prevailing retail price is not unreasonable when compared with that of the holders of motor

vehicle franchises from the same motor vehicle franchisor for identical merchandise or services in the geographic area in which the motor vehicle franchisee is engaged in business.

b. The motor vehicle franchisor shall not by agreement, by restrictions upon reimbursement, or otherwise, restrict the nature and extent of services to be rendered or parts to be provided so that such restriction prevents the motor vehicle franchisee from satisfying the warranty by rendering services in a good and workmanlike manner and providing parts which are required in accordance with generally accepted standards. Any such restriction shall constitute a prohibited practice hereunder.

c. The motor vehicle franchisor shall reimburse the motor vehicle franchisee pursuant to subsection a. of this section, without deduction, for services performed on, and parts supplied for, a motor vehicle by the motor vehicle franchisee in good faith and in accordance with generally accepted standards, notwithstanding any requirement that the motor vehicle franchisor accept the return of the motor vehicle or make payment to a consumer with respect to the motor vehicle pursuant to the provisions of P.L.1988, c.123 (C.56:12-29 et seq.).

d. For the purposes of this section, the "prevailing retail price" charged by a motor vehicle franchisee for parts means the price paid by the motor vehicle franchisee for those parts, including all shipping and other charges, multiplied by the sum of 1.0 and the franchisee's average percentage markup over the price paid by the motor vehicle franchisee for parts purchased by the motor vehicle franchisee from the motor vehicle franchisor and sold at retail. The motor vehicle franchisee may establish average percentage markup under this section by submitting to the motor vehicle franchisor 100 sequential customer paid service repair orders or 90 days of customer paid service repair orders, whichever is less, covering repairs made no more than 180 days before the submission, and declaring what the average percentage markup is. The average percentage markup so declared shall go into effect 30 days following the declaration subject to audit of the submitted repair orders by the motor vehicle franchisor and adjustment of the average percentage markup based on that audit. Only retail sales not involving warranty repairs, parts covered by subsection e. of this section, or parts supplied for routine vehicle maintenance, shall be considered in calculating average percentage markup. No motor vehicle franchisor shall require a motor vehicle franchisee to establish average percentage markup by a methodology, or by requiring information, that is unduly burdensome or time consuming to provide, including, but not limited to, part by part or transaction by transaction calculations. A motor vehicle franchisee shall not request a change in the average percentage markup more than twice in one calendar year.

e. If a motor vehicle franchisor supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchisor. The requirements of this section shall not apply to entire engine assemblies and entire transmission assemblies. In the case of those assemblies, the motor vehicle franchisor shall reimburse the motor vehicle franchisee in the amount of 30% of what the motor vehicle franchisee would have paid the motor vehicle franchisor for the assembly if the assembly had not been supplied by the franchisor other than by the sale of that assembly to the motor vehicle franchisee.

f. The motor vehicle franchisor shall reimburse the motor vehicle franchisee for parts supplied and services rendered under a warranty within 30 days after approval of a claim for reimbursement. All claims for reimbursement shall be approved or disapproved within 30 days after receipt of the claim by the motor vehicle franchisor. When a claim is disapproved, the motor vehicle franchisee shall be notified in writing of the grounds for the disapproval. No claim that has been approved and paid shall be charged back to the motor vehicle franchisee unless it can be shown that the claim was false or fraudulent, that the services were not properly performed, that the parts or services were unnecessary to correct the defective condition, or that the motor vehicle franchisee failed to reasonably substantiate the claim in accordance with reasonable written requirements of the motor vehicle franchisor, provided that the motor vehicle franchisee had been notified of the requirements prior to the time the claim arose and the requirements were in effect at the time the claim arose. A motor vehicle franchisor shall not audit a claim after the expiration of two years following the payment of the claim unless the motor vehicle franchisor has reasonable grounds to believe that the claim was fraudulent.

g. The obligations imposed on motor vehicle franchisors by this section shall apply to any parent, subsidiary, affiliate or agent of the motor vehicle franchisor, any person under common ownership or control, any employee of the motor vehicle franchisor and any person holding 1% or more of the shares of any class of securities or other ownership interest in the motor vehicle franchisor, if a warranty or service or repair plan is issued by that person instead of or in addition to one issued by the motor vehicle franchisor.

h. The provisions of this section shall also apply to franchisor administered service and repair plans:

(1) if the motor vehicle franchisee offers for sale only the franchisor administered service or repair plan; or

(2) if the motor vehicle franchisee is paid its prevailing retail price for all service or repair plans the motor vehicle franchisee offers for sale to purchasers of new motor vehicles; or

(3) for the first 36,000 miles of coverage under the franchisor administered service or repair plan, if the warranty offered by the motor vehicle franchisor on the motor vehicle provides coverage for less than 36,000 miles; or

(4) for motor vehicles covered by a franchisor administered service or repair plan, if the motor vehicle franchisee does not offer for sale the franchisor administered service or repair plan.

With respect to franchisor administered service or repair plans covering only routine maintenance service, this section applies only to those plans sold to customers on or after the effective date of P.L.1999, c.45.

4. Section 8 of P.L.1982, c.156 (C.56:10-23) is amended to read as follows:

C.56:10-23 Factors for consideration whether proposed franchise will harm public interest.

8. a. In determining whether the grant, relocation, reopening or reactivation of a franchise or establishment, relocation, reopening or reactivation of a business will be injurious to existing franchisees or to the public interest, the committee may consider, but shall not be limited to considering the following:

(1) The effect that the proposed franchise or business would have on the provision of stable, adequate and reliable sales and service to purchasers of vehicles in the same line make in the relevant market area;

(2) The effect that the proposed franchise or business would have on the stability of existing franchisees in the same line make in the relevant market area;

(3) Whether the existing franchisees in the same line make in the relevant market area are providing adequate and convenient consumer service for motor vehicles of the line make in the relevant market area, which shall include the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts and qualified service personnel;

(4) The effect on a relocating dealer of a denial of its relocation into the relevant market area.

b. In determining whether the grant, relocation, reopening or reactivation of a franchise or establishment, relocation, reopening or reactivation of a business will be injurious to existing franchisees or to the public interest, it shall be presumed that the proposed grant, relocation, reopening or

reactivation of the franchise or establishment, relocation, reopening or reactivation of the business will be injurious to existing franchisees or to the public interest if:

(1) for the 24-month period prior to notice pursuant to section 4 of P.L.1982, c.156 (C.56:10-19), the average market penetration of the franchisees given notice pursuant to section 4 of P.L.1982, c.156 (C.56:10-19) is at least equal to the average market penetration of all franchisees in the same line make in the zone, district, region or other similar geographic designation, other than a national geographic designation, used by the motor vehicle franchisor into which the proposed franchise or business will be assigned, it being the intent of this paragraph (1) of this subsection b. not to compare the franchisees given notice to the national market penetration of the motor vehicle franchisor;

(2) the proposed franchise or business is likely to cause not less than a 25% reduction in new vehicle sales or not less than a 25% reduction in gross income for the protesting franchisee;

(3) the proposed franchise or business will not operate a full service franchise or business at the proposed location; or

(4) an owner or operator of the proposed franchise or business has engaged in materially unfair or deceptive business practices with respect to a motor vehicle franchise or business.

c. The presumption in subsection b. of this section shall not apply to the grant, reopening or reactivation of a franchise or to the establishment, reopening or reactivation of a business if the proposed franchisee is a minority or a woman. For the purposes of this subsection, "minority" means a person who is:

(1) Black, which is a person having origins in any of the black racial groups in Africa; or

(2) Hispanic, which is a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race; or

(3) Asian American, which is a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, Hawaii, or the Pacific Islands; or

(4) American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America.

C.56:10-7.4 Additional practices prohibited.

5. It shall be a violation of P.L.1971, c.356 (C.56:10-1 et seq.) for any motor vehicle franchisor, directly or indirectly, through any officer, agent or employee, to engage in any of the following practices:

a. To impose unreasonable standards of performance or unreasonable facilities, financial, operating or other requirements upon a motor vehicle franchisee.

b. To base the disapproval of the transfer, sale or assignment of a motor vehicle franchise, or any interest therein, on the ground that the proposed transferee is not a natural person.

c. To fail to compensate a motor vehicle franchisee for all reasonable costs incurred by the franchisee in complying with the requirements imposed on the franchisee by the franchisor relating to a product recall.

d. To utilize an arbitrary or unreasonable formula or other calculation or process intended to gauge performance as a basis for making any decision or taking any action governed by P.L.1971, c.356 (C.56:10-1 et seq.).

e. To own or operate or enter into an agreement with a person, other than an existing motor vehicle franchisee, to operate a retail facility for the servicing of motor vehicles, which is authorized to perform warranty service on motor vehicles manufactured or distributed by the motor vehicle franchisor. The establishment, relocation, reopening or reactivation of such a facility pursuant to an agreement with a motor vehicle franchisee shall be subject to the provisions of P.L.1982, c.156 (C.56:10-16 et seq.), except that paragraph (3) of subsection b. of section 8 of that act (C.56:10-23) shall not be applicable. Notice shall be given to motor vehicle franchisees in the same line make or makes within six miles of the proposed retail facility for the servicing of motor vehicles which is authorized to perform warranty service on motor vehicles manufactured or distributed by the motor vehicle franchisor.

f. To require an unconditional release from a motor vehicle franchisee without permitting the franchisee to except from the release any claims for outstanding financial obligations of the motor vehicle franchisor to the motor vehicle franchisee for which payment will not be made at or before the giving of the release.

g. To require or attempt to require a motor vehicle franchisee to accept delivery of any motor vehicle, or accessory or equipment thereof not required by law, which is not as ordered by the motor vehicle franchisee.

h. To fail or refuse to sell or offer to sell to all motor vehicle franchisees in a line make every motor vehicle sold or offered for sale to any motor vehicle franchisee of the same line make. However, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause over which the franchisor has no control. A motor vehicle franchisor shall not require a motor vehicle franchisee to purchase unreasonable quantities of advertising materials, purchase special tools not required to properly service a motor vehicle or undertake sales person or

service person training unrelated to the motor vehicle or meet unreasonable display requirements as a condition of receiving a motor vehicle.

i. Unless compelled by law or legal process, (1) if the customer has objected thereto in writing, to require a motor vehicle franchisee to publish, release, convey or otherwise provide information obtained with respect to any customers, contracts, products, services or other transactions of the motor vehicle franchisee which is not necessary for the motor vehicle franchisor to meet its obligations to consumers or the motor vehicle franchisee, including vehicle recalls or other requirements imposed by State or federal law, or for complying with the duties or obligations of the respective parties under the franchise; or (2) to release such information which has been provided to it by the motor vehicle franchisees to any third party.

6. This act shall take effect immediately.

Approved March 12, 1999.

CHAPTER 46

AN ACT concerning higher education and revising parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. An additional Subtitle, 12A, is added to Title 18A of the New Jersey Statutes as follows:

SUBTITLE 12A
NEW JERSEY HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

Part 1.—Authority Structure and General Provisions

Short title.

18A:71A-1. Short Title.

Section 1 shall be known and may be cited as the "Higher Education Student Assistance Authority Law."

Terms defined.

18A:71A-2. Terms Defined.

As used in this act, unless the context indicates another or different meaning, the following words shall have the following meanings:

"Authority" means the Higher Education Student Assistance Authority established pursuant to this act, or any body, entity, commission, or department succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this act shall be given by law.

"Board" means the governing body of the authority appointed or elected pursuant to N.J.S.18A:71A-4 of this article.

"Bond" means bonds, notes or other obligations of the authority issued pursuant to this act.

"Commission" means the New Jersey Commission on Higher Education.

"Eligible institution" means, unless otherwise defined by this act or by the authority by regulation, an institution having a participation agreement with the authority which is further defined in 20 U.S.C. s.1071 et seq., and which includes an institution of higher education, a proprietary institution of higher education, a postsecondary vocational institution and a vocational school, provided that the institution or school is licensed or approved by the appropriate agency or department and accredited or preaccredited by a nationally recognized accrediting association.

"Executive director" means the chief executive and administrative officer of the authority.

"Fund" means the Higher Education Student Assistance Fund.

"Lender" or "eligible lender" includes the authority and any institution authorized to make loans under 20 U.S.C. s.1071 et seq. which has entered into a participation agreement with the authority.

"Member" means an individual appointed or elected to the board of the authority or serving ex-officio on the board.

"State college" means any college or university created pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

Higher Education Student Assistance Authority created.

18A:71A-3. Higher Education Student Assistance Authority Created.

The Higher Education Student Assistance Authority, a body corporate and politic, shall be established in the Executive Branch of the State Government and for the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is allocated in but not of the Department of State. The authority shall constitute an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act in the furthering of access to postsecondary education, whether by loans, grants, scholarships or other means, shall be deemed and held to be an essential governmental function of the State. The

authority shall submit its budget request directly to the Division of Budget and Accounting in the Department of the Treasury.

Board of the authority.

18A:71A-4. Board of the Authority.

a. The Board of the Higher Education Student Assistance Authority shall consist of 18 members as follows: the State Treasurer, ex-officio, or a designee; the chairperson of the Commission on Higher Education, ex-officio or a designee from among the public members of the commission; the chairperson of the Board of Directors of the Educational Opportunity Fund, ex-officio, or a designee from among the public members of the board; five representatives from eligible institutions in this State, including one from Rutgers, the State University, one from either the New Jersey Institute of Technology or the University of Medicine and Dentistry of New Jersey, one from the county colleges, one from the State colleges, and one from the independent institutions of higher education in the State; two students from different collegiate institutional sectors; seven public members who shall be residents of this State, including one who shall represent a lender party to a participation agreement with the authority; and the executive director of the authority, or designee, who shall be an ex-officio, non-voting member of the board.

b. The seven public members, including the lender member, shall be appointed by the Governor with the advice and consent of the Senate. No more than four of the public members shall be members of the same political party. The institutional representatives shall be nominated by the respective institution in the case of Rutgers, the State University, New Jersey Institute of Technology, and University of Medicine and Dentistry of New Jersey. The remaining institutional representatives shall be nominated by the respective sector association. Institutional representatives shall be appointed by the Governor with the advice and consent of the Senate. The student members shall be the individuals that the Student Advisory Committee elects as its chairperson and vice-chairperson. The Student Advisory Committee shall be created by the board to include students from all collegiate institutional sectors. The necessary appointments shall be made within 45 days of the enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

c. Public and institutional members of the board shall serve a term of four years and until a successor is appointed and qualified, except in the case of the first members so appointed, four of whom shall be appointed for a term of four years, four of whom shall be appointed for a term of three years, two of whom shall be appointed for a term of two years, and two of whom shall be appointed for a term of one year. Student members shall serve a term of office not to exceed two years. Any vacancy in the

membership of the board, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment or election was made, but for the unexpired term only.

Executive director.

18A:71A-5. Executive Director.

a. The executive director of the authority shall be appointed by the Governor and shall serve at the pleasure of the Governor during the Governor's term of office and until a successor is appointed and qualified, except that the person holding the office of Executive Director of Student Assistance Programs in the Office of Student Assistance in, but not of, the Department of the Treasury, on the effective date of this act shall be the initial executive director of the authority. The executive director shall receive annual compensation, which shall be payable as other State compensation is paid.

b. The executive director shall be:

(1) the chief executive and administrative officer of the authority having general charge and supervision of the work of the authority;

(2) the appointing authority and official agent of the authority for all purposes. The authority shall delegate to the executive director the power to employ financial and computer experts, attorneys, accountants, managers, and such other employees and agents as may be necessary; to fix their compensation; and to promote and discharge the employees and agents;

(3) the budget request officer and the approval officer of the authority;

(4) an officer and an ex-officio, non-voting member of the board; and

(5) authorized, subject to law, to select a designee to act in his place or stead and to have authority over all matters concerning the employment and compensation of staff not classified under Title 11A of the New Jersey Statutes.

Organization of the board.

18A:71A-6. Organization of the Board.

a. Meetings of the board shall be held at such time and place as the members shall determine. A majority of the members in office at a meeting at which public members of the board are present shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the members present at a meeting at which a quorum is present shall be the acts of the authority. The board shall hold all meetings attended by, or open to, all members of the board in accordance with the "Open Public Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.).

b. A true copy of the minutes of every meeting of the board shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at the meeting by the board shall have force or effect until 10 days after the copy of the minutes has been delivered.

If, in the 10-day period, the Governor returns the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, the action shall be null and of no effect. If the Governor does not return the minutes within the 10-day period, any action therein recited shall have force and effect according to the wording thereof. At any time prior to the expiration of the 10-day period, the Governor may sign a statement of approval of any such action of the board, in which case the approved action shall not thereafter be disapproved.

Notwithstanding the provisions of this section, with regard to the authorization or sale of bonds of the authority, the authority shall furnish to the Governor a certified copy of the minutes of the meeting at which the bonds are authorized or sold after the taking of the action, and the Governor shall indicate approval or disapproval of the action prior to the end of the business day upon which the certified copy of the minutes was furnished to the Governor.

The powers conferred in this section upon the Governor shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this section shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

c. The officers of the board shall be a chairperson, a vice-chairperson, and one person to act as secretary and treasurer. The chairperson and vice-chairperson shall be elected from among the public members of the board by the board annually and shall hold office until their successors are elected or until their earlier death, disability, resignation, or removal. The secretary and treasurer shall be the executive director or designee. Any vacancy of the chairperson or vice-chairperson caused by the death, disability, resignation, or removal of any officer shall be filled by the members of the board.

Limitation of liability, conflict of interest, compensation.

18A:71A-7. Limitation of Liability, Conflict of Interest, Compensation.

a. The personal liability of members of the board, which shall be a public entity under the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., shall be limited to the extent permitted by N.J.S.59:1-1 et seq., this act, and other applicable New Jersey law.

b. Each member of the board shall comply with the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.).

c. The members of the board shall receive no compensation for their services, but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

General powers of the authority.

18A:71A-8. General Powers of the Authority.

The authority shall have the power to:

a. adopt bylaws for the regulation of its affairs and the conduct of its business;

b. maintain an office at such place or places within the State as it may designate;

c. adopt an official seal and alter the same at pleasure;

d. sue and be sued in its own name;

e. retain legal counsel of its choosing. The authority may choose representation by the Attorney General; however, as to claims of a tortious nature, the authority shall elect within 75 days of the effective date of this act whether it, and its employees, shall be represented in all such matters by the Attorney General. If the authority elects not to be represented by the Attorney General, it shall be considered and its employees considered employees of a sue and be sued entity for the purposes of the "New Jersey Tort Claims Act" only. The authority shall be required in that circumstance to provide its employees with defense and indemnification consistent with the terms and conditions of the Tort Claims Act in lieu of the defense and indemnification that such employees would otherwise seek and be entitled to from the Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.);

f. make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

g. borrow money and to issue bonds, notes and other obligations of the authority to carry out any purposes of the authority under this act, including, without limitation: (1) making or purchasing loans under any provision of this act; (2) purchasing from lenders approved notes or participations in approved notes as provided by law; and (3) refunding of outstanding bonds; but it shall not in any manner, directly or indirectly, pledge the credit of the State;

h. receive and accept, from any federal or other public agency or governmental entity, grants, including block grants, or loans for or in aid of its programs and powers under this act, and to receive aid and contributions from any other source, of money, property, labor, and other things of value, to be held, used and applied only for the purposes for which the grants, loans and contributions may be made;

i. acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this act;

j. complete, administer, operate, obtain and authorize payment for insurance on and maintain, renovate, repair, modernize, lease or otherwise deal with any property acquired or held by it pursuant to this act;

k. authorize payment for disbursements, costs, commissions, attorney's fees and other reasonable expenses related to and necessary for the making and protection of guaranteed and other authority loans and the recovery of moneys, loans or management of property acquired in connection with the loans;

l. adopt rules and regulations to implement this act; and

m. do all acts and things necessary or appropriate to carry out the objects and purposes of this act.

Further powers of the authority.

18A:71A-9. Further Powers of the Authority.

The authority shall have the following powers to:

a. further access to postsecondary education, whether by loans, grants, scholarships, savings programs, or other means as approved by the Legislature to meet the expenses of postsecondary education;

b. make, assist in the placing of federally guaranteed student loans, service or otherwise provide such loans:

(1) to persons who are residents of this State or who reside outside this State who are attending and are in good standing in, or who plan to attend, any eligible institution located in this State or elsewhere; or

(2) to parents of persons meeting the requirements set forth in paragraph (1) of this subsection, in order to assist them in meeting the expenses of postsecondary education;

c. guarantee the loans in subsection b. of this section upon such terms and conditions as the authority may prescribe; provided that the amounts may not exceed the annual and aggregate amounts authorized under 20 U.S.C.s.1071 et seq.;

d. buy and sell approved notes evidencing loans made under this act, and to buy and sell participations in approved notes made pursuant to this act, either by buying and selling directly or by establishing a separate entity which will serve as a secondary market for student loans under the oversight of the authority, which entity shall take action and adopt rules subject to the approval of the authority;

e. be the State guaranty agency for the State of New Jersey and engage in programs which state guaranty agencies are authorized to participate in pursuant to 20 U.S.C. s.1071 et seq.;

f. be the lead State agency in coordination with the commission in determining policy on student assistance issues;

g. assist students who are parties to loans made, funded, or guaranteed under this act to qualify for federal interest subsidy, special allowance, loan forgiveness or other applicable benefits;

h. establish a separate entity or utilize established agencies to administer loan programs, which entity or agencies shall administer authority loan programs and adopt rules subject to the approval of the authority. Loans made by the entity or agencies shall be subject to the same criteria as to amount, interest and payment as are other loans authorized under this act, and shall be given to students who are eligible for loans under the terms and conditions of the law but have been unable to secure them;

i. be an agency of communication with departments and agencies of the United States on the availability of grants or loans to this State for purposes related to or similar to those set forth in this act;

j. request and receive from any department, division, board, bureau, commission or agency of the State or any subdivision thereof the assistance and data necessary to properly carry out its powers, duties and functions;

k. make and service loans to eligible borrowers through State loan programs established by law;

l. administer loan redemption and related fellowship programs established by law;

m. administer and coordinate grant, scholarship and tuition aid programs as established by law;

n. be the primary State agency for the administration of non-campus based federal grant and scholarship programs for students seeking to meet the expenses of postsecondary education;

o. inform the public of financial aid programs to meet the expenses of postsecondary education;

p. perform audit and review functions, including federally mandated lender and school reviews, campus level State student financial aid program reviews and State-mandated annual internal control reviews; and

q. assist the Attorney General in the investigation of alleged violations of all criminal statutes related to fraud or a breach of fiduciary obligations committed by any person who has obtained or aided and abetted in obtaining loans, loan guarantees, scholarships, and grants or other moneys from this authority; and to work in conjunction with the appropriate prosecuting authorities in the prosecution of cases where it is determined that evidence of criminal activity exists.

Contracts, purchases, records, travel.

18A:71A-10. Contracts, Purchases, Records, Travel.

a. The authority, in the exercise of its power to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, except as hereinafter provided, no contract on behalf of the authority shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, when the sum to be expended exceeds the sum of $12,300 or, after June 30, 1998, the amount determined pursuant to subsection b. of this section, unless the authority shall first publicly advertise for bids therefor, and shall award the contract to the lowest responsible bidder. Waiver of bid advertising and of actual bidding shall be made by resolution of the authority for those goods, services, and contracts described in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 52:34-10). Special rules shall apply to the procurement of professional services when the authority shall consider a variety of factors associated with rendering the professional services, including price, in awarding of a contract.

This subsection shall not prevent the authority from having any work done by its own employees, nor shall it apply when the safety or protection of its or other public property requires. In the case of exigency or emergency, the authority shall, by resolution passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

b. The Governor, in consultation with the Department of the Treasury, shall, not later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the authority of the adjustment. The adjustment shall become effective July 1 of each odd-numbered year.

c. The authority, in the exercise of its power to make purchases and enter into contracts, leases and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures providing that, subject to subsections a. and b. of this section, for purchases, contracts, leases and agreements payable exclusively with or out of funds transferred from the Higher Education Student Assistance Fund, the purchases, contracts, leases and agreements shall be subject to the authority's sole approval. Approval of the purchases, contracts, leases, and agreements shall not be required by any other department, division, board, bureau, agency, office or officer of the State.

d. The authority, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, may purchase any

materials, supplies or equipment pursuant to a contract or contracts for the materials, supplies or equipment entered into on behalf of the State. Any department, division, commission, board, bureau, agency, office or officer of the State may, by joint action with the authority, purchase any articles used or needed by the State and the authority.

e. Records subject to the record retention requirements set forth under 20 U.S.C.s.1071 et seq., 20 U.S.C.s.1070c et seq., and 20 U.S.C.s.1104 et seq. and implementing regulations and rules shall not be "public records" for purposes of the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47: 3-15 et seq.), notwithstanding the provisions of any law to the contrary.

f. The executive director shall have the power to approve of travel consistent with Office of Management and Budget travel regulations, except that for travel that is payable exclusively with or out of funds transferred from the Higher Education Student Assistance Fund, no approval shall be required by the Director of the Office of Management and Budget.

Certain pension, benefits, and employment classification provisions applicable to employees of the authority.

18A:71A-11. Certain Pension, Benefits, and Employment Classification Provisions Applicable to Employees of the Authority.

a. Notwithstanding the provisions of any law to the contrary, any former employee of the Office of Student Assistance who was a participant in the alternate benefit program, P.L.1969, c.242 (C.18A:66-168 et seq.), and who has continued in uninterrupted service with the State may continue to participate in the alternate benefit program on the same terms as other eligible employees.

b. Notwithstanding the provisions of any law to the contrary, professional administrative staff of the authority are eligible to participate in the alternate benefit program under the provisions of P.L.1969, c.242 (C.18A:66-168 et seq.).

c. Notwithstanding the provisions of any law to the contrary, eligible employees of the authority shall be eligible to obtain supplemental tax-deferred annuities with outside investment carriers on the same basis and with the same carriers as available to members of the alternate benefit program under the provisions of P.L.1969, c.242 (C.18A:66-168 et seq.).

d. The total number of employees in unclassified service including the number of vacant unclassified service positions on the date this act becomes effective shall not decrease without prior authorization by the board.

18A:71A-12. Limitations on issue of bond anticipation notes and other obligations.

18A:71A-12. Limitations on Issue of Bond Anticipation Notes and Other Obligations.

The authority may issue bond anticipation notes and other short-term obligations which may be renewed from time to time, but the maximum maturity

of the notes or obligations, including renewals thereof, shall not exceed five years from the date of issue of the original. The notes or obligations shall be paid from any revenues or other moneys of the authority available therefor and not otherwise pledged, or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. The notes or obligations shall be issued in the same manner as bonds, and the resolution or resolutions authorizing them may contain any provisions, conditions or limitations which a bond resolution of the authority may contain.

Bonds, bond anticipation notes, other obligations: general provisions.

18A:71A-13. Bonds, Bond Anticipation Notes, Other Obligations: General Provisions.

Except as may otherwise be expressly provided by the authority, every issue of its bonds, notes or obligations shall be general obligations of the authority payable from any revenues or moneys of the authority, subject only to any agreements with the holders of particular bonds, notes or obligations pledging any particular revenues or moneys. Notwithstanding that bonds, notes, and other obligations may be payable from a special fund, they shall be fully negotiable within the meaning of Title 12A of the New Jersey Statutes, the Uniform Commercial Code, subject only to the provision of the bonds, notes, and other obligations for registration. The bonds may be issued as serial bonds or as term bonds, or the authority, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 35 years from their respective dates, bear interest at such rate or rates including, but not limited to, fixed, variable, floating or adjustable interest rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as the resolution or resolutions may provide. The bonds, notes or obligations may be sold at public or private sale for such price or prices as the authority shall determine. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for the definitive bonds.

At any time prior to the issuance and sale of bonds or other obligations by the authority under this act, the State Treasurer is authorized to transfer from any available moneys in any fund of the Treasury of the State to the credit of any fund of the authority those sums which the State Treasurer may deem necessary. The sums so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of authority

bonds, notes or other obligations issued for the same programmatic purpose as the funds transferred by the State Treasurer.

Bond resolutions.

18A:71A-14. Bond Resolutions.

Any resolution or resolutions of the authority authorizing any bonds or any issues of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized as to:

a. the pledging of all or any part of the revenues of the authority;

b. the use and disposition of the revenues;

c. the setting aside of reserves or sinking funds, and the regulations and disposition thereof;

d. limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

e. he procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which the consent may be given;

f. limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging the proceeds to secure the payment of the bonds or any issue of the bonds;

g. defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of the holders in the event of a default; and

h. the making of covenants other than and in addition to the covenants herein expressly authorized, of like or different character; and the making of the covenants to do or refrain from doing such acts and things as may be necessary or convenient or desirable in order to better secure the bonds, notes or other obligations which, in the absolute discretion of the authority, will tend to make the bonds, notes, or other obligations more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein.

Personal liability on bonds, notes and other obligations.

18A:71A-15. Personal Liability on Bonds, Notes and Other Obligations.

Neither the members of the authority, nor any person executing bonds, notes or other obligations issued by it, nor any officer or employee of the authority shall be liable personally on the bonds, notes or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

Purchase by authority of bonds, notes and other obligations.

18A:71A-16. Purchase by Authority of Bonds, Notes and Other Obligations.

The authority shall have the power out of any funds available therefor to purchase its bonds, notes or other obligations. The authority may hold, pledge, cancel or resell the bonds, subject to and in accordance with agreements with bondholders.

Security for bonds.

18A:71A-17. Security for Bonds.

In the discretion of the authority, any bonds issued by it may be secured by a trust agreement between the authority and a qualified bank as defined in section 1 of "The Banking Act of 1948," P.L.1948, c.67 (C.17:9A-1 et seq.). The trust agreement or resolution providing for the issuance of the bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly those provisions authorized to be included in any resolution or resolutions of the authority authorizing bonds. Any banking institution, as defined in section 1 of "The Banking Act of 1948," P.L.1948, c.67 (C.17:9A-1 et seq.), may act as depository of the proceeds of bonds or of revenues or other moneys and may furnish such indemnifying bonds or pledge such securities as may be required by the authority. The trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, the trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders.

Liability for payment of bonds.

18A:71A-18. Liability for Payment of Bonds.

Bonds issued pursuant to N.J.S.18A:71A-8 shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any political subdivision, but shall be payable solely from the funds herein provided. The bonds shall contain on the face a statement to the effect that neither the State of New Jersey nor the authority shall be obligated to pay the same or the interest thereon except from revenues or other moneys of the authority and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds. The issuance of bonds under the provisions of this act shall not directly or indirectly or contingently obligate the State or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor.

Rights of bondholders.

18A:71A-19. Rights of Bondholders.

A holder of bonds issued by the authority pursuant to N.J.S.18A:71A-8, or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any trust agreement securing, the bonds, may, either at law or in equity, by suit, action or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under the resolution of trust agreement, and may enforce and compel the performance of all duties required by this act or by the resolution or trust agreement to be performed by the authority or by any officer, employee or agent thereof.

Refunding bonds.

18A:71A-20. Refunding Bonds.

a. The authority shall have power to issue bonds for the purposes of refunding any of its bonds then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity of the bonds.

b. The proceeds of bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on such date as may be determined by the authority. Any escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner. All such bonds shall be subject to the provisions of this act in the same manner and to the same extent as other bonds issued pursuant to this act and N.J.S.18A:71A-8.

Bonds as legal investments.

18A:71A-21. Bonds as Legal Investments.

Bonds, notes and other obligations issued by the authority under the provisions of this act and N.J.S.18A:71A-8, are hereby made securities in

which the State and all political subdivisions of the State, their officers, boards, commissions, departments or other agencies, banks, savings banks, savings and loan associations, investment companies, all insurance companies, insurance associations and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons who now are or may hereafter be authorized to invest in bonds, notes or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and the bonds, notes or other obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

Pledge of state; exemption from taxation; taxable bond option.

18A:71A-22. Pledge of State; Exemption From Taxation; Taxable Bond Option.

a. The State of New Jersey does pledge to and agree with the holders of the bonds, notes and other obligations issued pursuant to authority contained in this act and N.J.S.18A:71A-8, that the State will not limit the power and obligation of the authority to fulfill the terms of any agreements made with the holders of bonds, notes and other obligations so issued, or in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way the exemptions for taxation provided for in this act, until the bonds, notes and other obligations together with interest thereon, are fully paid and discharged. The authority as a public body corporate and politic shall have the right to include the pledge herein made in its bonds and contracts.

b. Unless otherwise determined by the authority, all bonds, notes or other obligations issued pursuant to this act are hereby declared to be issued by a body corporate and politic of this State and for an essential public and governmental purpose. The bonds, notes and other obligations, and the interest thereon and the income therefrom, and all fees, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of the bonds, notes or other obligations, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

c. With respect to all or any portion of any issue of any bonds, notes or other obligations that the authority may issue in accordance with this act, the authority may covenant, elect and consent that the interest on the bonds be includable under the federal Internal Revenue Code of 1986, as amended, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the federal Internal Revenue Code of 1986, as amended, or in such other

manner as the authority may covenant, elect and consent. Bonds issued pursuant to this act are not subject to any limitations or restrictions of any law that may limit the authority's power to issue those bonds.

Higher Education Student Assistance Fund.

18A:71A-23. Higher Education Student Assistance Fund.

The authority shall establish and maintain a special fund called the "Higher Education Student Assistance Fund" solely for its activities as a guaranty agency and lender under 20 U.S.C.s.1071 et seq. The fund shall consist of: a. all moneys appropriated by the Legislature for inclusion in the fund; b. federal advances and other revenues realized as a result of guaranty and lender activities under 20 U.S.C.s.1071 et seq.; c. investment earnings of the fund; d. moneys contributed to the authority by private sources, to be used for the purposes of this act; e. the proceeds received by the sale of its bonds, bond anticipation notes and other obligations as provided by law; and f. the proceeds received by the authority from the resale of notes evidencing approved loans made pursuant to this act.

The authority may in any resolution authorize the establishment within the Higher Education Student Assistance Fund of separate special funds as necessary for moneys to be held in pledge or otherwise for payment or redemption of bonds, notes or other obligations, reserves or other purposes and to covenant as to use and disposition of the moneys held in these special funds.

Loan Reserve Fund.

18A:71A-24. Loan Reserve Fund.

a. Within the Higher Education Student Assistance Fund, the authority shall establish and maintain a special fund called the "Loan Reserve Fund" in which shall be deposited: (1) all reserve funds held by the authority; (2) all moneys appropriated by the State for the purpose of the fund, and (3) any other moneys or funds of the authority which it determines to deposit therein. Moneys in the Loan Reserve Fund shall be held and approved solely for the purchase by the fund of defaulted loans either by payment to a lender or by transfer to the Higher Education Student Assistance Fund, of the total amount of principal and interest then due and owing on any defaulted note, except to the extent that the moneys represent advances made to the authority by the United States of America, or agencies thereof, which the authority may be required to repay, and in the event repayment is required, it shall be made from the Loan Reserve Fund.

b. The sum total of all funds on deposit in the Loan Reserve Fund, hereafter referred to as the "loan reserve requirement," shall in no event be less than the amount required under 20 U.S.C. s.1071 et seq.

c. In order to assure the maintenance of the loan reserve requirement in the Loan Reserve Fund, there shall be appropriated annually and paid to

the authority for deposit in the fund, such sum, if any, as shall be certified by the chairperson of the Board of the Higher Education Student Assistance Authority to the Governor as necessary to maintain the fund in an amount equal to the loan reserve requirement during the then current fiscal year. The chairperson shall annually, on or before December 1, make and deliver to the Governor a certificate stating the sums, if any, required to maintain the fund in the amount equal to the loan reserve requirement, and the sum or sums so certified shall be appropriated and paid to the authority during the then current State fiscal year.

d. Moneys in the fund at any time in excess of the loan reserve requirement, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to any other fund or account of the authority, to the extent permitted under 20 U.S.C.s.1071 et seq.

e. Moneys at any time in the Loan Reserve Fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or such other obligations as the authority may approve, to the extent permitted under 20 U.S.C.s.1071 et seq.

f. For purposes of valuation, investments in the Loan Reserve Fund shall be valued at the lowest of the par value, cost to the authority, or market value of the investments. Valuation on any particular date shall include the amount of interest then earned or accrued to the date on any moneys or investments in the Loan Reserve Fund.

Capital Reserve Fund; use; investment.

18A:71A-25. Capital Reserve Fund; Use; Investment.

a. The authority shall establish and maintain a special fund called the "New Jersey Higher Education Student Assistance Capital Reserve Fund" in which there shall be deposited: (1) all moneys appropriated by the State for the purpose of the fund; (2) all proceeds of bonds required to be deposited therein by terms of any contract between the authority and its bondholders or any resolution of the authority with respect to the proceeds or bonds; and (3) any other moneys or funds of the authority which it determines to deposit therein. Moneys in the capital reserve fund shall be held and applied solely to the payment of the interest on and principal of bonds of the authority as the same shall become due and payable and for the retirement of bonds, and shall not be withdrawn therefrom if the withdrawal would reduce the amount in the capital reserve fund to an amount equal to less than the maximum debt service reserve, except for payment of interest then due and payable on bonds and the principal of bonds then maturing and payable and for the retirement of bonds in accordance with the terms of any contract between the authority and its bondholders and for the payments on

account of which interest or principal or retirement of bonds other moneys of the authority are not then available in accordance with the terms of the contract. As used in this section, "maximum debt service reserve" means, as of any date of computation, the lesser of: the largest amount of money required by the terms of all contracts between the authority and its bondholders to be raised in any succeeding calendar year for the payment of interest on and maturing principal of outstanding bonds and payments required by the terms of the contracts to sinking funds established for the payment or redemption of the bonds, all calculated on the assumption that bonds will cease to be outstanding after the date of the computation by reason of the payment of bonds at their respective maturities and the payments of the required moneys to sinking funds and the application thereof in accordance with the terms of the contracts to the retirement of bonds; or the amount of money required by the terms of all contracts between the authority and its bondholders to be maintained in the fund.

b. Moneys in the fund at any time in excess of the maximum debt service reserve, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to any other fund or account of the authority.

c. Moneys at any time in the fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or such other obligations as the authority may approve.

d. For purposes of valuation, investments in the capital reserve fund shall be valued at the lowest of the par value, cost to the authority or market value of the investments. Valuation on any particular date shall include the amount of interest then earned or accrued to the date on any moneys or investments in the reserve fund.

e. Notwithstanding any other provisions contained in this act, no bonds shall be issued by the authority unless there is in the capital reserve fund the maximum debt service reserve for all bonds then issued and outstanding and the bonds about to be issued; provided that nothing herein shall prevent or preclude the authority from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds about to be issued, upon their issuance, as is needed to achieve the maximum debt service reserve. The authority may at any time issue its bonds, notes or other obligations for the purpose of providing any amount necessary to increase the amount in the capital reserve fund to the maximum debt service reserve, or to meet such higher or additional reserve as may be fixed by the authority with respect to the fund.

f. In order to assure the maintenance of the maximum debt service reserve in the capital reserve fund, there shall be appropriated annually and paid to the

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authority for deposit in the fund, such sum, if any, as shall be certified by the chairperson of the Board of Higher Education Student Assistance Authority to the Governor as necessary to restore the fund to an amount equal to the maximum debt service reserve. The chairperson shall annually, on or before December 1, make and deliver to the Governor a certificate stating the sums, if any, required to restore the fund to the amount equal to the maximum debt service reserve, and the sum or sums so certified shall be appropriated and paid to the authority during the then current State fiscal year.

g. The capital reserve fund shall be kept separate from any other reserve fund established by the authority and shall not be subject to the provisions of N.J.S.18A:71A-24.

Dissolution.

18A:71A-26. Dissolution.

Should the Legislature act to dissolve the authority, the dissolution shall not be complete until all loans guaranteed have been paid by the borrower, or if in default, by the authority. Thereafter, upon dissolution of the authority, or the cessation of its activities, all assets of the authority, after payment and discharge of its debts and other liabilities, shall be distributed to the State, for exclusively public purposes, or distributed for one or more exempt purposes within the meaning of paragraph (3) of subsection (c) of section 501of the federal Internal Revenue Code of 1986, 26 U.S.C.s.501.

Effect of partial invalidity; severability.

18A:71A-27. Effect of Partial Invalidity; Severability.

If any clause, sentence, article, paragraph, section or part of this act be adjudged to be unconstitutional or invalid, that judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, article, paragraph, section or part thereof directly involved in the controversy in which the judgment has been rendered.

Transfer of functions, powers and duties of office of student assistance.

18A:71A-28. Transfer of Functions, Powers and Duties of Office of Student Assistance.

a. The Office of Student Assistance in, but not of, the Department of the Treasury is abolished and all its functions, powers, duties and employees are transferred to the Higher Education Student Assistance Authority in, but not of, the Department of State.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Student Assistance or officers thereof in, but not of, the Department of the Treasury, the same shall mean and refer to the Higher Education

Student Assistance Authority or the officers thereof in, but not of, the Department of State.

c. Nothing in this act shall be construed to alter the terms and conditions, rights or remedies of any loan, grant or scholarship made by the Office of Student Assistance.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

Transfer of Functions, powers and duties of student assistance board.

18A:71A-29. Transfer of Functions, Powers and Duties of Student Assistance Board.

a. The Student Assistance Board in, but not of, the Department of the Treasury established pursuant to section 1 of P.L.1977, c.330 (C.18A:71-15.1), is abolished and all its functions, powers and duties are transferred to the Higher Education Student Assistance Authority in, but not of, the Department of State.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Student Assistance Board in, but not of, the Department of the Treasury, the same shall mean and refer to the Higher Education Student Assistance Authority in, but not of, the Department of State.

c. Nothing in this act shall be construed to alter the terms and conditions of any loan, grant or scholarship made to students through the board.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act", P.L.1971, c.375 (C.52:14D-1 et seq.).

Transfer of functions, powers and duties of higher education assistance authority.

18A:71A-30. Transfer of Functions, Powers and Duties of Higher Education Assistance Authority.

a. The Higher Education Assistance Authority in, but not of, the Department of the Treasury, established pursuant to N.J.S.18A:72-3, is abolished and all its functions, powers and duties are transferred to the Higher Education Student Assistance Authority in, but not of, the Department of State.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Higher Education Assistance Authority or the officers thereof in, but not of, the Department of the Treasury, the same shall mean and refer to the Higher Education Student Assistance Authority or the officers thereof in, but not of, the Department of State.

c. Nothing in this act shall be construed to alter the terms and conditions of loans made to students by the authority. Nothing in this act

shall be construed to alter the terms, conditions, rights, or remedies of any obligation issued by the authority.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

Abolishment of executive director of student assistance programs.

18A:71A-31. Abolishment of Executive Director of Student Assistance Programs.

The Office of the Executive Director of Student Assistance Programs in the Office of Student Assistance, established pursuant to subsection b. of section 17 of P.L.1994, c.48 (C.18A:3B-17), is hereby abolished.

Construction of law.

18A:71A-32. Construction of Law.

The enactment of this revision law shall not:

a. affect the tenure, compensation and pension rights, if any, of the lawful holder thereof, in any position held in the Office of Student Assistance on the effective date of this act and not specifically abolished in this act;

b. alter the term of any employee of the Office of Student Assistance, lawfully employed as of the effective date of this act;

c. alter any terms or conditions of any student loans, grants or scholarships;

d. alter any rights or obligations arising from any law, rule, regulation, order, contract, loan, grant, document, judicial or administrative proceeding.

Higher Education Student Assistance Authority to be responsible for implementation.

18A:71A-33. Higher Education Student Assistance Authority to Be Responsible for Implementation.

The Higher Education Student Assistance Authority, with the aid of any department or officer thereof, if requested, shall be responsible for any administrative, fiscal and personnel actions necessary to implement the provisions of this act.

Limitation on powers of authority; bond holders protected.

18A:71A-34. Limitation on Powers of Authority; Bond Holders Protected.

The powers conferred in this act upon the Higher Education Student Assistance Authority shall be exercised with due regard for the rights of the holders of bonds of this State or any authority thereof, at any time outstanding, and nothing in, or done pursuant to this act, shall in any way limit, restrict, or alter the obligation or powers of the State or its authorities to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by, or on behalf of the State or

any authority thereof with respect to its bonds or for the benefit, protection or security of the holders thereof.

Part 2.— Student Financial Aid

Article 1. State Scholarships and Grants - General Provisions.

Eligible institution defined.

18A:71B-1. Eligible Institution Defined.

Unless otherwise restricted by the authority by regulation, "eligible institution" for purposes of this chapter only means an institution of higher education in this State that is licensed by the Commission on Higher Education and accredited or preaccredited by a nationally recognized accrediting association. Eligible institution shall also include certain proprietary institutions but only for certain degree granting programs as approved by the commission.

Student eligibility.

18A:71B-2. Student Eligibility.

a. A student who is enrolled in an eligible institution and who is eligible for and receives any form of student financial aid through a program administered by the State under this chapter shall be considered to remain domiciled in New Jersey and eligible for continued financial assistance notwithstanding the fact that the student is financially dependent upon the student's parents or guardians and that the parents or guardians change their domicile to another State.

b. A person shall not be awarded financial aid under this chapter unless the person has been a resident of this State for a period of not less than 12 months immediately prior to receiving the financial aid.

c. A person shall not be awarded student financial aid under this chapter unless the person is a United States citizen or eligible noncitizen, as determined under 20 U.S.C.s.1091. The authority shall determine whether persons who were eligible noncitizens prior to the effective date of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, but not after that date, shall continue to be eligible for student financial aid under this chapter.

d. A person who is incarcerated shall not be eligible for student financial aid under this chapter.

Discrimination forbidden.

18A:71B-3. Discrimination Forbidden.

Financial aid under this chapter shall be awarded without regard to race, religion, creed, age, sex, national origin or handicapped status.

Academic year defined.

18A:71B-4. Academic Year Defined.

a. An academic year for the purpose of this chapter means the period between the time the institution which the student is attending opens after the general summer vacation until the beginning of the next succeeding summer vacation.

b. In case an institution operates on a full calendar-year program, the academic year shall be determined in accordance with rules adopted by the authority, but in no case shall be less than one-fifth of the time required for the completion of a five-year program, or one-fourth of the time required for the four-year program in an institution operating on an academic year as defined in subsection a. of this section.

Notification of authority in the case of withdrawal or change in status.

18A:71B-5. Notification of Authority in the Case of Withdrawal or Change in Status.

In the event a student for any reason ceases to continue to be enrolled or otherwise becomes ineligible during the course of an academic year, the student shall cease to be eligible for financial aid under this chapter. Both the student and the institution shall have the responsibility to notify the authority when a student ceases to be eligible to receive student assistance because of withdrawal for any reason or a change in status from a full to part-time student.

Verification of compliance with military selective service act.

18A:71B-6. Verification of Compliance with Military Selective Service Act.

A student who is subject to the provisions of the "Military Selective Service Act," 50 U.S.C. App. 453, shall not be eligible to receive any State-funded loan, grant, or scholarship for attendance at any postsecondary institution without verification of compliance with the requirements of that act. Verification of compliance shall be satisfied as follows:

a. for a student who uses the Free Application for Federal Student Aid or its equivalent to receive financial aid, verification of military selective service compliance provided under the federal "Higher Education Act of 1965," Pub.L.89-329 (20 U.S.C.s.1001 et seq.) shall be satisfactory;

b. for a student who does not use the Free Application for Federal Student Aid or its equivalent, the institution or agency awarding the financial aid shall not disburse the aid until provided proof, as specified by regulations, that the student has complied with the requirements of the "Military Selective Service Act."

Rules and regulations.

18A:71B-7. Rules and Regulations.

The Higher Education Student Assistance Authority shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to carry out the provisions of N.J.S.18A:71B-6.

Compliance with terms and conditions of financial aid.

18A:71B-8. Compliance with Terms and Conditions of Financial Aid.

A person shall not be awarded financial aid under this chapter unless the person has complied with all the regulations, rules, and requirements adopted by the authority for the award, regulation and administration of financial aid programs under this chapter.

False information; penalty.

18A:71B-9. False Information; Penalty.

A person who knowingly and willfully furnishes any false or misleading information for the purpose of obtaining a scholarship or tuition assistance grant, or of enabling another to obtain a scholarship or tuition assistance grant under any program administered by the authority shall be guilty of a crime of the fourth degree. A statement to this effect shall be distributed with all State application forms utilized for any State scholarship or grant programs administered by the authority.

Collection of overpayments and ineligible payments of financial aid.

18A:71B-10. Collection of Overpayments and Ineligible Payments of Financial Aid.

Because the institution is responsible for ensuring a student's eligibility for financial aid awarded under this chapter, the institution shall be responsible for collecting any State awards which are overpayments or any State awards for which the student is ineligible in whole or in part. In the event an institution is unable to collect an overpayment or ineligible payment from the student, the institution may request the authority to collect the debt from the student. If the institution demonstrates to the authority that it has made a good faith effort to collect the debt, the authority may, on a case by case basis, approve this request. If the authority approves this request from an institution, the authority may use collection procedures that include, but are not limited to, the procedures set forth under N.J.S.18A:71C-1 through N.J.S.18A:71C-20.

Article 2. Garden State Scholarships.

Scholarships created.

18A:71B-11. Scholarships Created.

There are hereby created Garden State Scholarships which shall be maintained by the State, awarded to secondary school students with records

of distinguished achievement and promise, and used for undergraduate study in eligible institutions. These scholarships may be awarded on the basis of indicators of academic merit defined by the authority without consideration of financial need.

Administration by the authority.

18A:71B-12. Administration by the Authority.

The authority shall administer the provisions of this article, establish criteria, methodology and guidelines for awarding Garden State Scholarships, adopt rules and regulations, and prescribe and provide appropriate forms for application for Garden State Scholarships.

Criteria, methodology and guidelines; revisions.

18A:71B-13. Criteria, Methodology and Guidelines; Revisions.

Any revisions to criteria, methodology and guidelines in effect at the date this act becomes effective shall, after consultation with the Commission on Higher Education, be submitted to the Legislature by the authority, together with appropriate supporting information, and the criteria, methodology, and guidelines shall be deemed approved by the Legislature at the end of 60 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the sixtieth day, then on the next succeeding day on which it is meeting, unless between the date of transmittal and the end of the 60-day period the Legislature passes a concurrent resolution rejecting the criteria, methodology and guidelines in which case the criteria, methodology and guidelines then in effect shall continue in effect.

Award of scholarships.

18A:71B-14. Award of Scholarships.

As determined by the authority and subject to the amount of appropriations available therefor, a Garden State Scholarship shall be awarded annually to each eligible New Jersey resident enrolled as a full-time undergraduate in a curriculum leading to a degree or certificate in an eligible institution.

Renewal of scholarships.

18A:71B-15. Renewal of Scholarships.

Each Garden State Scholarship awarded shall be renewable annually for up to four years except that, in the case of a scholarship holder who is enrolled in a course of study required by the institution to cover five years, the period of the scholarship shall be the length of time regularly required for the completion of the course of study, but each scholarship shall remain in effect only during such period as the undergraduate holder thereof achieves satisfactory academic progress as defined by the institution,

continues to meet the eligibility criteria and guidelines established pursuant to N.J.S.18A:71B-12, and is regularly enrolled as a full-time student in an eligible institution.

Amount of scholarship; payments.

18A:71B-16. Amount of Scholarship; Payments.

A Garden State Scholarship shall entitle the recipient to an award in an amount established by the authority pursuant to N.J.S.18A:71B-12, and subject to the amount of appropriations available therefor. Payments under this article shall be made by the State Treasurer on the order of the executive director in accordance with the rules adopted by the authority.

Limitation.

18A:71B-17. Limitation.

A Garden State Scholarship shall not, when combined with any other financial assistance, exceed, except for a nominal amount as determined by the authority, the student's cost of attendance at the institution where the grants are used.

Article 3. State Tuition Aid Grants.

Grants created; use.

18A:71B-18. Grants Created; Use.

There are hereby created State tuition aid grants which shall be maintained by the State, awarded and administered pursuant to this act, and used by the holders thereof for undergraduate study in eligible institutions.

Administration of provisions.

18A:71B-19. Administration of Provisions.

The authority shall administer the provisions of this article, adopt rules and regulations, and prescribe and provide appropriate forms for application for State tuition aid grants.

Eligibility, prerequisite.

18A:71B-20. Eligibility, Prerequisite.

a. A State tuition aid grant shall be awarded annually to each eligible, qualified full-time undergraduate student enrolled in a curriculum leading to a degree or certificate in an eligible institution, or in an institution of higher education in another state, provided that state permits its residents to utilize its state student financial assistance grants in New Jersey institutions of higher education through reciprocity agreements approved by the authority. In no event shall a State tuition aid grant be utilized at an out-of-State institution which is not licensed by that state and accredited by a regional accrediting association recognized by a national accrediting organization.

b. To each New Jersey resident enrolled as a full-time student and meeting the other requirements for eligibility under this chapter, the State shall grant an amount as provided in N.J.S.18A:71B-21. A student shall not be eligible for a grant unless the application is in a form satisfactory to the authority. A student shall not be eligible for grants for more than four and one-half academic years, unless the recipient is enrolled in an undergraduate program regularly requiring five academic years for completion, in which case the authority shall permit five and one-half years of eligibility. Notwithstanding the foregoing provisions, a student receiving aid under the provisions of P.L.1968, c.142 (C.18A:71-28 et seq.) shall be entitled to a sixth year of eligibility. Notwithstanding the foregoing provisions, a county college student who transfers to a four- year institution, or any student who is required to pursue 18 or more credit hours in a remedial or developmental curriculum, as defined by regulations adopted by the authority, is entitled to an additional half year of eligibility. For the purpose of this article, a remedial curriculum shall include only noncredit courses in which a student is directed to enroll by the institution. Eligibility for tuition aid grants may be extended to part-time students through regulations developed by the authority if funds are separately appropriated for this purpose. A student shall not be eligible for grants unless the student maintains such minimum standards of academic performance as are required by the institution of enrollment. A student who is enrolled in a course leading to a degree in theology or divinity shall not be eligible for a tuition aid grant.

c. A person shall not be awarded a State tuition aid grant unless that person:

(1) satisfies the residency and other requirements provided in article 1 of this part;

(2) has applied for State tuition aid and has been determined by the authority to be eligible for the tuition aid;

(3) has demonstrated financial need for the tuition aid as determined by and in accordance with standards to be established by the authority; and

(4) maintains satisfactory academic progress in accordance with standards established by the authority.

Amount of grant; reduction of award.

18A:71B-21. Amount of Grant; Reduction of Award.

a. The amount of a tuition aid grant awarded under this article to any student attending an eligible institution shall be established by the authority, but shall not exceed the maximum amount of tuition normally charged at a public institution of higher education for students attending that institution or 50% of the average tuition normally charged at the independent institutions of higher education for students attending those institutions.

The amount of a State tuition aid grant awarded under this act to any student attending an institution of higher education in any state other than New Jersey pursuant to this section shall not exceed $500 in an academic year. The amount of grant to be paid for each semester or its equivalent shall be based on the financial need for the grant, as determined by standards and procedures established by the authority, and subject to the amount of appropriations available therefor.

b. Appropriations for each program category of tuition aid grants shall be separately made by line item.

c. State tuition aid grants shall be awarded by the authority to all eligible applicants without any limitation on the number to be awarded in any year other than the amount of appropriations available therefor. In the event that the amount appropriated is insufficient for full awards to all eligible applicants, the authority, in consultation with the Commission on Higher Education, shall reduce awards equitably among eligible students according to such procedures and guidelines as it shall establish. Any revisions of procedures and guidelines in effect as of the effective date of this act shall be submitted on or before March 1 of the prebudget year by the executive director of the authority to the Joint Budget Oversight Committee of the Legislature, or its successor, together with supporting information. The revised criteria and guidelines may be approved or disapproved by the Joint Budget Oversight Committee, or its successor, at any time; provided that if at the end of a 60-calendar day period after the date on which the revisions are transmitted to the committee, the committee has taken no action, the proposed revised criteria and guidelines shall be deemed to be approved by the committee.

Construction of article.

18A:71B-22. Construction of Article.

This article shall not be construed as granting any authority to control or influence the policies of any educational institution because it accepts students receiving tuition aid grants, nor as requiring any institution to admit or once admitted to continue in the institution any tuition aid recipient.

Article 4. Survivor Tuition Benefits Program.

Scholarships for undergraduate education; eligibility.

18A:71B-23. Scholarships for Undergraduate Education; Eligibility.

Any child or surviving spouse of a member or officer of a New Jersey volunteer fire company, volunteer first aid or rescue squad or municipal fire, police, county police or park police department, State fire service or of the division of State police, or of a permanent, active and full-time officer employee of this State or any political subdivision thereof holding the following titles: State

investigator, correction officer, recruit, senior correction officer, sergeant, lieutenant, captain, correction officer duty keeper, court attendant and sheriff's officer, court attendant and sheriff's officer lieutenant, court attendant and sheriff's officer captain, court attendant and sheriff's officer deputy chief, prosecutor's detective, prosecutor's investigator, narcotics officer, marine patrolman, senior marine patrolman, principal marine patrolman, chief, bureau of marine law enforcement, or who is an inspector, assistant, technician, supervisor or superintendent with respect to the enforcement and regulation of weights and measures, or civil defense or disaster control worker, which member, officer or worker was killed in the performance of his duties as a member of such company, squad or fire or police department or division, or worker in a civil defense or disaster control unit, upon such child or surviving spouse being accepted to pursue a course of undergraduate study in any public institution of higher education of this State, as enumerated in N.J.S.18A:62-1, shall, while enrolled as an undergraduate student in good standing at the institution, have the tuition paid by the State; or upon that child or surviving spouse being accepted to pursue a course of undergraduate study at any independent institution of higher education located in the State, shall, while enrolled as an undergraduate in good standing at that independent institution of higher education, have that part of the tuition which is not more than the highest tuition charged at the public institutions of higher education in this State, enumerated in N.J.S.18A:62-1, paid by the State.

Eligibility for this program shall be limited to a period of eight years from the date of death of the member, officer of worker, in the case of a surviving spouse, and eight years following graduation from high school, in the case of a child, pursuant to rules and regulations established by the authority.

Appropriation of funds.

18A:71B-24. Appropriation of Funds.

There shall be appropriated to the authority in any general or supplemental appropriation act such sums as shall be necessary to carry out the purposes of N.J.S.18A:71B-23.

Article 5. Miss New Jersey Educational Scholarship Program.

Scholarship program established.

18A:71B-25. Scholarship Program Established.

There is established the Miss New Jersey Educational Scholarship program. It shall be the duty of the Higher Education Student Assistance Authority, established pursuant to N.J.S.18A:71A-3, to administer this program.

Scholarship eligibility.

18A:71B-26. Scholarship Eligibility.

A Miss New Jersey Educational Scholarship shall be awarded annually to an individual who has been designated by the Higher Education Student Assistance Authority, in consultation with the Miss New Jersey Pageant Organization, as being an exceptional young leader in the area of civic, cultural or charitable endeavors in the spirit of the Miss New Jersey Pageant. In order to be eligible for the scholarship, the individual shall be enrolled in or accepted into a course of study leading to an initial bachelor's degree or a post graduate degree in any public institution of higher education of this State, as enumerated in N.J.S.18A:62-1.

Scholarship conditions.

18A:71B-27. Scholarship Conditions.

Any Miss New Jersey scholarship recipient who enrolls in a public institution of higher education in the State shall be allowed to obtain an initial bachelor's degree or a post graduate degree without payment of tuition as long as the individual remains a full time student in good standing at the institution. There shall be appropriated annually to the Higher Education Student Assistance Authority a sum equal to the cost of tuition at each public institution enrolling a Miss New Jersey Scholarship recipient and any other sums as shall be necessary to carry out the purposes of the Miss New Jersey Educational Scholarship program. The scholarship recipient shall be responsible for all other costs.

Article 6. Garden State Savings Bonds.

Definitions.

18A:71B-28. Definitions.

As used in this article:

"Garden State Savings Bonds" means bonds of the State of New Jersey and its authorities issued pursuant to the provisions of this article.

"Institution of higher education" means any public institution of higher education as defined in N.J.S.18A:62-1 and any independent institution of higher education which is an "eligible institution" as defined in section 3 of P.L.1979, c.132 (C.18A:72B-17).

"Issuing officials" means the Governor, the State Treasurer, the Director of the Division of Budget and Accounting in the Department of the Treasury and the issuing authority or agency.

Issue of bonds.

18A:71B-29. Issue of Bonds.

a. In furtherance of the public policy of this article, the State shall set aside, from the bonds of the State of New Jersey authorized to be issued or from the bonds of any authority or agency authorized to be issued, an

amount to be determined by the State Treasurer of the total aggregate original principal amount of the bonds. These bonds shall be issued as determined by the issuing officials and shall be known as "Garden State Savings Bonds," in addition to any other name they may be known as.

b. Garden State Savings Bonds may be issued in low denominations and in the form or forms, whether coupon, fully-registered or book entry, and with or without provisions for interchangeability thereof, as may be determined by the issuing officials, and in such amounts as will allow a large number of New Jersey families to participate in the program, and with the maturity dates which will make funds available to purchasers at the time when the funds are needed for educational purposes.

c. When Garden State Savings Bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds so designated shall bear the rate or rates of interest as may be determined by the issuing officials, which interest shall be payable as may be determined by the issuing officials.

Participation by institutions of higher education.

18A:71B-30. Participation by Institutions of Higher Education.

a. The State Treasurer, in consultation with the commission, shall also provide for additional financial incentives to be provided to holders of Garden State Savings Bonds to encourage the enrollment of students at institutions of higher education located in the State of New Jersey. These financial incentives shall be in such forms as determined by the State Treasurer in consultation with issuing officials at the time of the authorization of the Garden State Savings Bonds and shall at a minimum provide that each participating institution shall guarantee that the value of Garden State Savings Bonds redeemed for the purposes of the payment of tuition, fees, and other educational costs at the institution, shall, at the time of matriculation of the student, be increased by not less than six percent of the face value of the bonds at the time of redemption. Two percent of the incentive amount shall be paid by the State, and four percent by participating institutions.

b. Every public institution of higher education in New Jersey shall participate in the financial incentive program. Independent institutions of higher education in New Jersey may elect to participate in the program. Each independent institution which elects to participate shall enter into a contract with the Department of the Treasury which shall, at a minimum, define the terms of participation and establish conditions under which an institution may withdraw from the program. Any independent institution that withdraws from the program shall guarantee to provide the financial incentives in effect for all bonds purchased during the period in which the institution was a participant in the program.

c. The original purchaser and any member of the immediate family of the original purchaser of a Garden State Savings Bond shall be eligible for the financial incentive program established pursuant to this section.

Dollar Amount not to be considered in determining eligibility for monetary assistance.

18A:71B-31. Dollar Amount Not to be Considered in Determining Eligibility for Monetary Assistance.

Annually, the authority shall determine a dollar amount of Garden State Savings Bonds or accumulated bonds, interest or supplemental payment, which shall not be less than $25,000, unless a greater amount is approved by the authority, which shall not be considered in evaluating the financial needs of a student enrolled at an institution of higher education located in the State of New Jersey, or be deemed a financial resource of or a form of financial aid or assistance to each student, for purposes of determining the eligibility of a student for any scholarship, grant, or monetary assistance awarded by the State; nor shall the amount of any such bonds, interest or supplemental payment as determined by the authority provided for a qualified student under this article reduce the amount of any scholarship, grant or monetary assistance which the student is entitled to be awarded by the State.

Report on results of sale.

18A:71B-32. Report on Results of Sale.

The State Treasurer or the issuing authority or agency shall submit a report after each bond issuance to the commission detailing the results of each separate sale of Garden State Savings Bonds.

Duties of the State Treasurer.

18A:71B-33. Duties of the State Treasurer.

The State Treasurer shall, in consultation with the commission, approve the following:

a. additional financial incentives as provided in this article;

b. limits that may be imposed on the amount of Garden State Savings Bonds that may be purchased by individual households;

c. minimum denominations to market the Garden State Savings Bonds so that they are affordable by individuals; however, each issue shall be offered with sufficient bonds at a purchase price of $100 to satisfy demand.

In addition, the State Treasurer shall evaluate the feasibility of staggered or periodic forms of payments for Garden State Savings Bonds and shall advise the issuing officials regarding the evaluation.

Assessment of effectiveness of program.

18A:71B-34. Assessment of Effectiveness of Program.

The commission and the State Treasurer shall assess the effectiveness of the program and recommend any necessary changes to the issuing

officials regarding future bond sales after the initial sale of Garden State Savings Bonds.

Article 7. New Jersey Better Educational Savings Trust Program.

Legislative findings and declarations.

18A:71B-35. Legislative Findings and Declarations.

The Legislature finds and declares that:

a. This State is committed to making world-class education accessible and affordable for all New Jersey students;

b. When families save for college education, they are making an important investment in the future for themselves and the young people of this State;

c. Incentives are needed to encourage families to save for college education;

d. The "Small Business Job Protection Act of 1996," Pub.L.104-188, amended the federal Internal Revenue Code to provide for favorable tax treatment for qualified college savings programs and participants in the programs; and

e. In addition to favorable federal tax treatment for a college savings program and its participants, it is desirable to provide favorable State tax treatment, as a special incentive for student beneficiaries to attend college in this State.

Definitions.

18A:71B-36. Definitions.

As used in this article:

"Account" means an individual trust account or savings account established in accordance with this article;

"Authority" means the Higher Education Student Assistance Authority;

"Contributor" means the person or organization contributing to and maintaining an account and having the right to withdraw funds from the account before the account is disbursed to or for the benefit of the designated beneficiary;

"Designated beneficiary" means: a. the individual designated at the time the account is opened as the individual whose higher education expenses are expected to be paid from the account; b. the replacement beneficiary if the change in designated beneficiary would not result in a distribution that is included in federal gross income under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529; and c. in the case of an interest in the program purchased by a state or local government or an organization described in paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.501 and exempt from taxation under subsection (a) of

section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.501, as a part of a scholarship program operated by the government or organization, the individual receiving the interest as a scholarship;

"Higher education institution" means an eligible educational institution as defined in or for purposes of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529. Higher education institution shall include a proprietary institution if expenses for tuition at the institution would be considered qualified higher education expenses under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529, but only for degree granting programs licensed or approved by the Commission on Higher Education or for other proprietary institutions as determined by the authority;

"Investment Manager" means the Division of Investment in the Department of the Treasury or the private entities authorized to do business in this State that may be designated by the authority to invest the funds of the trust pursuant to the terms of this article;

"Member of the family" means a member of the family as defined in or for purposes of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529;

"Nonqualified withdrawal" means a withdrawal from an account other than: a. a qualified withdrawal; b. a withdrawal made as the result of the death or disability of the designated beneficiary of an account; c. a withdrawal made on account of a scholarship (or allowance or payment described in subparagraph (B) or (C) of paragraph (1) of subsection (d) of section 135 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.135) received by the designated beneficiary, but only to the extent of the amount of that scholarship, allowance or payment; d. a rollover or change in designated beneficiary which would not result in a distribution includible in federal gross income under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529; or e. any other withdrawal if the failure of the program to impose a more than de minimis penalty on the withdrawal would cause the program not to be a qualified State tuition program under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529;

"Program" means the "New Jersey Better Educational Savings Trust (NJBEST) Program" established pursuant to this article;

"Qualified higher education expenses" means expenses described in paragraph (3) of subsection (e) of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529 incurred in connection with the enrollment of a designated beneficiary at a higher education institution;

"Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account; but a withdrawal shall not be considered a qualified withdrawal if the failure of the program to impose a more than de minimis penalty on the

withdrawal would cause the program not to qualify as a qualified State tuition program under section 529 of the federal Internal Revenue Code of 1986, U.S.C.s.529;

"Trust" means the "New Jersey Better Educational Savings Trust" established pursuant to N.J.S.18A:71B-37.

New Jersey Better Educational Savings Trust created.

18A:71B-37. New Jersey Better Educational Savings Trust Created.

There is created within the Higher Education Student Assistance Authority the New Jersey Better Educational Savings Trust (NJBEST). The trust shall provide a mechanism through which the authority, as trustee, holds accounts established and maintained pursuant to the provisions of this article to finance the cost of qualified higher education expenses.

Administration of the program; powers of the authority.

18A:71B-38. Administration of the Program; Powers of the Authority.

The Higher Education Student Assistance Authority shall administer the NJBEST Program. The authority shall have the power to:

a. serve as trustee of the trust;

b. adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the provisions of this article;

c. prescribe and provide appropriate forms for participation in the program;

d. select an investment manager and any other contractors needed to manage and market the program;

e. monitor the investment manager and any other contractors by audits and other reports;

f. collect reasonable administrative fees in connection with any contract or transaction relating to the program;

g. impose penalties for nonqualified withdrawals;

h. take all actions required so that the program is treated as a qualified State tuition program under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529; and

i. perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this article.

Immunity.

18A:71B-39. Immunity.

Neither the members of the authority, nor any officer or employee of the authority shall be liable personally for the debts, liabilities or obligations of the program established pursuant to this article.

Selection of investment manager.

18A:71B-40. Selection of Investment Manager.

a. The authority shall select an investment manager or managers to invest the funds of the trust or the funds in accounts. In making this selection, any investment manager shall be subject to the "prudent person" standard of care applicable to the Division of Investment in the Department of the Treasury pursuant to subsection b. of section 11 of P.L.1950, c.270 (C.52:18A-89), and the authority shall consider the impact of fees and costs imposed by the manager or managers on yield to contributors.

b. The authority may select more than one investment manager and investment instrument for the program if it is in the best interest of contributors and will not interfere with the administration of the program.

c. The authority may provide a contributor with a choice of investment managers or investment instruments or both for the program if both of the following conditions exist:

(1) the federal Internal Revenue Service has provided guidance that providing a contributor with a choice of investment managers or instruments under a State tuition program will not cause the program to fail to qualify for favorable tax treatment under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529; and

(2) the authority concludes that a choice of investment managers or of investment instruments is in the best interest of contributors and will not interfere with the administration of the program.

d. If the authority terminates the designation of an investment manager to hold accounts, and accounts must be moved from that investment manager to another investment manager, the authority shall select the investment manager and type of investment instrument to which the balance of the account is moved, unless the federal Internal Revenue Service provides guidance that allowing the contributor to select among several investment managers or investment instruments that have been selected by the authority would not cause a program to cease to be a qualified State tuition program for the purposes of section 529 of the federal Internal Revenue Code, 26 U.S.C.s.529.

Operation of program; fees.

18A:71B-41. Operation of Program; Fees.

a. The program shall be operated as a trust through the use of accounts for designated beneficiaries. An account may be opened by any person who desires to save to pay the qualified higher education expenses of an individual by satisfying each of the following requirements:

(1) completing an application in the form prescribed by the authority;

(2) paying the one-time application fee established by the authority;

(3) making the minimum contribution required by the authority for opening an account;

(4) designating the account or accounts to be opened; and

(5) in the case of an account to which subsection a. of N.J.S.A.18A:71B-44 would apply, demonstrating to the satisfaction of the authority that either the contributor, if an individual, or the designated beneficiary is a New Jersey resident. The requirement of New Jersey residency for either the contributor or the designated beneficiary would not apply to an account to which subsection b. of N.J.S.18A:71B-44 would apply unless otherwise determined by the authority.

b. Except as provided under N.J.S.18A:71B-42, only the contributor may make contributions to an account after the account is opened.

c. Contributions to accounts shall be made only in cash, as defined by the authority pursuant to regulations, in accordance with section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529.

d. Contributors may withdraw all or part of the balance from an account on sixty days' notice or a shorter period, as may be authorized by the authority pursuant to regulations.

e. A contributor may change the designated beneficiary of an account or rollover all or a portion of an account to another account if the change or rollover would not result in a distribution includible in gross income under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529, in accordance with procedures established by the authority.

f. In the case of any nonqualified withdrawal, a penalty at a level established by the authority and sufficient to be considered a more than de minimis penalty for purposes of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529, shall be withheld and paid to the authority for use in operating and marketing the program. The authority may elect not to impose a penalty if that section ceases to include a provision requiring more than de minimis penalties for a program to qualify as a qualified State tuition program.

g. If a contributor makes a nonqualified withdrawal and a penalty amount is not withheld pursuant to subsection f. of this section or the amount withheld is less than the amount required to be withheld under that subsection, the contributor shall pay the unpaid portion of the penalty to the authority at the same time that the contributor files a State income tax return for the taxable year of the withdrawal, or if the contributor does not file a return, the unpaid portion of the penalty shall be paid on or before the due date for the filing of that income tax return.

h. Each account shall be maintained separately from each other account under the program.

i. Separate records and accounting shall be maintained for each account for each designated beneficiary.

j. A contributor to or designated beneficiary of any account shall not direct the investment of any contributions to an account or the earnings from the account, except as permitted under section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529.

k. A contributor or a designated beneficiary shall not use an interest in an account as security for a loan. Any pledge of an interest in an account is of no force and effect.

l. The maximum contribution for any designated beneficiary shall be determined by the authority pursuant to regulations, in accordance with section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529.

m. Statements, reports on distributions and information returns relating to accounts shall be prepared, distributed, and filed to the extent required by section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529, or regulations issued thereunder.

n. The authority may charge, impose and collect reasonable administrative fees and service charges in connection with any agreement, contract or transaction relating to the program. These fees and charges may be imposed directly on contributors or may be taken as a percentage of the investment earnings on accounts.

o. The State or any State agency, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit contributions to accounts through payroll deductions made by the appropriate officer or officers of the State, State agency, county, municipality, or political subdivision. The contributions shall be held and administered in accordance with this act.

NJBEST scholarship; conditions.

18A:71B-42. NJBEST Scholarship; Conditions.

a. An amount of no less than $500 shall be provided by the State for the qualified higher education expenses of a designated beneficiary at the time of a qualified withdrawal provided that:

(1) the contributor demonstrates, to the satisfaction of the authority, that the contributor participated in the program for at least four years by making a qualifying minimum initial deposit or qualifying minimum annual contributions, or both, as shall be determined by the authority, for a designated beneficiary;

(2) the designated beneficiary demonstrates, to the satisfaction of the authority, attendance or enrollment in a higher education institution in this State, at the time of initial attendance or enrollment in the higher education institution; and

(3) either the contributor, if an individual, or the designated beneficiary demonstrates, to the satisfaction of the authority, that the contributor or designated beneficiary is a New Jersey resident.

b. The amount provided under subsection a. of this section shall meet the requirements of a qualified scholarship within the meaning of section 117 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.117, for a designated beneficiary satisfying the requirements of subsection a. of this section.

c. A designated beneficiary shall not receive more than one State scholarship provided pursuant to subsection a. of this section.

Determination of dollar amount of account.

18A:71B-43. Determination of Dollar Amount of Account.

Annually, the authority shall determine a dollar amount of an account, which shall not be less than $25,000, which shall not be considered in evaluating the financial needs of a student enrolled in an institution of higher education located in the State of New Jersey, or be deemed a financial resource or a form of financial aid or assistance to a student, for purposes of determining the eligibility of a student for any scholarship, grant, or monetary assistance awarded by the State; nor shall the amount of any account as determined by the authority provided for a designated beneficiary under this article reduce the amount of any scholarship grant or monetary assistance which the student is entitled to be awarded by the State.

Assurance of availability of principal.

18A:71B-44. Assurance of Availability of Principal.

a. If the investment manager is the Division of Investment in the Department of the Treasury, in order to assure the availability of principal of any amount contributed under this article, there shall be paid to the authority for deposit in the trust, at the time of distribution, subject to appropriation, such sum, if any, as shall be certified by the chairperson of the authority as necessary to provide that amount at the time of distribution. The chairperson shall make and deliver to the Governor, or his designee, the certificate stating the sums, if any, required to make available in the trust the amount aforesaid, and the sums so certified shall be appropriated and paid to the authority during the then current State fiscal year.

b. If the investment manager is a private entity, the investment of the principal and interest of any amount contributed under this article shall be backed by the full faith and credit of the United States or be fully insured by the Federal Deposit Insurance Corporation or other similar insurer backed by the full faith and credit of the United States. No account balance shall exceed the maximum amount of insurance provided by the insurer. No investment is permitted in derivatives of eligible securities, and any

investment must be designed to balance prospective payments according to the guidelines established.

Construction.

18A:71B-45. Construction.

a. Nothing in this article shall be construed to:

(1) guarantee that a designated beneficiary will be admitted to a higher education institution or be allowed to continue enrollment at or graduate from a higher education institution after admission;

(2) establish State residency for a person merely because the person is a designated beneficiary; or

(3) guarantee that amounts saved pursuant to the program will be sufficient to cover the qualified higher education expenses of a designated beneficiary.

b. Nothing in this article establishes any obligation of this State or any agency or instrumentality of this State to guarantee for the benefit of any contributor or designated beneficiary any of the following:

(1) the rate of interest or other return on any account; or

(2) the payment of interest or other return on any account.

c. Nothing in this article establishes any obligation or liability of this State or any agency or instrumentality of this State with respect to any federal or State tax liability of any contributor or designated beneficiary in this program.

d. Under regulations promulgated by the authority, every contract and application that may be used in connection with a contribution to an account shall clearly indicate that the account is not insured by this State nor is the investment return guaranteed by this State.

Federal income tax consequences.

18A:71B-46. Federal Income Tax Consequences.

If the Congress of the United States enacts legislation that exempts educational savings accounts from federal income taxation, sections N.J.S.18A:71B-42 and N.J.S.18A:71B-43 shall apply with respect to such educational savings accounts as if they were accounts established under this act and the beneficiaries of the accounts were designated beneficiaries subject to the approval of the New Jersey Higher Education Assistance Authority.

Article 8. Veterinary Medical Education.

Contracts with accredited schools of veterinary medicine.

18A:71B-47. Contracts with Accredited Schools of Veterinary Medicine.

The authority is hereby authorized to contract with any and all accredited schools of veterinary medicine in the United States for the

acceptance of students who are residents of New Jersey for at least 12 months and desire to study veterinary medicine, and to expend annually within the limits of available appropriations such sums as are necessary to accomplish the intent of this act.

Contracts with consent of advisory committee; members.

18A:71B-48. Contracts with Consent of Advisory Committee; Members.

All contracts provided for in N.J.S.18A:71B-47 shall only be entered into by the authority with the advice and consent of an advisory committee consisting of the following: the Dean of Cook College, Rutgers, the State University of New Jersey, or a designee; the President of the New Jersey Veterinary Medical Association; the Secretary of the New Jersey Veterinary Medical Examining Board; and four New Jersey veterinarians appointed by the Governor for terms of four years each.

Organization of committee; expenses.

18A:71B-49. Organization of Committee; Expenses.

The advisory committee shall organize annually by the appointment of one of its members as chairperson and one as vice-chairperson. Members shall serve without compensation, but shall be entitled to all necessary expenses.

Article 9. State Aid to Schools of Professional Nursing.

Definitions.

18A:71B-50. Definitions.

As used in this article:

"Operational expense" means those funds devoted to or required for the regular or ordinary expenses of the school of professional nursing, including administration, maintenance and salary expenses;

"School of professional nursing" means a school in New Jersey offering a program of nursing instruction not exceeding four years beyond high school, which is affiliated with a hospital and holds a certificate of accreditation issued by the New Jersey Board of Nursing, provided that the school is not eligible to receive State aid for its nursing program under any other law;

"Student" means any full-time student who is a resident of this State and who enters a school of professional nursing to begin a program of nursing instruction or any part-time student who is a resident of this State who enters an upper division program of nursing instruction in a school of professional nursing.

Application for State support; form of application; certificate of accreditation by New Jersey Board of Nursing.

18A:71B-51. Application for State Support; Form of Application; Certificate of Accreditation by New Jersey Board of Nursing.

A school of professional nursing may apply for and receive State aid towards the operational expense of the school. The application shall be upon forms prepared and provided by the authority and shall contain such information as the authority shall require. Each application shall be first submitted to the New Jersey Board of Nursing which shall certify thereon whether the school is accredited and whether or not the accreditation has been suspended or revoked.

Operational support by State; limitation.

18A:71B-52. Operational Support by State; Limitation.

Within the limits of funds appropriated for purposes of this article, any school of professional nursing whose application has been approved by the authority shall be entitled to receive State aid for the operational expense of the school to the extent of one-half thereof or $600 per full-time student, whichever is the lesser amount and a pro rata amount for part-time students.

Part 3.—Student Loans

Article 1. Federal Student Loan Program

Administration by the authority.

18A:71C-1. Administration by the authority.

It shall be the duty of the authority to administer the Federal Family Education Loan Program for this State. The authority shall adopt rules and regulations, and prescribe and provide appropriate forms for application as may be necessary or appropriate for administering the programs of a State guaranty agency, pursuant to 20 U.S.C.s.1071 et seq.

As used in this act:

"Federal Family Education Loan" (FFEL) program means the programs of the United States government making low interest loans available to students or parents of students to pay for their cost of attending post-secondary institutions established pursuant to 20 U.S.C.s.1071.

"Federal loan" or "FFEL Loan" means any loan made under the FFEL program.

"Guaranty agency" means any State agency or not-for-profit corporation which has entered into an agreement with the United States Secretary of Education to guarantee loans made under the FFEL program and which guarantees loans to eligible residents and nonresidents of this State.

Application; grounds for approval.

18A:71C-2. Application; Grounds for Approval.

Any application for a federal loan under this article shall be submitted to the authority for its approval, and the authority shall approve the

application only if it finds that the applicant is an eligible borrower under the "Higher Education Act of 1965," Pub.L.89-329 (20 U.S.C.s.1001 et seq.), and implementing rules and regulations, and has complied with all rules adopted by the authority pursuant to this article in connection with the granting of the loans.

Approval and granting of federal loan.

18A:71C-3. Approval and Granting of Federal Loan.

Upon approval by the authority of a federal loan application, any eligible lender may make a loan as approved and upon the terms and conditions required under this article, but no moneys shall be advanced or paid under any loan until the applicant has satisfied the authority, and the eligible institution certifies to the lender that the applicant, or the person on behalf of whom the parent is the applicant, has been admitted to, or is in regular attendance and in good standing at, an eligible institution located in this State or elsewhere. Any lender making a loan shall cooperate with the authority in supervising the use of credit in accordance with its purposes. If disbursement of loan proceeds is in the form of a check, the check representing the loan proceeds shall be made payable to the applicant and the eligible institution jointly, except when the applicant is attending an eligible institution not located in the United States, in which instance the check may be made payable to the applicant only. Disbursement may also be made by master check, electronic funds transfer, or other methods permitted under 20 U.S.C.s.1071 et seq.

Federal loan evidenced by note; interest rate; method of payment; security.

18A:71C-4. Federal Loan Evidenced by Note; Interest Rate; Method of Payment; Security.

Each federal loan made under this article shall:

a. be evidenced by a note or other obligation approved by the authority;

b. bear interest at a rate not exceeding the maximum percentage per annum permitted under 20 U.S.C.s.1071 et seq. and implementing rules and regulations;

c. be payable in such manner or in such installments as permitted under 20 U.S.C.s.1071 et seq. and implementing rules and regulations; and

d. be secured only by the personal liability of the maker, and not by any endorsers, co-maker's collateral, or other security, except as may be permitted under 20 U.S.C.s.1071 et seq. and implementing rules and regulations.

Extension and refinancing of federal loans.

18A:71C-5. Extension and Refinancing of Federal Loans.

Any loan made under this article may be extended or refinanced at the discretion of the lender without affecting the obligation of the authority hereunder for such period and under such terms as permitted under 20

U.S.C.s.1071 et seq. and implementing rules and regulations, and any loan may be reduced at any time at the option of the borrower.

Purchase of notes.

18A:71C-6. Purchase of Notes.

Whenever any approved note, including notes held by the authority in the Higher Education Student Assistance Fund, or any installment thereon, shall be in default as defined under 20 U.S.C.s.1071 et seq., upon the death or total and permanent disability of the borrower, or upon any other reason for payment of a claim permitted under 20 U.S.C.s.1071 et seq., the authority shall, upon the demand of a lender and subject to a lender's meeting federal and authority due diligence requirements, purchase the note by paying to the lender or by transferring to the Higher Education Student Assistance Fund out of the Loan Reserve Fund, the amount of principal, interest and other permissible charges then due and owing on the note, as herein provided.

Falsely securing federal loan a misdemeanor; penalty.

18A:71C-7. Falsely Securing Federal Loan a Misdemeanor; Penalty.

Any person who, having obtained a federal loan under this act, solicits, applies for, or accepts another such loan, except as specifically authorized in this act, and any person who knowingly or willfully furnishes any false or misleading information for the purpose of obtaining a loan, or of enabling another to obtain a loan, under this act, shall be guilty of a crime of the fourth degree.

Repayment—Compromises, modifications and other determinations made by authority.

18A:71C-8. Repayment—Compromises, Modifications and Other Determinations Made by Authority.

The authority may, with respect to the exercise of its functions related to loans guaranteed by it under this article, to the extent consistent with 20 U.S.C.s.1071 et seq. and notwithstanding the provisions of any other law to the contrary:

a. consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, or other provisions of any note, or any instrument securing a loan which has been guaranteed by the authority;

b. authorize payment or compromise, subject to the approval or approvals required under the authority's write off and compromise procedures, of any claim upon or arising as a result of any such guaranty; and

c. authorize payment, compromise, waiver or release, of any debt, right, title, claim, lien or demand, however acquired, including any equity or right of redemption, and the waiver or release of any debt, right, title,

claim, lien or demand including any equity or right of redemption shall be sufficient if executed by the executive director or designee on behalf of the authority. The register or county clerk of any county and the clerk of any court is hereby authorized to cancel of record any lien, including, but not limited to, judgments, chattel mortgages and conditional sales agreements whenever the document evidencing the cancellation or request for cancellation is signed by the executive director or designee on behalf of the authority. The register and the clerk of any county are authorized to record any documents of the authority signed by the executive director or designee.

Contracts, promissory notes, made by minor, valid and binding.

18A:71C-9. Contracts, Promissory Notes, made by Minor, Valid and Binding.

Any contract, promissory note, or other written obligation made by any minor to repay or secure payment of a loan made under this article, payment whereof is guaranteed or insured by the authority, or which forms part of the same transaction as the making of the loan shall, notwithstanding any provision of law to the contrary, be as valid and binding as if the person were at the time of the making and execution 18 years of age, and it may be enforced in any action or proceeding by or against the person in his own name, and shall be valid without the consent of the parent or guardian of the person, and the person shall not disaffirm the instrument because of his age, nor shall the person hereafter interpose the defense that he is, or was, at the time of the making and execution, a minor in any action or proceeding arising out of any such loan.

Deduction of overdue student loan payments from wages of employees of the state, institution of higher education and public authorities.

18A:71C-10. Deduction of Overdue Student Loan Payments From Wages of Employees of the State, Institution of Higher Education and Public Authorities.

Whenever any officer or employee of the State of New Jersey, a public institution of higher education in this State now or hereafter established or authorized by law, any independent institution of higher education in this State now or hereafter established that receives State funds, or any public authority established pursuant to State law, has failed to make scheduled payments to the Higher Education Student Assistance Authority on any note held by that authority pursuant to N.J.S.18A:71C-6, there shall be deducted from the wages of the employee the full amount of both any arrears payment and any schedule payment due to the Higher Education Student Assistance Authority until such time as the note is fully satisfied.

In the case of State officers or employees on the centralized regular bi-weekly payroll, the Department of the Treasury shall make the deduction

and shall transmit the payments to the Higher Education Student Assistance Authority, but the Department of the Treasury shall retain an amount, as established by regulation of the authority, of the moneys collected to defray the cost of collection.

In the case of officers and employees not on the centralized regular bi-weekly payroll, the chief financial officer of the institution or the public authority shall make the deduction and transmit the payments to the Higher Education Student Assistance Authority, but the institution or public authority shall retain an amount, as established by regulations of the Higher Education Student Assistance Authority, of the moneys collected to defray the cost of collection.

Regulations.

18A:71C-11. Regulations.

The Department of the Treasury and the authority shall jointly promulgate regulations concerning the procedures and methods to be employed for the implementation of the provisions of this act concerning deductions for overdue student loan payments from wages. The regulations shall be consistent with all federal requirements or limitations regarding any information utilized in any collection, and shall in addition provide for due notice to the employee of an opportunity for a hearing upon request prior to any collection.

Deduction of overdue student loan payments from wages of county and municipal employees.

18A:71C-12. Deduction of Overdue Student Loan Payments from Wages of County and Municipal Employees.

Whenever any officer or employee of a county or municipality has failed to make scheduled payments to the authority on any note held by the authority pursuant to N.J.S.18A:71C-6, the chief financial officer of the appropriate local unit shall deduct from the wages of the employee the full amount of both any arrears payment and any scheduled payment due to the authority, but the local unit shall retain an amount not to exceed 1% of the moneys collected to defray the cost of collection.

Guidelines for payment of arrearages.

18A:71C-13. Guidelines for Payment of Arrearages.

The Division of Local Government Services in the Department of Community Affairs, in conjunction with the Department of the Treasury and the Higher Education Student Assistance Authority, shall prepare guidelines concerning the procedures and methods to be employed by local units for the implementation of N.J.S.18A:71C-12. The guidelines, and all actions taken by local units, shall be consistent with all federal regulations and limitations regarding any information utilized in any collection.

Deduction of overdue student loan payments from wages of certain boards or authorities.

18A:71C-14. Deduction of Overdue Student Loan Payments From Wages of Certain Boards or Authorities.

Whenever any officer or employee of a local board of education, a county or municipal board of health or an autonomous authority created by a county or municipality pursuant to statute has failed to make scheduled payments to the Higher Education Student Assistance Authority on any note held by that authority pursuant to N.J.S.18A:71C-6, the board or autonomous authority shall deduct from the wages of the employee the full amount of both any arrears payment and any scheduled payment due to the Higher Education Student Assistance Authority until such time as the note is fully satisfied. The board or autonomous authority shall transmit the payments to the Higher Education Student Assistance Authority, but the board or autonomous authority may retain an amount of the moneys collected as established by regulations of the Higher Education Student Assistance Authority to defray the cost of collection.

Guidelines for payment of arrearages.

18A:71C-15. Guidelines for Payment of Arrearages.

The Department of Education and the Division of Local Government Services in the Department of Community Affairs, in conjunction with the Department of the Treasury and the Higher Education Student Assistance Authority, shall prepare guidelines concerning the procedures and methods to be employed by boards and autonomous authorities for the implementation of N.J.S.18A:71C-14. The guidelines, and all actions taken by a board or autonomous authority pursuant to this act, shall be consistent with all federal regulations or limitations regarding any information utilized in any collection.

Deduction of overdue student loan payments from wages of employees of the private sector.

18A:71C-16. Deduction of Overdue Student Loan Payments From Wages of Employees of the Private Sector.

Whenever any officer or employee or any employer within or outside this State not described in N.J.S.18A:71C-10, N.J.S.18A:71C-12 or N.J.S.18A:71C-14 has failed to make scheduled payments to the Higher Education Student Assistance Authority on any note or other written obligation held by that authority, there shall be deducted from the wages of the employee the full amount of both any arrears payment and any scheduled payment due to the Higher Education Student Assistance Authority until such time as the note or other written obligation is fully satisfied.

The employer shall retain an amount, as established by regulations promulgated jointly by the Department of the Treasury and the Higher

Education Student Assistance Authority, of the moneys collected to defray the cost of collection.

An employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage deduction in accordance with this section by reason of the fact the individual's wages have been subject to wage deduction under this section, and the individual may sue in a State court of competent jurisdiction any employer who takes this action. The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order another remedy as may be reasonably necessary.

Lien not treated as wage execution.

18A:71C-17. Lien Not Treated as Wage Execution.

The lien against an employee's wages undertaken pursuant to N.J.S.18A:71C-10, N.J.S.18A:71C-12, N.J.S.18A:71C-14 and N.J.S.18A:71C-16 shall not be considered an execution against wages pursuant to N.J.S.2A:17-52, and shall not prevent the simultaneous satisfaction of an execution from the amount of wages remaining after the satisfaction of this debt.

Exchange of information with other State departments and agencies.

18A:71C-18. Exchange of Information with Other State Departments and Agencies.

The authority may use the following procedures to locate borrowers who have failed to make scheduled payments to the authority on any note held by the authority:

a. the authority may furnish the name and Social Security number of a delinquent or defaulted borrower to the Division of Pensions and Benefits, the Division of Taxation, the Division of Motor Vehicles, the Department of Human Services, the Casino Control Commission, and any State professional or licensing board or body. Except as prohibited by federal or State law, these departments, divisions, boards, and bodies shall return to the authority the address of any borrower or the address of the employer of any borrower that appears in its most recent records;

b. the authority may furnish the name and Social Security number of any delinquent or defaulted borrower to the Department of Labor. Except as prohibited by federal or State law, the Department of Labor shall return to the authority the address of the employer of any such borrower that appears in its most recent records;

c. the authority shall reimburse the department, division, board or body listed in subsections a. and b. of this section for any costs associated with services performed pursuant to this section. Information furnished to the

authority by the entities listed in subsections a. and b. shall be considered confidential and shall not be disclosed except to a federal department or agency entitled to the information because the disclosure is necessary for the proper administration of this article.

Professional or occupational misconduct.

18A:71C-19. Professional or Occupational Misconduct.

a. Notwithstanding provisions of any law to the contrary, any State professional or occupational licensing board shall define a borrower's delinquent or default status of any loan made or guaranteed by the authority as misconduct punishable by the denial, suspension, or revocation of the borrower's professional or occupational license by that board.

b. For the purposes of this section:

"License" means the whole or part of any State agency permit, certificate, approval, registration, charter or similar form of permission to engage in a profession, trade, business or occupation and any notification required to be made to any State agency that a profession, trade, business or occupation is being engaged in or is expected to be commenced; provided that "license" shall not include any original charter or certificate of incorporation granted by any State agency;

"State agency" means the legislative or executive branch of the State, including, but not limited to, any department, board, bureau, commission, division, office, council, agency, or instrumentality thereof, or independent agency, public authority or public benefit corporation.

Deductions of overdue payments from State lottery winnings.

18A:71C-20. Deductions of Overdue Payments from State Lottery Winnings.

a. The Director of the Division of State Lottery in the Department of the Treasury and the executive director shall initiate an ongoing data exchange in the Office of Telecommunications and Information Systems in the Department of the Treasury before a payment is made of a State lottery prize in excess of $1,000.

b. The executive director shall periodically supply the Office of Telecommunications and Information Systems with a list of those individuals with delinquent or defaulted student loan repayments to the authority.

c. The Director of the Division of State Lottery shall promptly provide the Office of Telecommunications and Information Systems with a prize winners list, which shall include the prize claimant's name, address and Social Security number and the amount of the pending payment.

d. The Office of Telecommunications and Information Systems shall cross check the lottery list with the data supplied by the executive director

for a Social Security number match. If a match is made, the Office of Telecommunications and Information Systems shall notify the authority.

e. If a lottery prize claimant is on the list of individual delinquents or in default of a student loan, the authority shall promptly notify the Department of the Treasury and the Division of the State Lottery of the claimant's name, address, Social Security number and the outstanding amount of the student loan. The Department of the Treasury shall, after withholding any appropriate amount for income tax or such other withholdings as may be required under federal or State law, withhold this amount from the pending lottery payment and transmit this amount to the authority. If the amount of the student loan outstanding is greater than the amount available from the lottery payment, the entire amount available shall be transmitted to the authority.

f. Any of the claimant's lottery prize funds remaining after withholding pursuant to subsection e. of this section shall be paid to the claimant in accordance with lottery procedures.

g. The State Treasurer in consultation with the authority shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to effectuate the purpose of this section including, but not limited to, regulations providing for prompt notice to any prize winner from whose award the Department of the Treasury seeks to withhold funds of the amount to be withheld and the reason therefor and providing the prize winner with the opportunity for a hearing upon request prior to the disposition of any funds. The State Treasurer shall also provide, by regulation, safeguards against the disclosure or inappropriate use of any personally identifiable information regarding any person obtained pursuant to this section. For purposes of this section, "prompt notice" shall mean within 14 days or less.

Article 2. State Loan Programs

College loans to assist state students loan program.

18A:71C-21. College Loans to Assist State Students Loan Program.

There is hereby established within the authority a New Jersey College Loans to Assist State Students (NJCLASS) Loan Program. Under the NJCLASS Loan Program, the authority shall make loans available in such amounts as necessary to ensure that student loans remain generally available to, or for the benefit of, eligible students who are not eligible for, or have additional financial need beyond, a federally insured student loan and who meet the eligibility criteria set forth in N.J.S.18A:71C-27.

18A:71C-22. College Loans to Assist State Students Loan Fund.

a. The authority shall establish and maintain a special fund called the "New Jersey College Loans to Assist State Students (NJCLASS) Loan Fund"

in which there shall be deposited: (1) all funds received by the authority from the sale of State bonds as provided by law; (2) all moneys appropriated by the State for the purpose of the fund; (3) all funds contributed to the authority by private sources, to be used for the purposes of this article; and (4) any other moneys or funds of the authority, including the proceeds of bonds, bond anticipation notes, and other obligations issued by the authority, which it determines to deposit therein. Moneys in the NJCLASS Loan Fund shall be held and applied to make loans pursuant to this article and to pay for the costs of administering the NJCLASS Loan Program.

b. The sum total of all funds on deposit in the NJCLASS Loan Fund shall be maintained in the amount determined by the authority to be necessary to fulfill its responsibilities as set forth in this article.

c. Moneys in the NJCLASS Loan Fund at any time in excess of the NJCLASS Loan Program requirements, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to any other fund or account of the authority.

d. Moneys at any time in the NJCLASS Loan Fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or such other obligations as the authority may approve.

Eligible borrower.

18A:71C-23. Eligible Borrower.

Loans under the NJCLASS Loan Program may be made to eligible borrowers. An eligible borrower is an eligible student or any parent, spouse, legal guardian or other relative providing financial support for a dependent eligible student. The authority shall set maximum loan amounts for each participant based on such factors as the cost of attending the particular institution, family income, value of family assets or other factors the authority may consider relevant. The loans may be secured by such endorsement, co-maker's collateral or other security as may be required by rules and regulations established by the authority.

Eligible institution.

18A:71C-24. Eligible Institution.

Unless restricted by the authority by regulations, "eligible institution" means, for the purposes of this article only, an institution of higher education licensed by the appropriate agency or department and accredited or preaccredited by a nationally recognized accrediting association. Eligible institutions shall also include certain proprietary institutions but only for degree granting programs approved by the commission or for other proprietary institutions as determined by the authority.

Maximum loan amounts.

18A:71C-25. Maximum Loan Amounts.

The authority shall establish maximum annual loan amounts and maximum total loan amounts which may be made under the NJCLASS Loan Program; however, the amount of a NJCLASS Loan Program loan may not exceed, in combination with other financial aid, the total education costs of attending an eligible institution as determined by that institution plus the amount of interest payments which may be deferred pursuant to N.J.S.18A:71C-26.

Accrual of interest; payment.

18A:71C-26. Accrual of Interest; Payment.

Interest on each NJCLASS Loan Program loan shall accrue from the date of the making of the loan; however, the payment of the principal or the interest or both may be deferred until a time or times determined by the authority. The rate of interest on each loan shall be determined by the authority.

Student eligibility.

18A:71C-27. Student Eligibility.

a. Unless otherwise restricted by the authority by regulation, an eligible student under the NJCLASS Loan Program shall:

(1) be a New Jersey resident enrolled on at least a part-time basis as an undergraduate or graduate student in an eligible institution in New Jersey; or

(2) be a New Jersey resident enrolled on at least a part-time basis as an undergraduate or graduate student in an eligible institution outside of New Jersey; or

(3) reside outside the State and be enrolled on at least a part-time basis as an undergraduate or graduate student in an eligible institution in New Jersey.

b. To be eligible for a NJCLASS loan financed in whole or in part by qualified student loan bonds, as described under section 144(b) of the Federal Internal Revenue Code of 1986, 26 U.S.C.s.144(b), the student in addition to meeting the requirements of subsection a. of this section, shall meet the eligibility criteria described in section 144(b) of the Federal Internal Revenue Code of 1986, 26 U.S.C.s.144(b), or not be in violation of any other criteria which would result in the bonds no longer to be qualified under section 144(b) of the Federal Internal Revenue Code of 1986, 26 U.S.C.s.144(b).

Limitations on program; fees.

18A:71C-28. Limitations on Program; Fees.

a. The authority may limit the number of students who receive NJCLASS Loan Program loans for attendance at any educational institution with a default rate exceeding the standard which will be set by the authority.

b. The authority may place a limitation upon the number of NJCLASS Loan Program loans made pursuant to this article, if, in its judgment, a limitation is necessary to preserve the fiscal viability of the fund.

c. The authority may establish and collect a fee, to be paid by each eligible borrower under the NJCLASS Loan Program to assist in the support of the administration of the NJCLASS Loan Program by the authority and to assist in covering the cost of loan defaults.

Applicability of information exchange, collection procedures, repayment determinations and other federal provisions.

18A:71C-29. Applicability of Information Exchange, Collection Procedures, Repayment Determinations and Other Federal Provisions.

Unless expressly limited to federal programs, the information exchange, wage withholding, collection procedures, repayment determinations, and other provisions set forth under article 1 of this part shall apply to the NJCLASS Loan Program.

Act not to affect higher education student assistance fund.

18A:71C-30. Act Not to Affect Higher Education Student Assistance Fund.

Nothing in this article shall be construed to limit the power of the authority to establish and maintain the Higher Education Student Assistance Fund or to alter the terms and conditions of loans made to students under that fund.

Falsely securing State loan; crime.

18A:71C-31. Falsely Securing State Loan; Crime.

Any person who, having obtained a State loan under this act, solicits, applies for, or accepts another such loan, except as specifically authorized in this act, and any person who knowingly or willfully furnishes any false or misleading information for the purpose of obtaining a loan, or of enabling another to obtain a loan, under this act, shall be guilty of a crime of the fourth degree.

Article 3. Loan Redemption Program

Definitions.

18A:71C-32. Definitions.

As used in N.J.S.18A:71C-32 through N.J.S.18A:71C-48:

"Eligible student loan expenses" means the cumulative total of the annual student loans covering the cost of attendance at an undergraduate institution of medical, dental, or other primary care professional education. Interest paid or due on student loans that an applicant has taken out for use in paying the costs of undergraduate medical, dental, or other primary care professional education shall be considered eligible for reimbursement under

the program. The authority may establish a limit on the total amount of student loans which may be redeemed for participants under the program, provided that the total redemption of student loans does not exceed $120,000 either in State funds or the sum of federal, State, and other non-federal matching funds, pursuant to section 338I of the Public Health Service Act (42 U.S.C.s.254q-1), whichever is applicable.

"Health professional shortage area" (HPSA) means an urban or rural area, a population group or a public or non-profit private medical facility or other public facility which the Secretary of Health and Human Services determines has a health professional shortage pursuant to section 332 of the Public Health Service Act (42 U.S.C. s.254e).

"Primary care" means the practice of family medicine, general internal medicine, general pediatrics, general obstetrics, gynecology, and any other areas of medicine which the Commissioner of Health and Senior Services may define as primary care. Primary care also includes the practice of general dentistry and pedodontics, as well as the professions of nurse-practitioner, certified nurse-midwife, and physician assistant.

"Primary Care Physician and Dentist Loan Redemption Program" means a program which provides for the redemption of the eligible student loan expenses of its participants.

"State designated underserved area" means a geographic area in this State which has been ranked by the Commissioner of Health and Senior Services on the basis of health status and economic indicators as reflecting a medical or dental health professional shortage.

"Undergraduate medical, dental, or other professional primary care professional education" means the period of time between entry into medical school, dental school, or other primary care professional training program and the award of the medical (M.D., D.O.) degree, the dental (D.M.D., D.D.S.) degree, or other primary care professional degree respectively.

Primary care physician and dentist loan redemption program established.

18A:71C-33. Primary Care Physician and Dentist Loan Redemption Program Established.

There is established a Primary Care Physician and Dentist Loan Redemption Program within the Higher Education Student Assistance Authority. The program shall provide for the redemption of a portion of the eligible student loan expenses of program participants for each year of service in a State designated underserved area.

Eligibility for participation in program.

18A:71C-34. Eligibility for Participation in Program.

To be eligible to participate in the Primary Care Physician and Dentist Loan Redemption Program, an applicant shall:

a. be a resident of the State;

b. be a graduate of a medical school approved by the State Board of Medical Examiners for the purpose of licensure and receive a recommendation from the school's medical staff concerning participation in the loan redemption program in the case of a physician; be a graduate of a dental school approved by the New Jersey State Board of Dentistry for the purpose of licensure and receive a recommendation from the school's dental staff concerning participation in the loan redemption program in the case of a dentist; or be a graduate of another state-approved primary care professional training program for the purpose of licensure or certification and receive a recommendation from the program's professional staff concerning participation in the loan redemption program in the case of another primary care provider;

c. in the case of a physician, have completed an accredited residency training program and received a recommendation from the director of the training program concerning participation in the loan redemption program; and

d. agree to practice primary care, as appropriate, in a State designated underserved area.

Ranking of State designated underserved areas.

18A:71C-35. Ranking of State Designated Underserved Areas.

The Commissioner of Health and Senior Services, after consultation with the Commissioner of Corrections and the Commissioner of Human Services, shall designate and establish a ranking of State designated underserved areas. The criteria used by the Commissioner of Health and Senior Services in designating areas shall include, but not be limited to:

a. the financial resources of the population under consideration;

b. the population's access to primary care services; and

c. appropriate physician, dentist, or other primary care staffing in State, county, municipal and private nonprofit health care facilities.

The Commissioner of Health and Senior Services shall transmit the list of State designated underserved areas and the number of positions needed in each area to the executive director or designee.

Entry into program; agreements.

18A:71C-36. Entry into Program; Agreements.

A medical, dental, nursing, or other primary care student who is eligible and interested in participating in the loan redemption program shall sign a nonbinding agreement with the Higher Education Student Assistance Authority or its designated agent upon completion of the final year of undergraduate medical, dental, or other primary care training, as appropri-

ate. At the end of the final year or residency training in the case of a physician; at the end of the final year of undergraduate dental training or residency training if the training is required in a primary care dental speciality in the case of a dentist; and at the end of the final year of other primary care training in the case of another primary care provider, the applicant shall sign a contractual agreement with the authority or its designated agent. The agreement shall specify the applicant's dates of required service, the initial period to cover a minimum of two years, and the total amount of eligible student loan expenses to be redeemed by the State in return for service. The agreement shall also stipulate that the applicant has knowledge of and agrees to the six-month probationary period required prior to final acceptance into the program pursuant to N.J.S.18A:71C-38.

Redemption limits; start of service.

18A:71C-37. Redemption Limits; Start of Service.

a. Maximum redemption of loans under the loan redemption program shall amount to 18% of principal and interest of eligible student loan expenses in return for one full year of service in a State designated medically underserved area, an additional 26% for a second full year of service, an additional 28% for a third full year of service and an additional 28% for a fourth full year of service for a total redemption of eligible student loan expenses of up to, but not to exceed, $120,000 either (1) in State funds or (2) the sum of federal, State, and other non-federal funds pursuant to section 338I of the Public Health Service Act (42 U.S.C.s.254q-1), whichever is applicable. Service in a State designated underserved area shall begin within two years of completion of the medical residency training program in the case of a physician; within two years of completion of undergraduate dental training or residency training if the training is required in a primary care dental specialty in the case of a dentist; and within two years of completion of other primary care professional training if the training is required in the case of another primary care provider.

b. A participant who enters an agreement to fulfill service in a State designated underserved area that is also a federal HPSA shall be permitted a total redemption of eligible student loan expenses for four years of service up to, but not to exceed, the sum of federal, State and other non-federal matching funds provided pursuant to section 338I of the Public Health Service Act (42 U.S.C.s.254q-1).

Probationary period.

18A:71C-38. Probationary Period.

Each program participant shall serve a six-month probationary period upon initial placement in a service site within the State designated underserved area. During that period, the medical or dental staff of the

service site, as appropriate, together with the program participant, shall evaluate the suitability of the placement for the participant. At the end of the probationary period, the medical or dental staff shall recommend the continuation of the program participant's present placement, a change in placement, or its determination that the participant is an unsuitable candidate for the loan redemption program. If the medical or dental staff of the service site recommends a change in placement, the executive director or a designee shall place the program participant in an alternate placement within a State designated underserved area. If the medical or dental staff determines that the program participant is not a suitable candidate for the program, the executive director shall take this recommendation into consideration in regard to the participant's final acceptance into the program. No loan redemption payment shall be made during the six-month probationary period; however, a program participant shall receive credit for the six-month period in calculating the first year of required service under the loan redemption contract.

Matching of participants with areas.

18A:71C-39. Matching of Participants with Areas.

The executive director or designee, in consultation with the Commissioner of Health and Senior Services, shall match program participants to State designated underserved areas based upon the ranking of the underserved areas established by the commissioner and on the basis of participant preference.

Determination of number of positions; selection of participants.

18A:71C-40. Determination of Number of Positions; Selection of Participants.

The executive director or designee shall annually determine the number of program positions available on the basis of the need for primary care physicians, dentists, and other primary care providers in State designated underserved areas as determined by the Commissioner of Health and Senior Services and the State and federal funds available for the program. Once the number of program positions has been determined, the executive director or designee shall select the program participants from among those students who have applied to the program and who meet the criteria established pursuant to N.J.S.18A:71C-34. In selecting program participants, the executive director shall accord priority to applicants in the following manner:

a. first, to any applicant who is completing a fourth, third or second year of a loan redemption contract;

b. second, to any applicant whose residence in the State at the time of entry into postsecondary education was within a State designated underserved area; and

c. third, to any applicant according to the severity of the physician, dentist, or other primary care provider shortage in the area selected by the applicant.

In the event that there are more applicants who have the same priority than there are program positions, the executive director shall select participants by means of a lottery or other form of random selection.

Nullification of agreement.

18A:71C-41. Nullification of Agreement.

A physician, dentist, or other primary care provider who has previously entered into a contract with the authority may nullify the agreement by notifying the authority in writing and reassuming full responsibility for the remaining outstanding balance of the loan debt. In no event shall service in a State designated underserved area for less than the full calendar year of each period of service entitle the participant to any benefits under the loan redemption program. A participant seeking to nullify the contract before completing a second full year of service shall be required to pay 50% of the redeemed portion of indebtedness in not more than one year following nullification of the agreement.

Death or permanent disability of participant.

18A:71C-42. Death or Permanent Disability of Participant.

In case of a program participant's death or total and permanent disability, the authority shall nullify the service obligation of the student. The nullification shall terminate the authority's obligations under the loan redemption contract, except in the event that a participant's death or total and permanent disability occurs after the second year of service, the authority shall redeem the current year of service. When continued enforcement of the contract may result in extreme hardship, the authority may nullify or suspend the service obligation of the student.

Conviction of crime; gross negligence; license suspension or revocation.

18A:71C-43. Conviction of Crime; Gross Negligence; License Suspension or Revocation.

In case of a program participant's conviction of a crime or an act of gross negligence in the performance of service obligations or when the license to practice has been suspended or revoked, the executive director or designee shall have the authority to terminate the participant's service in the program and require forfeiture of the amount redeemed for the current year of service.

National Health Service Corps Loan Repayment Program participants not eligible.

18A:71C-44. National Health Service Corps Loan Repayment Program Participants Not Eligible.

A student who is participating in the federally administered National Health Service Corps Loan Repayment Program, section 338B of the Public Health Service Act (42 U.S.C.s.254 l-1), shall not be eligible to participate simultaneously in the Primary Care Physician and Dentist Loan Redemption Program.

Report on performance.

18A:71C-45. Report on Performance.

Prior to repayment of the annual amount eligible for redemption, each program participant shall report to the authority or its designated agent, in such manner and form as it shall prescribe, information on the participant's performance of service in the State designated underserved area as required under the contract.

Recruitment.

18A:71C-46. Recruitment.

The executive director or designee and the Commissioner of Health and Senior Services, in cooperation with their designated agent, shall together establish a procedure for the recruitment of program applicants at medical and dental schools and health centers. The procedure shall provide for the participation of the medical and dental staff, as appropriate, of those facilities in the selection of appropriate applicants for the program.

Federal funds.

18A:71C-47. Federal Funds.

The authority shall annually apply for any federal funds which may be available to implement the provisions of this act.

Rules and regulations.

18A:71C-48. Rules and Regulations.

The authority shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to implement the provisions of N.J.S.18A:71C-32 through N.J.S.18A:71C-47.

C.18A:11-10 Board of Education may receive property for awarding scholarships.

2. Any board of education may accept, receive, add to and hold in trust real or personal property, heretofore or hereafter acquired by inter vivos or testamentary gift, for the purpose of awarding scholarships to students for higher education in colleges, universities and graduate schools, whether located within or without this State, upon such terms and conditions, not inconsistent with this section, as may be imposed by the donor of the property. The board shall, by resolution, provide for the acceptance, application, custody and management of property donated to it for higher education scholarship purposes.

C.38A:3-23 Free tuition for dependent of prisoner of war, person missing in action; terms defined.

3. a. Any dependent of a prisoner of war or a person missing in action, upon his being accepted to pursue a course of undergraduate study in any private institution of higher education in this State or in any public institution of higher education of this State as enumerated in N.J.S.18A:62-1, shall be allowed to obtain a bachelor's degree, or certificate of completion, for so long as he is eligible, free of tuition. Once a person qualifies as a dependent under this act there shall be no situation such as the return of the parent or the reported death of the parent that will terminate the eligibility of the dependent to the benefits under this act.

b. As used in this section:

"Dependent" means any child born before, during or after the period of time the child's parent was a prisoner of war or a person missing in action, or any child legally adopted or in the legal custody of the parent prior to, during or after the time the parent was a prisoner of war or a person missing in action.

"Prisoner of war" and "person missing in action" means any person who was a resident of this State at the time he or she entered service of the United States Armed Forces, or whose official residence is within this State, and who, while serving in said United States Armed Forces, has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after January 1, 1960.

C.38A:3-24 Definitions applicable to sections 4 through 11.

4. As used in sections 4 through 11 of this act:

a. "Approved course of study" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is accepted for Veteran's Educational Assistance pursuant to federal law.

b. "Approved educational institution" means (1) any academic, professional or vocational school operating within this State or (2) any graduate level school operating within the United States or (3) any academic, professional or vocational school operating outside of this State; provided that the institution shall have made a prior written agreement to accept the tuition credit and reimbursement provided for in sections 8 and 9 of this act; provided further, that no more than 20% of the eligible veterans under paragraphs (1) and (3) of this subsection shall attend an approved educational institution operating outside of this State. To qualify as an "approved educational institution" under this act, an institution must have been approved for Veteran's Educational Assistance pursuant to federal law.

c. "Department" means the Department of Military and Veterans'

Affairs and includes any deputies or employees of the department designated to administer and enforce this act.

d. "Eligible veteran" means any veteran of the Armed Forces of the United States residing in New Jersey who is or was eligible for Veteran's Educational Assistance pursuant to federal law and who (1) was domiciled in New Jersey at the time of his induction into the armed forces, or (2) has been domiciled in New Jersey for a period of not less than 12 consecutive months prior to the date of application, exclusive of any time spent on active duty.

C.38A:3-25 Full-time course equivalents established.

5. For the purposes of sections 4 through 11 of this act:

a. (1) an institutional trade or technical course offered at a nonaccredited school on a clock-hour basis involving shop practice as an integral part thereof shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed;

(2) an institutional course offered at a nonaccredited school on a clock-hour basis in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction, which may include customary intervals not to exceed 10 minutes between hours of instruction, is required and no more than three hours of supervised study per week is allowed;

b. (1) an institutional trade or technical course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree and involves shop practice as an integral part thereof shall be considered a full-time course when a minimum of 22 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed;

(2) an institutional course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week of instruction, which may include customary intervals not to exceed 10 minutes between hours of instruction, is required and no more than two and one-half hours of supervised study is allowed;

c. an academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this subsection, a unit is defined to be not less than 120 60-minute hours or their equivalent of study in any subject in one academic year; and

d. an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree, including those for which no credit is granted but which are required to be taken to correct an educational deficiency, is required, except that when the college or university certifies, upon the request of the department, that (a) full-time tuition is charged to all undergraduate students carrying a minimum of less than 14 semester hours or the equivalent thereof or (b) all undergraduate students carrying a minimum of less than 14 semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by the college or university with the minimum number of semester hours shall be considered a full-time course, but in the event the minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

Each eligible veteran may select an approved course of study at any approved educational institution selected by him, which will accept and retain him as a student or trainee in any field or branch of knowledge which the institution finds him qualified to undertake or pursue.

C.38A:3-26 Tuition credit for eligible veterans.

6. Any eligible veteran who desires tuition credit pursuant to this act, within eight years from the date of (a) his separation from active duty or (b) March 3, 1976, whichever is later, shall submit an application to the department which shall be in a form and contain information as the department shall prescribe. The department shall approve the application unless it finds that the veteran is ineligible for or not entitled to tuition credit or that his course of study is not approved pursuant to this act, or that he has already been approved. The department shall notify the veteran and his selected educational institution of the approval of his application.

C.38A:3-27 Schedule for tuition credit to eligible veteran.

7. a. Each eligible veteran shall be entitled to tuition credit pursuant to this act in accordance with the following schedule:

(1) For a period of one semester, or the equivalent thereof in part-time tuition credit, in the case of educational institutions regularly operated on the semester system, for each three months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for a period

of eight semesters, or the equivalent thereof in part-time tuition credit. The maximum credit hereunder shall be for a period of eight semesters; or

(2) For a period of one-quarter, or the equivalent thereof in part-time tuition credit, in the case of educational institutions regularly operated on the quarter system, for each two months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during that period of time, he shall be entitled to tuition credit pursuant to this act for a period of 12 quarters. The maximum credit hereunder shall be for a period of 12 quarters; or

(3) For a period of one and one-half months of any tuition period, or the equivalent thereof in part-time tuition credit, in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during that period of time, he shall be entitled to tuition credit pursuant to this act for 36 months of tuition credit, or the equivalent thereof in part-time tuition credit. The maximum credit hereunder shall be for a period of 36 months.

b. If an eligible veteran shall change his program of study from an educational institution regularly operated on the quarter or semester system or otherwise to an educational institution regularly operated on a different system, the remainder of his credit shall accordingly be redistributed by the department in such manner as to carry out the intent of this act.

C.38A:3-28 Amount of benefits.

8. Benefits hereunder shall be in the form of tuition credits limited by the lesser of full tuition or:

a. for educational institutions regularly operated on the semester system, $200 per semester.

b. for educational institutions regularly operated on the quarter system, $100 per quarter.

c. for educational institutions not regularly operated on the semester or quarter system, $400 per full school year prorated on an equal basis as the department shall determine.

d. for veterans pursuing a program of part-time education, the tuition credit shall be in such amounts as the department shall determine. These veterans shall be eligible to receive awards during summer terms, provided that the total award during the period from September 1 to August 31 of any academic year does not exceed the amount of assistance a full-time student at the same institution would receive.

C.38A:3-29 Reimbursement for tuition credit.

9. Reimbursement for tuition credit shall be made by the State Treasurer to the approved educational institution upon certification by the institution that the veteran is enrolled for the current period and upon certification by the department that the veteran is both eligible and entitled to tuition credit hereunder subject to the provisions of section 11 of this act. Reimbursement for tuition credit shall be made out of funds accumulated from the State Lottery.

C.38A:3-30 Benefits not considered income to determine financial need.

10. Any benefits granted to eligible veterans pursuant to this act shall not be considered income or an asset in determining financial need for any financial assistance for higher education provided pursuant to Title 18A of the New Jersey Statutes.

C.38A:3-31 Apportionment of benefits.

11. In the event that the amount appropriated in any fiscal year is insufficient to carry out in full the provisions of sections 4 through 11 of this act, the department shall apportion the amount among the eligible veterans applying for tuition credit in proportion to the amount each veteran would be allocated if the full amount were appropriated.

C.38A:3-32 Definitions applicable to sections 12 through 16.

12. As used in sections 12 through 16 of this act:

"Vietnam veteran" means a resident of this State who:

a. served in the Armed Forces of the United States in Southeast Asia in the Vietnam conflict and received a Vietnam Service Ribbon or an Armed Forces Expeditionary Medal;

b. was honorably discharged or generally discharged under honorable conditions; and

c. has been domiciled in New Jersey on April 9, 1985, for a period of not less than two consecutive years, exclusive of any time spent on active duty.

C.38A:3-33 Tuition assistance for Vietnam veterans.

13. A Vietnam veteran, upon being accepted to pursue a course of study for an initial undergraduate degree in a public institution of higher education of this State as enumerated in N.J.S.18A:62-1, shall be entitled to tuition assistance, while enrolled as a student in good standing at that college, in an amount up to the full tuition cost as determined by the Department of Military and Veterans' Affairs pursuant to section 17 of this act.

C.38A:3-34 Allowable benefit amount for Vietnam veteran.

14. A Vietnam veteran upon being accepted to pursue a course of study for an initial undergraduate degree at an independent college or university located in

the State shall be entitled to tuition assistance, while enrolled as a student in good standing at that college or university, in an amount as determined by the Department of Military and Veterans' Affairs pursuant to section 17 of this act, but in an amount not more than the tuition charged at Rutgers, The State University.

C.38A:3-35 Granting of tuition award after other sources of aid.

15. A tuition award shall not be granted pursuant to sections 13 and 14 of this act, unless the Vietnam veteran has applied for all other available State or federal student financial aid.

C.38A:3-36 Eligibility for program.

16. Eligibility for this program shall be limited to a period of five years from April 9, 1985. A Vietnam veteran shall be eligible for a tuition award for four academic years, unless he is enrolled in an undergraduate program regularly requiring five academic years for completion, in which case he shall be entitled to a tuition award for a fifth year.

C.38A:3-37 Rules, regulations.

17. The Department of Military and Veterans' Affairs shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt the rules and regulations necessary to effectuate the purposes of sections 3 through 16 of this act.

C.18A:72F-13 Funds budgeted for "Minority Faculty Advancement Program Act."

18. In any fiscal year, the Commission on Higher Education shall include in its proposed budget for that year the amount identified by the authority needed to fund its responsibilities under the "Minority Faculty Advancement Program Act," as well as any amounts needed to fund commission responsibilities under the "Minority Faculty Advancement Program Act." Funding shall be subject to the amount of appropriations available therefor.

19. If the Congress of the United States enacts legislation that exempts educational savings accounts from federal income taxation, N.J.S.18A:71B-42 and N.J.S.18A:71B-43 shall apply with respect to such educational savings accounts as if they were accounts established under this article and the beneficiaries of the accounts were designated beneficiaries subject to the approval of the New Jersey Higher Education Student Assistance Authority.

C.18A:62-23 "Initial Active Duty Training" defined.

20. As used in sections 20-25 of this act, "Initial Active Duty Training" means Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard.

C.18A:62-24 Tuition benefits for members of New Jersey National Guard.

21. Any member of the New Jersey National Guard shall be permitted to attend regularly-scheduled courses at any public institution of higher education in this State enumerated in N.J.S.18A:62-1 and receive up to 12 credits per semester tuition-free provided that:

a. the member has completed Initial Active Duty Training and is in good standing as an active member of the New Jersey National Guard;

b. the member has been accepted to pursue a course of undergraduate study and is enrolled as an undergraduate student in good standing at that institution;

c. the member has applied for all available State student grants and scholarships and all available federal student grants and scholarships for which the member is eligible; and

d. available classroom space permits and tuition-paying students constitute the minimum number required for the course.

C.18A:62-25 Eligibility of child, surviving spouse of certain members of New Jersey National Guard for tuition benefits.

22. Any child or surviving spouse of a member of the New Jersey National Guard who heretofore completed Initial Active Duty Training and was killed in the performance of his duties while on active duty with the New Jersey National Guard, or who hereafter completes Initial Active Duty Training and is killed in the performance of his duties while a member of the New Jersey National Guard, shall be permitted to attend regularly-scheduled courses at any public institution of higher education in this State enumerated in N.J.S.18A:62-1 and receive up to 12 credits per semester tuition-free provided that:

a. the child or spouse has been accepted to pursue a course of undergraduate study and is enrolled as an undergraduate student in good standing at that institution;

b. the child or spouse has applied for all available State student grants and scholarships and all available federal student grants and scholarships for which the child or spouse is eligible; and

c. available classroom space permits and tuition-paying students constitute the minimum number required for the course.

C.18A:62-26 Notice of availability of grants, scholarships.

23. The financial aid office of the public institution shall advise the member, or surviving spouse or child of a member, of any available State and federal student grants and scholarships for which the member, or surviving spouse or child of a member, may be eligible.

C.18A:62-27 Other fees payable.

24. Nothing in sections 20 through 25 of this act shall preclude a public institution of higher education from requiring the payment of other fees,

subject to approval by the State Treasurer, for individuals attending courses pursuant to the provisions of sections 20 through 25 of this act.

C.18A:62-28 Rules, regulations.

25. The State Treasurer shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of sections 20 through 25 of this act.

26. Section 4 of P.L.1986, c.87 (C.18A:3-15.4) is amended to read as follows:

C.18A:3-15.4 Out-of-State degrees.

4. An in-State university, college, business, trade or vocational school may not offer, advertise, or by agreement with an out-of-State institution, offer or advertise any academic degree from any out-of-State university, college, business, trade or vocational school when three-quarters or more of the degree requirements are obtained by course work completed at the institution in New Jersey unless the degree program was approved by the Board of Higher Education prior to July, 1994, or has been reviewed by the New Jersey Presidents' Council pursuant to section 8 of P.L.1994, c.48 (C.18A:3B-8) or is a degree program at an institution specifically exempted from the provisions of N.J.S.18A:68-6. No in-State university, college, business, trade or vocational school may deliver such a degree program unless licensed by the Commission on Higher Education, following review by the council.

27. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is amended to read as follows:

C.18A:3B-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-3;

"Commission" means the New Jersey Commission on Higher Education established by this act;

"Council" means the New Jersey Presidents' Council established by this act;

"Programmatic Mission" means all program offerings consistent within those levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to the effective date of this act or approved thereafter by the commission;

"Public Research University" means Rutgers, The State University of New Jersey, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology;

"State college" means any of the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes including any State college designated as a teaching university.

28. Section 6 of P.L.1994, c.48 (C.18A:3B-6) is amended to read as follows:

C.18A:3B-6 Powers, duties of governing boards of institutions of higher education.

6. The governing board of each public institution of higher education shall have the following general powers and duties to fulfill its mission and the Statewide goals in cooperation with other institutions and the State coordinating structures:

a. To develop an institutional plan and to determine the programs and degree levels to be offered by the institution consistent with this plan and the institution's programmatic mission;

b. To have authority over all matters concerning the supervision and operations of the institution including fiscal affairs, the employment and compensation of staff not classified under Title 11A of the New Jersey Statutes, and capital improvements in accordance with law;

c. To set tuition and fees; however, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the college community who wish to testify with an opportunity to be heard;

d. To establish admission standards and requirements and standards for granting diplomas, certificates and degrees;

e. To recommend for appointment by the Governor, members to the institution's governing board. The recommendation shall be made with regard to the mission of the institution and the diversity of the community to be served;

f. To have final authority to determine controversies and disputes concerning tenure, personnel matters of employees not classified under Title 11A of the New Jersey Statutes, and other issues arising under Title 18A of the New Jersey Statutes involving higher education except as otherwise provided herein. Any matter arising under this subsection may be assigned to an administrative law judge, an independent hearing officer or to a subcommittee of the governing board for hearing and initial decision by the board, except for tenure hearings under N.J.S.18A:6-18. Any hearings conducted pursuant to this section shall conform to the requirements of the

"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The final administrative decision of a governing board of a public institution of higher education is appealable to the Superior Court, Appellate Division;

g. To invest and reinvest the funds of the institution; however, institutions which invest the funds of the institution through the Director of the Division of Investment in the Department of the Treasury on or before the effective date of this act shall continue to do so, unless this requirement is waived by the State Treasurer on an annual basis, which waiver shall not be unreasonably withheld;

h. To retain legal counsel of the institution's choosing. State entities may choose representation by the Attorney General; however, as to claims of a tortious nature, the institution shall elect within 75 days of the effective date of this act whether it, and its employees, shall be represented in all such matters by the Attorney General. If the institution elects not to be represented by the Attorney General, it shall be considered and its employees considered employees of a sue and be sued entity for the purposes of the "New Jersey Tort Claims Act" only. The institution shall be required in that circumstance to provide its employees with defense and indemnification consistent with the terms and conditions of the Tort Claims Act in lieu of the defense and indemnification that such employees would otherwise seek and be entitled to from the Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.);

i. To be accountable to the public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution;

j. To submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the commission in accordance with the provisions of this act;

k. To have prepared and made available to the public an annual financial statement, and a statement setting forth generally the moneys expended for government relations, public relations and legal costs;

l. To have prepared an annual independent financial audit, which audit and any management letters regarding that audit shall be deemed public documents.

These powers and duties are in addition to and not a limitation of the specific powers and duties provided for the governing board of each public institution under chapters 64, 64A, 64G or 64E of Title 18A of the New Jersey Statutes. If the provisions of this section are inconsistent with these specific powers and duties, the specific powers and duties shall govern.

29. Section 8 of P.L.1994, c.48 (C.18A:3B-8) is amended to read as follows:

C.18A:3B-8 Responsibilities of council.

8. The council shall have the responsibility, consistent with State and federal law, to:

a. provide public information and research on higher education issues;

b. review and make recommendations to the commission concerning proposals for new programs that exceed the programmatic mission of an institution or that change the programmatic mission of an institution;

c. review and comment on proposals for new programs that demand significant added resources or raise significant issues of duplication but do not exceed the programmatic mission of the institution or require a change in the programmatic mission. If the council determines that a proposed new program is unduly expensive or unduly duplicative, the council shall refer that proposal to the commission for review; however, unless the commission disapproves of that program within 60 days of its referral, the program shall be deemed approved;

d. encourage the formation of regional or other alliances among institutions including interinstitutional transfers, program articulation, cooperative programs and shared resources and develop criteria for "full faith and credit" transfer agreements between county colleges and other institutions of higher education. The council shall also keep institutions apprised of the discontinuance of programs at other institutions and each president shall notify the council of any such action;

e. advise and assist the commission in developing and updating a plan for higher education in the State including, but not limited to, the establishment of new institutions, closure of existing institutions and consolidation of institutions;

f. provide policy recommendations on Statewide higher education issues;

g. recommend to the Governor, Legislature and commission on policy and overall levels of funding for student aid programs necessary to ensure accessibility to higher education;

h. transmit to the Governor, Legislature and commission a general budget policy statement regarding overall State funding levels;

i. upon referral from the commission pursuant to this act provide recommendations concerning institutional licensure and university status;

j. appoint subcommittees consisting of the presidents of the institutions of the various higher education sectors to decide matters, within the authority of the council. The presidents of the independent institutions shall develop a unified request for State support under chapter 72B of Title 18A of the New Jersey Statutes. The presidents of the county college sector shall develop a unified request for State support under chapter 64A of Title 18A of the New Jersey Statutes; and

k. consult with the Higher Education Student Assistance Authority concerning student assistance matters.

30. Section 12 of P.L.1994, c.48 (C.18A:3B-12) is amended to read as follows:

C.18A:3B-12 Executive board.

12. a. There shall be established an executive board which performs such duties as determined by the council. The executive board shall be composed of 14 members as follows:

The president of Rutgers, The State University;

The president of the University of Medicine and Dentistry of New Jersey;

The president of New Jersey Institute of Technology;

Three presidents of State Colleges who shall be selected by the presidents of this sector;

Five presidents of county colleges who shall be selected by the presidents of this sector;

Three presidents of independent institutions who shall be selected by the presidents of this sector.

b. The chair of the executive board shall be rotated among the following: one of the presidents of Rutgers, The State University of New Jersey, the president of the University of Medicine and Dentistry of New Jersey, and the president of New Jersey Institute of Technology; a president selected by the presidents of the State Colleges; a president selected by the presidents of the county colleges; and a president selected by the presidents of the independent institutions. The chair of the executive board shall serve for a two-year period. Biennially, the executive board shall select the chair in the manner provided above, but not necessarily in the order provided above.

c. The chair of the executive board shall also serve as the chair of the council.

31. Section 13 of P.L.1994, c.48 (C.18A:3B-13) is amended to read as follows:

C.18A:3B-13 New Jersey Commission on Higher Education.

13. a. There is established the New Jersey Commission on Higher Education which shall consist of 11 members: six public members, to be appointed by the Governor with the advice and consent of the Senate without regard for political affiliation; two public members to be appointed by the Governor, one upon the recommendation of the President of the Senate and one upon the recommendation of the Speaker of the General Assembly; the chairperson of the New Jersey Presidents' Council, ex officio; one faculty member from an institution of higher education to be

appointed by the Governor with the advice and consent of the Senate; and the chairperson of the Board of the Higher Education Student Assistance Authority, ex officio, or a designee from the public members of the authority. The public members shall reflect the diversity of the State. Notwithstanding the above, for a period of four years from July 1, 1994 the commission shall consist of 16 members, as follows: 10 public members, appointed by the Governor with the advice and consent of the Senate without regard for political affiliation, six of whom shall have experience as a current member of the governing board of an institution of higher education; four public members to be appointed by the Governor, two upon the recommendation of the President of the Senate and two upon the recommendation of the Speaker of the General Assembly; the chairperson of the New Jersey Presidents' Council, ex officio; and the chairperson of the Board of the Higher Education Student Assistance Authority, ex officio, or a designee from the public members of the authority. The executive director of the commission shall be an ex officio, non-voting member of the commission. In addition, the Governor shall appoint two students in attendance at public or independent institutions of higher education in the State from recommendations submitted by student government associations of New Jersey colleges and universities, who shall serve for a one-year term on the commission as non-voting members.

b. Public members who are not experienced as governing board members shall serve for a term of six years from the date of their appointment and until their successors are appointed and qualified; except that of the initial appointees who are not serving on the governing board of an institution: one shall serve a term of one year; one shall serve a term of two years; one shall serve a term of three years; one shall serve a term of four years; two shall serve a term of five years; and two shall serve a term of six years. A public member who does not have experience as a current member of a governing board shall serve until the member's successor is appointed and qualified.

The faculty member of the commission shall serve for a term of one year from the date of appointment and the selection of that member shall be rotated among the following higher education sectors although not necessarily in the order listed: the senior public research universities, the State colleges/universities, the county colleges, and the independent institutions. The faculty member shall serve until his successor is appointed and qualified.

Any vacancy shall be filled in the same manner as the original appointment but only for the balance of the unexpired term. The commission members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. No commission member shall be appointed for more than two consecutive six-year terms.

c. The Governor shall make the necessary appointments within 15 days of the effective date of this act. The commission shall hold its first meeting within 30 days of the appointment and qualification in office of its members, at which time the Governor shall appoint, for a two-year term, the chairman of the commission from among those public members not serving on the board of trustees of an institution. Upon the completion of the chairman's term, and every two years thereafter, the commission shall elect, from among those public members who are not serving on the board of trustees of an institution, a chairman who shall serve a two-year term. The chairman may be removed by the Governor for cause after an opportunity to be heard.

d. The commission shall be established in the Executive Branch of the State Government and for the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated in but not of the Department of State, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof. The commission shall submit its budget request directly to the Division of Budget and Accounting in the Department of the Treasury.

e. The commission shall appoint an executive director and such other personnel as may be deemed necessary. The executive director and professional staff shall serve at the commission's pleasure and shall receive such compensation as provided by law.

f. The Attorney General shall provide legal representation to the commission.

32. Section 14 of P.L.1994, c.48 (C.18A:3B-14) is amended to read as follows:

C.18A:3B-14 Responsibilities of commission.

14. The commission shall be responsible for:

a. Statewide planning for higher education including research on higher education issues and the development of a comprehensive master plan, including, but not limited to, the establishment of new institutions, closure of existing institutions, and consolidation of institutions, which plan shall be long-range in nature and regularly revised and updated. The council may request the commission to conduct a study of a particular issue. The commission may require from institutions of higher education such reports or other information as may be necessary to enable the commission to perform its duties;

b. advocacy on behalf of higher education including informing the public of the needs and accomplishments of higher education in New Jersey;

c. making recommendations to the Governor and Legislature on higher education initiatives and incentive programs of Statewide significance;

d. final administrative decisions over institutional licensure and university status giving due consideration to the accreditation status of the institution. The commission shall furnish the Presidents' Council with any pertinent information compiled on behalf of the subject institution and the council shall then make recommendations to the commission concerning the licensure of the institution or university status within sixty days of receipt of the information;

e. adopting a code of ethics applicable to institutions of higher education;

f. final administrative decisions over new academic programs that go beyond the programmatic mission of the institution and final administrative decisions over a change in the programmatic mission of an institution. In addition, within 60 days of referral of a proposed new program determined to be unduly expensive or duplicative by the council, the commission may deny approval of programs which do not exceed the programmatic mission of the institution, but which are determined by the New Jersey Presidents' Council to be unduly duplicative or expensive;

g. reviewing requests for State support from the institutions in relation to the mission of the institution and Statewide goals and proposing a coordinated budget policy statement to the Governor and Legislature;

h. communicating with the State Board of Education and Commissioner of Education to advance public education at all levels including articulation between the public schools and higher education community;

i. applying for and accepting grants from the federal government, or any agency thereof, or grants, gifts or other contributions from any foundation, corporation, association or individual, and complying with the terms, conditions and limitations thereof, for the purpose of advancing higher education. Any money so received may be expended by the commission upon warrant of the director of the Office of Management and Budget in the Department of the Treasury on vouchers certified by the executive director of the commission;

j. acting as the lead agency of communication with the federal government concerning higher education issues, except that the Higher Education Student Assistance Authority shall act, in cooperation with the commission, as the lead agency on issues of student assistance;

k. exercising all of the powers and duties previously exercised by the Board of Higher Education, the Department of Higher Education, and the Chancellor of Higher Education, under the "New Jersey Higher Education Building Construction Bond Act of 1971," P.L.1971, c.164, the "New Jersey Medical Education Facilities Bond Act of 1977," P.L.1977, c.235, the "Jobs,

Science and Technology Bond Act of 1984," P.L.1984, c.99 and the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the "Higher Education Equipment Leasing Fund Act," P.L.1993, c.136, and the "Higher Education Facilities Trust Fund Act," P.L.1993, c.375;

l. exercising any other power or responsibility necessary in order to carry out the provisions of this act; and

m. consulting with the Higher Education Student Assistance Authority on student assistance matters.

33. N.J.S.18A:60-1 is amended to read as follows:

Requirements for tenure.

18A:60-1. The services of all professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, and other persons employed in a teaching capacity, who are or shall hereafter be employed by the commissioner in the Marie H. Katzenbach School for the Deaf or in any other educational institution, or employed in any State college or in any county college, and teachers and other certified persons employed in State institutions within the Department of Corrections or the Department of Human Services, with the exception of the Director of Educational Services, shall be under tenure during good behavior and efficiency:

a. after the expiration of a period of employment of three consecutive calendar years in any such institution or institutions; or

b. after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year in any such institution or institutions; or

c. after employment in any such institution or institutions, within a period of any four consecutive academic years, for the equivalent of more than three academic years.

An academic year, for the purpose of this section, means the period between the time school opens in the institution after the general summer vacation until the next succeeding summer vacation.

The provisions of this section shall not apply to any faculty member employed by a State or county college who begins employment after the 1973-74 school year.

34. Section 6 of P.L.1992, c.49 (C.18A:62-21) is amended to read as follows:

C.18A:62-21 Review of guidelines, procedures.

6. The Commission on Higher Education shall review the guidelines and procedures developed by the institutions, in conjunction with the agencies or organizations sponsoring literacy tutoring programs, to provide

assistance in making the guidelines and procedures the same for all participating institutions.

35. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to read as follows:

C.18A:64-45 New Jersey Association of State Colleges and Universities.

1. There is established a body corporate and politic, with corporate succession, to be known as the New Jersey Association of State Colleges and Universities. New Jersey City University, Kean University, Montclair State University, Ramapo College of New Jersey, Richard Stockton College of New Jersey, Rowan University, Thomas Edison State College, The College of New Jersey and The William Paterson University of New Jersey shall constitute the membership of the association.

36. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to read as follows:

C.18A:64-46 Membership of association.

2. The association shall consist of nine voting members to be appointed as follows: one member from each member institution's boards of trustees, appointed by the members thereof. In addition the presidents of the member institutions shall serve as ex officio, nonvoting members.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

37. Section 4 of P.L.1985, c.161 (C.18A:64-48) is amended to read as follows:

C.18A:64-48 Powers, responsibilities of association.

4. The association shall have perpetual succession and shall have the following powers and responsibilities:

a. To make, amend and repeal rules, regulations and bylaws for its own governance and guidance, not inconsistent with the purposes of the association;

b. To adopt an official seal and alter the same at pleasure;

c. To maintain an office at such place or places in the State as it may designate;

d. To sue and be sued in its own name;

e. To borrow money, to issue bonds or notes therefor, and to secure the same by pledge or mortgage of its real and personal property, but it shall not in any manner, directly or indirectly, pledge the credit of the State; and

f. To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this article. All this property shall be exempt from taxation under chapter 4 of Title 54 of the Revised Statutes.

38. Section 5 of P.L.1985, c.161 (C.18A:64-49) is amended to read as follows:

C.18A:64-49 Executive director; duties, compensation.

5. The association shall employ an executive director, who shall be responsible for the administration of all the activities of the association including staff services. The executive director shall serve at the pleasure of the association. The salary of the executive director and all other personnel shall be determined by the association.

39. Section 6 of P.L.1985, c.161 (C.18A:64-50) is amended to read as follows:

C.18A:64-50 Purposes of association.

6. The association shall encourage and aid all movements for the improvement of education at the member institutions and shall make recommendations to the Governor, Legislature, Commission on Higher Education and Presidents' Council regarding the coordination of the member institutions on matters of mutual interest and concern.

40. Section 7 of P.L.1985, c.161 (C.18A:64-51) is amended to read as follows:

C.18A:64-51 Dues from member institutions.

7. For purposes of defraying the expenses of the association, the member institutions shall pay the necessary expenses incurred by the members and shall appropriate annually such sums for dues as may be assessed by the association. The assessment shall be made only upon a two-thirds vote of the membership present at the meeting, after notice of the taking of that vote shall have been given to each member institution in writing at least 60 days before the meeting of the association. Dues shall be assessed upon a graduated scale according to the size of each member institution.

41. N.J.S.18A:64A-12 is amended to read as follows:

General powers of board.

18A:64A-12. For the effectuation of the purposes of this chapter, the board of trustees of a county college in addition to such other powers expressly granted to it by law, is hereby granted the following powers:

a. To adopt or change the name of the county college;

b. To adopt and use a corporate seal;

c. To sue and be sued;

d. To determine the educational curriculum and program of the college consistent with the programmatic mission of the institution or approved by the Commission on Higher Education;

e. To appoint and fix the compensation and term of office of a president of the college who shall be the executive officer of the college and an ex officio member of the board of trustees;

f. To appoint, upon nomination of the president, members of the administrative and teaching staffs and fix their compensation and terms of employment subject to the provisions of N.J.S.18A:64A-13;

g. To appoint or employ, upon nomination of the president, such other officers, agents and employees as may be required to carry out the provisions of this chapter and to fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment and retention;

h. To fix and determine tuition rates and other fees to be paid by students;

i. To grant diplomas, certificates or degrees;

j. To enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;

k. To accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

l. To acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

m. To determine that any property owned by the county college is no longer necessary for college purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the board;

n. To exercise the right of eminent domain, pursuant to the provisions of Title 20, Eminent Domain, of the Revised Statutes, to acquire any property or interest therein;

o. To make and promulgate such rules and regulations, not inconsistent with the provisions of this chapter or with the rules and regulations promul-

gated hereunder that are necessary and proper for the administration and operation of a county college and to implement the provisions of this chapter;

p. To exercise all other powers, not inconsistent with the provisions of this chapter or with the rules and regulations promulgated hereunder which may be reasonably necessary or incidental to the establishment, maintenance and operation of a county college; and

q. To establish and maintain a dedicated reserve fund for minor capital needs which in any given year shall not exceed 3% of the replacement value of the college's physical plant.

42. N.J.S.18A:64A-29 is amended to read as follows:

Purpose of council.

18A:64A-29. The council will seek to ensure acceptable and effective lines of development in admissions policy, academic standards, programs, financing, including recommending to the State Treasurer a formula for the allocation of annual appropriations among the county colleges and making recommendations for capital funding, and community relations in the several county colleges.

The council will serve as a means of communication between the county colleges, and act as a resource center to aid them in planning, act as a clearing house of information, and provide continuing field services.

The council will act as an advisory body to the Governor, Legislature, Commission on Higher Education and Presidents' Council in the carrying out of their respective duties and responsibilities deriving from this chapter.

43. Section 6 of P.L.1970, c.102 (C.18A:64G-6) is amended to read as follows:

C.18A:64G-6 Powers and duties of board.

6. The board of trustees of the university shall have the general supervision over and be vested with the conduct of the university, including its health care facilities regardless of the source of funding. It shall have the power and duty to:

(a) Adopt and use a corporate seal;

(b) Determine the educational curriculum and program of the university;

(c) Determine policies for the organization, administration, and development of the university;

(d) Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of the Treasury in accordance with law;

(e) Disburse all moneys appropriated to the university by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;

(f) Direct and control expenditures and transfers of funds appropriated to the university in accordance with the provisions of the State budget and appropriation acts of the Legislature, and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

(g) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university who shall be the executive officer of the university;

(h) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, upon nomination of the president, such deans and other members of the academic, administrative and teaching staffs as shall be required and fix their compensation and terms of employment;

(i) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, remove, promote and transfer such other officers, agents, or employees as may be required to carry out the provisions of this act and assign their duties, determine their salaries, and prescribe qualifications for all positions and in accordance with the salary schedules of the Civil Service Commission wherever possible;

(j) Fix and determine tuition rates, and other fees to be paid by students;

(k) Grant diplomas, certificates or degrees;

(l) Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

(m) Accept from any government or governmental department, agency or other public or private body or from any other source grants or contribu-

tions of money or property which the board may use for or in aid of any of its purposes;

(n) (1) Acquire (by gift, purchase, condemnation or otherwise), own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for university purposes;

(2) Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment and supplies, for doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds $12,500.00 or the amount determined by the Governor as provided herein, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price and other factors considered. Such advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in this paragraph in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

This subsection shall not prevent the university from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires or the exigency of the university's service will not admit of such advertisement. In such case, the university shall, by resolution passed by the affirmative vote of its board of trustees, declare the exigency or emergency to exist, and set forth in the resolution the nature and approximate amount to be expended; shall maintain appropriate records as to the reason for such awards; and shall report regularly to its board of trustees on all such purchases, the amounts and the reasons therefor;

(3) Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

(4) Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university; and

(5) Invest certain moneys in such obligations, securities and other investments as the board shall deem prudent, consistent with the purposes and provisions of this act and in accordance with State and federal law, as follows:

Investment in not for profit corporations or for profit corporations organized and operated pursuant to the provisions of subsection (v) of this section may utilize income realized from the sale or licensing of intellectual property as well as the reinvestment of earnings on intellectual property. Investment in not for profit corporations may also utilize income from the operation of faculty practice plans of the university and income from overhead grant fund recovery as permitted by federal law as well as other university funds except those specified in paragraph 5 of subsection (v) of this section.

(o) Borrow money and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement for the needs of the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

(p) Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

(q) Adopt bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this act as are necessary and proper for the administration and operation of the university and to implement the provisions of this act;

(r) Authorize any new program, educational department or school not inconsistent with the programmatic mission of the institution or approved by the Commission on Higher Education which will require, at the time of establishment or thereafter, an additional expenditure of money, if provision is made therefor by law;

(s) Function as a public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.) and conduct all labor negotiations, and with the participation of the Governor's Office of Employee Relations act as the chief spokesperson with respect to all matters under negotiation;

(t) Sue and be sued in its own name;

(u) Retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6);

(v) (1) Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or health care services and create or form for profit or not for profit corporations to engage in such activities; provided that any such participation shall be consistent with the mission of the university and the board shall have determined that such participation is prudent. Nothing herein shall be construed to authorize any change in the legal status of University Hospital;

(2) The decision to participate in any activity described in paragraph (1) of subsection (v) of section 6 of P.L.1970, c.102 (C.18A:64G-6), including the creation or formation of for profit or not for profit corporations, shall be articulated in the minutes of the Board of Trustees meeting in which the action was approved. A true copy of the minutes shall be delivered to the Governor. No such action shall have affect until 30 days, Saturdays, Sundays and public holidays excepted, after the copy of the minutes shall have been delivered to the Governor. If, within the 30-day period, the Governor returns the minutes of the meeting with a veto of the action taken by the board, the action taken by the board shall be null and void and of no effect;

(3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall continue to apply to the university, its employees and officers;

(4) Nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State;

(5) Funds directly appropriated to the university from the State or derived from the university's academic programs or derived from payment for coverage provided by the self insurance fund for claims accruing prior to the effective date of this act shall not be utilized by the profit or not for profit corporations organized and operated pursuant to this subsection in the development, manufacture or marketing of products, technology or scientific information;

(6) Employees of any joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed public employees;

(7) A joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey;

(8) Income realized by the university as a result of participation in the development, manufacture or marketing of products, technology, or scientific

information may be invested or reinvested pursuant to paragraph (5) of subsection (n) of section 6 of P.L.1970, c.102 (C.18A:64G-6) or any other provision of this act or State or federal law or retained by the board for use in furtherance of any of the purposes of this act or of other applicable statutes;

(9) The board shall annually report to the State Treasurer on the operation of all joint ventures, subsidiary corporations, partnerships or such other jural entities entered into or owned wholly or in part by the university;

(w) (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the university, whether part-time, full-time, compensated or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university shall carry its own liability insurance or maintain an actuarially sound program of self insurance. Any joint venture, subsidiary corporation, or partnership or such other jural entity entered into or owned wholly or in part by the university shall carry insurance or maintain reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

(2) Moneys in the fund known as the Self-Insurance Trust Fund administered by the State Treasurer shall continue to be available to the university solely to indemnify and defend claims against the university and its employees, officers and servants but only to the extent that the University has elected on behalf of itself and its employees to obtain representation from the Attorney General pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and such entity or individuals would have been entitled to defense and indemnification pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State employee but for the provision of subsection (t) of section 6 of P.L.1970, c.102 (C.18A:64G-6). Any expenditure of such funds shall be made only in accordance with the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not limited to the provisions of chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall be construed to authorize the use of the Self-Insurance Trust Fund to indemnify or insure in any way, directly or indirectly the activities of any joint venture, partnership or corporation entered into or created by the university pursuant to paragraphs (1) and (2) of subsection (v) of section 6 of P.L.1970, c.102 (C.18A:64G-6); and

(x) Create auxiliary organizations subject to the provisions of P.L.1982, c.16 (C.18A:64-26 et seq.).

44. N.J.S.18A:68-3 is amended to read as follows:

Filing copy of certificate of incorporation and obtaining license, payments to consultants.

18A:68-3. a. No corporation shall furnish instruction or learning in the arts, sciences, or professions for the purposes of admitting any person to the grade of a degree, or shall confer or participate in conferring a degree, giving to any person a diploma of graduation or of proficiency in a course of study, in learning, or in scientific arts or methods, within this State, until it shall have filed a certified copy of its certificate of incorporation with the Commission on Higher Education and obtained from the commission a license to carry on the business under such rules as the commission may prescribe.

b. The cost for consultants utilized by the Commission on Higher Education and other out-of-pocket expenses incurred by the commission for licensure and related reviews shall be paid by the institution seeking a license or license renewal.

45. Section 4 of P.L.1968, c.142 (C.18A:71-31) is amended to read as follows:

C.18A:71-31 "New Jersey Education Opportunity Fund."

4. (a) There is hereby created and established under the Commission on Higher Education, which is in but not of the Department of State, an educational opportunity fund which shall be known as the "New Jersey Educational Opportunity Fund." Notwithstanding this allocation, the fund shall be independent of any supervision or control by the department or by any officer thereof. The fund shall identify, recruit and provide financial assistance to needy students who are residents of this State in order that they may be able to attend institutions of higher education.

(b) The business and operations of the fund shall be administered by the board of directors created pursuant to section 5 of P.L.1968, c.142 (C.18A:71-32) subject to the general supervision of the Commission on Higher Education.

(c) The commission in consultation with the board shall designate an individual to serve as the chief executive officer of the fund, who shall organize the work of the fund in such manner as he deems necessary to carry out the provisions of this act. The commission may employ such persons, contract for such services, make such expenditures and adopt such rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

46. Section 5 of P.L.1968, c.142 (C.18A:71-32) is amended to read as follows:

C.18A:71-32 Membership.

5. (a) The board of directors of the fund shall consist of the chairman of the Commission on Higher Education and the chairperson of the Board of

the Higher Education Student Assistance Authority or their designees from among the public members and eight citizens of this State appointed by the Governor. Citizen members of the board shall be selected without regard to political affiliation and, as far as may be practicable, on the basis of their knowledge of, or interest in, the problems of needy students and higher education. The board shall organize annually as established by rule of the board to elect a chairman, vice chairman and other officers as the board shall determine from among its members. The officers shall serve for a one-year term and until their successors are elected and qualified. Vacancies in the offices shall be filled in the same manner for the unexpired term only.

(b) Each citizen member of the board shall serve for a term of four years and until his successor shall have been appointed and qualified; provided, that in the case of the first appointments to the board, two members shall be appointed for terms expiring June 30, 1969; two members shall be appointed for terms expiring June 30, 1970; two members shall be appointed for terms expiring June 30, 1971; and two members shall be appointed for terms expiring June 30, 1972. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(c) The board shall develop and maintain a Statewide system for the identification of potential college students from needy families; devise methods for recruiting such students; advise the commission on the organization, coordination and support, in cooperation with public and private institutions of higher education of the State, of programs of remedial education for such students; and provide financial assistance as required by such students.

(d) Members of the board shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties.

47. Section 7 of P.L.1968, c.142 (C.18A:71-34) is amended to read as follows:

C.18A:71-34 Awarding of "opportunity grants."

7. (a) The board is hereby authorized to award "opportunity grants" from the fund to needy students for undergraduate study leading to a baccalaureate degree, associate degree, or other approved certificate and for graduate and professional study leading to approved master's and doctor's degrees at institutions of higher education, public and private, located in New Jersey; provided, that the board shall allow not more than 10% of the needy students to be awarded opportunity grants in any year to use their opportunity grants at institutions of higher education located outside this

State; and, provided further, that no more than 10% of the funds appropriated and available for the purposes of this act shall be awarded to students for use in graduate study.

(b) Opportunity grants may be awarded annually, upon proper application to the fund, to any needy student who qualifies under the standards to be developed and promulgated by the board and who is or will be attending an institution of collegiate grade located in New Jersey and approved for this purpose by the Commission on Higher Education, except that in cases where the student will be or is attending an institution in another State, the accreditation procedures of that State shall be accepted, subject to the approval of the board.

(c) The board may utilize the services of the Higher Education Student Assistance Authority to administer the provisions of this section. The cost of these services shall be paid by the Equal Opportunity Fund.

48. N.J.S.18A:72A-4 is amended to read as follows:

"New Jersey educational facilities authority."

18A:72A-4. (a) There is hereby established in but not of the Department of the Treasury a public body corporate and politic, with corporate succession to be known as the "New Jersey educational facilities authority." Notwithstanding this allocation, the authority shall be independent of any supervision or control by the department or any officer thereof. The authority shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be an essential governmental function of the State.

(b) The authority shall consist of seven members, two of whom shall be the chairman of the Commission on Higher Education, ex officio, and the State Treasurer, ex officio, or when so designated by them, their deputies and five citizens of the State to be appointed by the Governor with the advice and consent of the Senate for terms of five years; provided that the terms of the members first appointed shall be arranged by the Governor so that one of such terms shall expire on April 30 in each successive year ensuing after such appointments. Each member shall hold office for the term of his appointment and shall continue to serve during the term of his successor unless and until his successor shall have been appointed and qualified. Any vacancy among the members appointed by the Governor shall be filled by appointment for the unexpired term only. A member of the authority shall be eligible for reappointment.

(c) Any member of the authority appointed by the Governor may be removed from office by the Governor for cause after a public hearing.

(d) The members of the authority shall serve without compensation, but the authority may reimburse its members for necessary expenses incurred in the discharge of their duties.

(e) The authority, upon the first appointment of its members and thereafter on or after April 30 in each year, shall annually elect from among its members a chairman and a vice chairman who shall hold office until April 30 next ensuing and shall continue to serve during the terms of their respective successors unless and until their respective successors shall have been appointed and qualified. The authority may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

(f) The powers of the authority shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of a majority of the members present, unless in any case the bylaws of the authority shall require a larger number. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(g) Before the issuance of any bonds under the provisions of this chapter, the members and the officer of the authority charged with the handling of the authority's moneys shall be covered by a surety bond or bonds in a penal sum of not less than $25,000.00 per person conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as surety. Each such bond shall be submitted to the attorney general for his approval and upon his approval shall be filed in the Office of the Secretary of State prior to the issuance of any bonds by the authority. At all times after the issuance of any bonds by the authority the officer of the authority and each member charged with the handling of the authority's moneys shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the authority.

(h) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of a participating college to serve as a member of the authority; provided such trustee, director, officer or employee shall abstain from discussion, deliberation, action and vote by the authority under this chapter in specific respect to such participating college of which such member is a trustee, director, officer or employee.

(i) A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and of no effect. If the Governor shall not return the minutes within said 10-day period, any action therein recited shall have force and effect according to the wording thereof. At any time prior to the expiration of the said 10-day period, the Governor may sign a statement of approval of any such action of the authority, in which case the action so approved shall not thereafter be disapproved.

Notwithstanding the foregoing provisions of this subsection (i), with regard to the authorization or sale of bonds of the authority, the authority shall furnish to the Governor a certified copy of the minutes of the meeting at which the bonds are authorized or sold and the Governor shall indicate approval or disapproval of the action upon receipt of the certified copy of the minutes.

The powers conferred in this subsection (i) upon the Governor shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection (i) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

49. Section 2 of P.L.1988, c.159 (C.18A:72A-27.3) is amended to read as follows:

C.18A:72A-27.3 Submission of proposed projects to Legislature.

2. The board of trustees of the public institution of higher education shall submit a copy of a resolution approving any non-revenue producing facility project to the President of the Senate and the Speaker of the General Assembly and shall submit informational copies of the proposal to the members of the Senate Budget and Appropriations and the Assembly Appropriations Committee and to the Commission on Higher Education. The submission shall include all appropriate supporting information including, but not limited to, a description of the project, its impact, cost and construction schedule, and a detailed explanation of the sources of revenue which will be dedicated to the financing of the project. If the Legislature does not disapprove the proposal by the adoption of a concurrent resolution within 60 days, the proposal shall be deemed to be approved.

50. N.J.S.18A:72A-29 is amended to read as follows:

Lands, assets titled in name of State.

18A:72A-29. All lands and other assets real or personal presently titled in the name of the State Board of Higher Education or the State Department of Higher Education, which are occupied by a public institution of higher education shall be titled in the name of the State of New Jersey only. All conveyances, leases and subleases, pursuant to this chapter shall be made, executed and delivered in the name of the State and shall be signed by the State Treasurer and sealed with the seal of the State.

To the extent not otherwise expressly provided under existing law, all powers and duties conferred upon the university pursuant to this chapter shall be exercised and performed by resolution of its board of governors and all powers and duties conferred upon any of said colleges pursuant to this chapter shall be exercised and performed by resolution of its board of trustees.

All conveyances, leases and subleases made pursuant to this chapter, when duly authorized by the university, shall be made, executed and delivered in the name of the university and shall be signed by its president or a vice president and sealed with the seal of the university and all conveyances, leases and subleases made pursuant to this chapter, when duly authorized by any of said colleges, shall be made, executed and delivered in the name of the college and shall be signed by the president or a vice president and sealed with the seal of the college.

51. Section 5 of P.L.1979, c.132 (C.18A:72B-19) is amended to read as follows:

C.18A:72B-19 Maintenance of funds; audit of records.

5. Funds received by an institution pursuant to this act shall be maintained in a separate ledger account. Each institution shall cause an audit of such account and of enrollment figures to be made annually by a certified public accountant and forwarded to the treasurer. The treasurer shall have the right to audit institutional records pertaining to this act. Each institution also shall furnish to the treasurer a copy of its audited annual financial statement.

52. Section 1 of P.L.1984, c.189 (C.18A:72F-1) is amended to read as follows:

C.18A:72F-1 Short title.

1. This act shall be known and may be cited as the "Minority Faculty Advancement Program Act."

53. Section 2 of P.L.1984, c.189 (C.18A:72F-2) is amended to read as follows:

C.18A:72F-2 Findings, declarations.

2. The Legislature finds and declares that:

a. Within New Jersey colleges and universities minority faculty members with doctoral degrees in certain academic disciplines, notably the physical and life sciences, engineering, mathematics, management, computer science, environmental sciences, and statistics, are underrepresented in comparison to nonminority faculty members with doctorates.

b. There is in the United States a serious shortage of minority doctoral degree graduates in the academic disciplines cited above from which New Jersey colleges and universities can recruit faculty members.

c. The colleges and universities in New Jersey currently face difficult problems in recruiting and retaining minority faculty members with doctoral degrees in the academic disciplines cited above.

d. Rutgers, The State University and the State colleges have cooperated in implementing a pilot program, the Minority Advancement Program in Teaching and Research, whereby eligible State college minority faculty members or other minorities admitted to the State university in a doctoral degree program in certain academic disciplines are provided grant, loan and other support opportunities to assist them in completing the academic degree requirements and to increase the pool of potential minority faculty members holding doctoral degrees.

54. Section 3 of P.L.1984, c.189 (C.18A:72F-3) is amended to read as follows:

C.18A:72F-3 Definitions relative to minority faculty advancement.

3. As used in this act:

a. "Eligible discipline" means an academic discipline in which minority individuals are underrepresented as determined by the Commission on Higher Education in consultation with the Board of Directors of the Educational Opportunity Fund and the New Jersey Presidents' Council.

b. "Faculty member" means any person employed full-time by a New Jersey college or university to perform primarily teaching, research, or administrative duties for 10 or more months per academic year.

c. "Minority" means any person who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities.

d. "Program" means the Minority Faculty Advancement Program created pursuant to this act.

e. (Deleted by amendment, P.L.1999, c.46.)

f. "Eligible student participant" means a minority student enrolled in a doctoral degree program in an eligible discipline, as defined in this section, at any New Jersey college or university that qualifies for and agrees to participate in the program.

g. "New Jersey college or university" means any public or independent institution of higher education in the State licensed by the New Jersey Commission on Higher Education.

55. Section 4 of P.L.1984, c.189 (C.18A:72F-4) is amended to read as follows:

C.18A:72F-4 Minority Faculty Advancement Program.

4. a. There is established within the New Jersey Commission on Higher Education a Minority Faculty Advancement Program.

To increase the representation of doctorally trained minority faculty and administrators at New Jersey colleges and universities, the loan and loan redemption features of the Minority Faculty Advancement Loan and Loan Redemption Program, established pursuant to P.L.1984, c.189, shall be phased out and replaced by incentive hiring grants. Support, other than loans, for students participating in the program shall continue through campus assistance grants. The commission may enter into an agreement with another agency or entity to administer or provide services for this program.

b. To be eligible for a campus assistance grant, a New Jersey college or university shall enter into an agreement with the commission to provide support opportunities to eligible student participants. Support opportunities may include, but are not limited to: advising; mentoring; workshops and colloquia.

c. To be eligible for an incentive hiring grant, a New Jersey college or university shall enter into an agreement with the commission to provide loan redemption up to $40,000 per individual as a benefit to newly hired minority faculty or administrators with doctoral degrees, regardless of whether the doctorate was earned at an institution of higher education within or outside of the State. No more than $10,000 shall be redeemed for an individual for each year of service as a faculty member or administrator.

d. No student loans shall be originated or guaranteed under this program after the effective date of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.), to any person not already the recipient of a student loan made or guaranteed under the Minority Faculty Advancement Loan and Loan Redemption Program, established pursuant to P.L.1984, c.189. The Higher Education Student Assistance Authority shall administer the loan and loan redemption components for persons participating prior to the effective date of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.) until they have exhausted eligibility for such assistance.

56. Section 5 of P.L.1984, c.189 (C.18A:72F-5) is amended to read as follows:

C.18A:72F-5 Application procedure.

5. Eligible program participants who entered the program prior to the effective date of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.), and who seek loans to finance their education shall apply for loans under the Federal Family Education Loan Program. In the event that these participants have borrowed the maximum permitted under the terms of this program but would otherwise be eligible borrowers under this program, they may apply for nonfederal direct loans in amounts not exceeding $10,000.00 per student annually which loans may be renewed for up to a maximum of four academic years for a total loan indebtedness not exceeding $40,000.00 per student. However, the amount of a nonfederal direct loan shall not exceed, in combination with other financial aid, the total educational costs of a participant attending a college or university participating in this program. Nonfederal direct loans will be evidenced by promissory notes and may be secured pursuant to forms established by the Higher Education Student Assistance Authority.

Nonfederal direct loans shall not bear interest or finance charges during the time a student is enrolled as a full-time student in the program or is engaged in approved redemption service pursuant to this act. Nonfederal direct loans shall become due and payable pursuant to section 8 of this act six months after graduation if no redemption contract is in effect, or six months after change to part-time student status, withdrawal from the program, or termination from full-time employment either as a faculty member at a New Jersey college or university or other qualified employment.

57. Section 6 of P.L.1984, c.189 (C.18A:72F-6) is amended to read as follows:

C.18A:72F-6 Loan redemption.

6. Nonfederal direct loans obtained pursuant to section 5 of this act and Federal Family Education Loans together with interest thereon secured after admission to the Minority Advancement Program may be redeemed by program participants who entered the program prior to the effective date of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.), upon execution of a contract between the participant and the Higher Education Student Assistance Authority. The maximum loan redemption for program participants shall amount to cancellation of repayment for one-quarter of the eligible loan indebtedness in return for each full academic year of service as a faculty member in a New Jersey college or university for total cancellation of loan indebtedness for up to, but not to exceed, a maximum of $40,000.00 per

student. In no event shall faculty service for less than the full academic year of each period of service entitle the participant to any benefits under the loan redemption conditions of the program. Prior to the annual redemption of loan indebtedness, participants in the program shall submit proof of faculty service to the Higher Education Student Assistance Authority.

58. Section 7 of P.L.1984, c.189 (C.18A:72F-7) is amended to read as follows:

C.18A:72F-7 Faculty service requirements.

7. Faculty service requirements for loan redemption purposes pursuant to section 6 of P.L.1984, c.189 (C.18A:72F-6) shall be satisfied at any New Jersey college or university.

59. Section 8 of P.L.1984, c.189 (C.18A:72F-8) is amended to read as follows:

C.18A:72F-8 Nullification of contract.

8. Program participants who entered the program prior to the effective date of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.), and who have entered into redemption contracts with the Higher Education Student Assistance Authority may nullify their contracts by submitting written notification to the executive director of the authority and assuming full responsibility for repayment of principal and interest on the full amount of their nonfederal direct loans or that portion of the loans which has not been redeemed by the State in return for partial fulfillment of the contracts. The interest on the loans shall be at the prevailing rate established for the Federal Family Education Loan Program at the time the loans were made. The participant seeking to nullify the contract shall be required to repay the loan or the unredeemed portion thereof in not more than 10 years following the termination of the contract minus the years of service already performed under the contract. Repayments of nonfederal direct loans by participants who do not perform faculty service for redemption purposes may be used to provide future loans under the program, as determined by the executive director of the authority.

60. Section 9 of P.L.1984, c.189 (C.18A:72F-9) is amended to read as follows:

C.18A:72F-9 Nullification of service obligation.

9. In case of a program participant's death or total or permanent disability, the executive director of the Higher Education Student Assistance Authority shall nullify the service obligation of the student, thereby

terminating the student's obligation to repay the unpaid balance of the redeemable portion of the loan and the accrued interest thereon, or where continued enforcement of the contract may result in extreme hardship, the executive director of the authority may nullify or suspend the service obligation of the student.

61. Section 10 of P.L.1984, c.189 (C.18A:72F-10) is amended to read as follows:

C.18A:72F-10 Periodic evaluation.

10. The impact of the program on the representation of New Jersey college and university minority faculty members with doctoral degrees in the designated disciplines shall be evaluated periodically by the Commission on Higher Education in consultation with the Board of Directors of the New Jersey Educational Opportunity Fund and the New Jersey Presidents' Council.

62. Section 11 of P.L.1984, c.189 (C.18A:72F-11) is amended to read as follows:

C.18A:72F-11 Rules, regulations.

11. The Commission on Higher Education shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to carry out the purposes of this act. Rules pertaining to loans and loan redemption pursuant to sections 5 through 9 of P.L.1984, c.189 (C.18A:72F-5 through 18A:72F-9) shall be promulgated by the Higher Education Student Assistance Authority.

63. Section 1 of P.L.1991, c.485 (C.18A:72M-1) is amended to read as follows:

C.18A:72M-1 Definitions.

1. As used in this act:

"Eligible discipline" means an academic discipline in which minority individuals are underrepresented as determined by the Commission on Higher Education in consultation with the Board of Directors of the Educational Opportunity Fund and the New Jersey Presidents' Council.

"Minority" means any person who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities.

"Program" means the Minority Undergraduate Fellowship Program established pursuant to this act.

64. Section 2 of P.L.1991, c.485 (C.18A:72M-2) is amended to read as follows:

C.18A:72M-2 Minority Undergraduate Fellowship Program.

2. There is established a Minority Undergraduate Fellowship Program within the Commission on Higher Education. The purpose of the program is to identify academically talented minority undergraduate students who may be interested in pursuing an academic career in an eligible discipline at a public or independent institution of higher education within the State, and to provide such students with the institutional and faculty support necessary to assist them in reaching that goal. The commission may enter into an agreement with another agency or entity to administer or provide services for this program.

65. Section 3 of P.L.1991, c.485 (C.18A:72M-3) is amended to read as follows:

C.18A:72M-3 Procedures to select fellows in the program, advisor duties.

3. The Commission on Higher Education shall establish policies and procedures for the nomination and selection as program fellows of academically talented minority undergraduate students who are in their junior year of study at a public or independent college or university within the State. Upon the selection of program fellows, the institution in which each student who is selected is enrolled shall assign to the student a faculty advisor who shall do the following:

a. Supervise a research project conducted by the fellow during the junior year or actively involve the student in a project which the advisor is conducting;

b. Supervise the fellow as an undergraduate teaching assistant in the fellow's senior year of study;

c. Accompany the fellow to the annual meeting of the professional association of the fellow's academic discipline; and

d. Assist the fellow in the selection of a graduate or professional school.

66. Section 4 of P.L.1991, c.485 (C.18A:72M-4) is amended to read as follows:

C.18A:72M-4 Stipends.

4. Each fellow shall receive a stipend in the amount of $1,000 per semester during the senior year of study and an amount not to exceed $500.00 for travel expenses. Each faculty advisor shall receive a stipend in the amount of $500.00 per semester for two semesters.

67. Section 5 of P.L.1991, c.485 (C.18A:72M-5) is amended to read as follows:

C.18A:72M-5 Evaluation of program.

5. The Commission on Higher Education in consultation with the Board of Directors of the New Jersey Educational Opportunity Fund and the New Jersey Presidents' Council shall periodically evaluate the impact of the program.

68. Section 6 of P.L.1991, c.485 (C.18A:72M-6) is amended to read as follows:

C.18A:72M-6 Rules, regulations.

6. The Commission on Higher Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act.

69. Section 7 of P.L.1991, c.485 (C.18A:72M-7) is amended to read as follows:

C.18A:72M-7 Use of Minority Faculty Advancement Program funding.

7. The commission may utilize funding received under the "Minority Faculty Advancement Program Act," P.L.1984, c.189 (C.18A:72F-1 et seq.) in making payments under this act.

70. Section 13 of P.L.1997, c.237 (C.54A:6-25) is amended to read as follows:

C.54A:6-25 NJBEST distributions excluded from gross income.

13. a. Gross income shall not include the earnings on or distribution from an individual trust account or savings account established pursuant to the "New Jersey Better Educational Savings Trust Program" established pursuant to N.J.S.18A:71B-38.

b. "Distribution" means a withdrawal which pays the designated beneficiary's qualified higher education expenses described in section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.529 or which represents contributions net of earnings thereon.

Repealer.

71. The following acts and parts of acts are hereby repealed:

Sections 17, 18, and 20 of P.L.1994, c.48 (C.18A:3B-17, 18A:3B-18 and 18A:3B-20);

P.L.1971, c.191 (C.18A:63A-1 et seq.);

Chapter 64F of Title 18A of the New Jersey Statutes;

Chapter 71 of Title 18A of the New Jersey Statutes;

Sections 1 and 2 of P.L.1969, c.117 (C:18A:71-7.2 and 18A:71-7.3);

Sections 1 through 4 of P.L.1977, c.330 (C.18A:71-15.1 through 18A:71-15.4);
Section 1 of P.L.1991, c.38 (C.18A:71-15.5);
Sections 1 through 11 of P.L.1977, c.345 (C.18A:71-26.1 through 18A:71-26.11);
Section 2 and 3 of P.L.1984, c.94 (C.18A:71-26.12 and 18A:71-26.13);
P.L.1989, c.288 (C.18A:71-26.14 et seq.);
P.L.1968, c.429 (C.18A:71-41 et seq.);
Section 8 of P.L.1977, c.344 (C.18A:71-47.1);
P.L.1979, c.229 (C.18A:71-77 et seq.);
P.L.1991, c.272 (C.18A:71-87 et seq.);
P.L.1997, c.118 (C.18A:71-102 et seq.);
P.L.1997, c.220 (C.18A:71-106 et seq.);
Chapter 72 of Title 18A of the New Jersey Statutes;
P.L.1974, c.157 (C.18A:72-9.1 et seq.);
Sections 6 through 17 and 22 of P.L.1969, c.135 (C.18A:72-10.1 through 18A:72-10.13);
Section 23 of P.L.1969, c.135 (C.18A:72-17.1);
Section 24 of P.L.1969, c.135 (C.18A:72-22);
P.L.1982, c.117 (C.18A:72-23 et seq.);
P.L.1986, c.12 (C.18A:72-25.1 et seq.);
P.L.1988, c.33 (C.18A:72-25.4 et seq.);
Sections 1 through 8 of P.L.1982, c.135 (C.18A:72-26 through 18A:72-33);
Sections 1 through 9 of P.L.1991, c.268 (C.18A:72-34 through 18A:72-42);
Sections 1 through 12 and section 14 of P.L.1997, c.237 (C.18A:72-43 through C.18A:72-54);
Sections 60 through 76 of P.L.1991, c.187 (C.18A:72D-12 through 18A:72D-28); and
Section 12 of P.L.1984, c.189 (C.18A:72F-12).

Repealer.

72. The following acts and parts of acts are hereby repealed:
P.L.1975, c.331 (C.18A:71-61 et seq.);
P.L.1975, c.356 (C.18A:71-64 et seq.);
P.L.1985, c.114 (C.18A:71-76.1 et seq.); and
P.L.1991, c.296 (C.18A:71-96 et seq.).

73. This act shall take effect immediately, except that sections 1, 18, 19, 27, 29, 31, 32, 46, 47, 52 through 62, and 71 shall take effect on the 45th day after enactment.

Approved March 12, 1999.

CHAPTER 47

AN ACT concerning stalking, amending P.L.1992, c.209 and supplementing Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read as follows:

C.2C:12-10 Definitions; stalking designated a crime; degrees.

1. a. As used in this act:

(1) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person.

(2) "Repeatedly" means on two or more occasions.

(3) "Immediate family" means a spouse, parent, child, sibling or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.

b. A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or a member of his immediate family or to fear the death of himself or a member of his immediate family.

c. A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.

d. A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.

e. A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.

f. This act shall not apply to conduct which occurs during organized group picketing.

C.2C:12-10.2 Temporary restraining order for alleged stalking; conditions.

2. a. In any case involving an allegation of stalking where the victim is a child under the age of 18 years or is developmentally disabled as defined in section 3 of P.L.1977, c.200 (C.5:5-44.4) or where the victim is 18 years of age or older and is mentally defective as defined in N.J.S.2C:14-1, the

court may issue a temporary restraining order against the defendant which limits the contact of the defendant and the victim.

b. The provisions of subsection a. of this section are in addition to, and not in lieu of, the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) which provide that a judgment of conviction for stalking shall operate as an application for a permanent restraining order limiting the contact of the defendant and the victim.

c. The parent or guardian of the child or the person described in subsection a. of this section may file a complaint with the Superior Court in conformity with the rules of court seeking a temporary restraining order against a person alleged to have committed stalking against the child or the person described in subsection a. of this section. The parent or guardian may seek emergency, ex parte relief. A decision shall be made by the judge regarding the emergency relief forthwith. If it appears that the child or the person described in subsection a. of this section is in danger of being stalked by the defendant, the judge shall issue a temporary restraining order pursuant to subsection e. of this section.

d. A conviction of stalking shall not be a prerequisite for the grant of a temporary restraining order under this act.

e. A temporary restraining order issued under this act shall limit the contact of the defendant and the child or the person described in subsection a. of this section who was stalked and in addition may grant all other relief specified in section 3 of P.L.1996, c.39 (C.2C:12-10.1).

f. A hearing shall be held in the Superior Court within 10 days of the issuance of any temporary restraining order which was issued on an emergency, ex parte basis. A copy of the complaint shall be served on the defendant in conformity with the rules of court. At the hearing the standard for continuing the temporary restraining order shall be by a preponderance of the evidence.

g. If the court rules that the temporary restraining order shall be continued, the order shall remain in effect until either:

(1) the defendant is convicted of stalking, in which case the court shall hold a hearing on the issue of whether a permanent restraining order shall be entered pursuant to section 3 of P.L.1996, c.39 (C.2C:12-10.1); or

(2) the victim's parent or guardian or, in the case of a victim who has reached the age of 18, the victim, requests that the restraining order be dismissed and the court finds just cause to do so.

3. This act shall take effect immediately.

Approved March 12, 1999.

CHAPTER 48

AN ACT concerning health care benefits coverage under the State Health Benefits Program for certain local government retirees and amending P.L.1964, c.125.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1964, c.125 (C.52:14-17.38) is amended to read as follows:

C.52:14-17.38 Certification of premium rates, charges; Medicare premiums; employer obligations.

7. a. The Division of Pensions and Benefits shall certify to the certifying agent of each employer electing participation under the program the premium rates and periodic charges applicable to the coverage provided for employees and dependents. The participating employer shall remit to the division all contributions to premiums and periodic charges in advance of their due dates, subject to the rules and regulations of the commission.

b. (1) From funds allocated therefor, the employer other than the State, upon the adoption and submission to the division of an appropriate resolution prescribed by the commission, may pay the premium or periodic charges for the benefits provided to a retired employee and the employee's dependents covered under the program, if the employee retired from a State or locally-administered retirement system, excepting the employee who elected deferred retirement, and met the eligibility requirements for employer payment of premiums or periodic charges for health benefits coverage for retirees pursuant to N.J.S.40A:10-23, as amended, and may also reimburse the retired employee for the employee's premium charges under Part B of Medicare covering the retired employee and the employee's spouse. "Retired employee and the employee's dependents" may, upon adoption of an appropriate resolution therefor by the participating employer, also include otherwise eligible employees, and their dependents, who retired from a State or locally-administered retirement system prior to the date that the employer became a participating employer in the New Jersey State Health Benefits Program or who did not elect to continue coverage in the program during such time after the employer became a participating employer that the employer did not pay premium or periodic charges for benefits to retired employees and their dependents pursuant to this section. Eligibility and enrollment of such employees and dependents shall be in accordance with such rules and regulations as may be adopted by the State Health Benefits Commission.

The employer other than the State may, by resolution, pay the premium or periodic charges for the benefits provided to the surviving spouse of a retired employee and the employee's dependents covered under the program as provided in this section.

(2) Notwithstanding the provisions of any other law to the contrary, the obligations of an employer other than the State, except an independent State authority, board, commission, corporation, agency, or organization deemed to be covered by section 6 of P.L.1996, c.8 (C.52:14-17.28b) and except school boards whose employees are covered by section 3 of P.L.1987, c.384 (C.52:14-17.32f), section 2 of P.L.1992, c.126 (C.52:14-17.32f1) and section 1 of P.L.1995, c.357 (C.52:14-17.32f2), to pay the premium or periodic charges for health benefits coverage under the provisions of paragraph (1) may be determined by means of a binding collective negotiations agreement, including any agreement in force at the time of the adoption of this act, P.L.1999, c.48. With respect to employees for whom there is no majority representative for collective negotiations purposes, the employer may, in its sole discretion, determine the payment obligations for the employer and the employees, except that if there are collective negotiations agreements binding upon the employer for employees who are within the same community of interest as employees in a collective negotiations unit but are excluded from participation in the unit by the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the payment obligations shall be determined in a manner consistent with the terms of any collective negotiations agreement applicable to the collective negotiations unit.

c. Notwithstanding the provisions of any other law to the contrary, the payment obligations of an employee of an employer other than the State, except an independent State authority, board, commission, corporation, agency, or organization, for health benefits coverage under subsection b. shall be the payment obligations applicable to the employee on the date the employee retires on a disability pension or the date the employee meets the service credit and service requirements for the employer payment for the coverage, as the case may be.

2. This act shall take effect immediately.

Approved March 12, 1999.

CHAPTER 49

AN ACT requiring health insurance coverage for certain dental procedures and supplementing various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:48-6u Coverage for certain dental procedures for the severely disabled or child age five or under by hospital service corporation.

1. a. No group or individual hospital service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this amendatory and supplementary act, unless the contract provides benefits to any person covered thereunder who is severely disabled or a child age five or under for expenses incurred for: (1) general anesthesia and hospitalization for dental services; or (2) a medical condition covered by the contract which requires hospitalization or general anesthesia for dental services rendered by a dentist regardless of where the dental services are provided.

b. A group or individual hospital service corporation contract may require prior authorization of hospitalization for dental services in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

c. This section shall apply to all group or individual hospital service corporation contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7t Coverage for certain dental procedures for the severely disabled or child age five or under by medical service corporation.

2. a. No group or individual medical service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this amendatory and supplementary act, unless the contract provides benefits to any person covered thereunder who is severely disabled or a child age five or under for expenses incurred for: (1) general anesthesia and hospitalization for dental services; or (2) a medical condition covered by the contract which requires hospitalization or general anesthesia for dental services rendered by a dentist regardless of where the dental services are provided.

b. A group or individual medical service corporation contract may require prior authorization of hospitalization for dental services in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

c. This section shall apply to all group or individual medical service corporation contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.19 Coverage for certain dental procedures for the severely disabled or child age five or under by health service corporation.

3. a. No group or individual health service corporation contract providing hospital or medical benefits shall be delivered, issued, executed or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this amendatory and supplementary act, unless the contract provides benefits to any person covered thereunder who is severely disabled or a child age five or under for expenses incurred for: (1) general anesthesia and hospitalization for dental services; or (2) a medical condition covered by the contract which requires hospitalization or general anesthesia for dental services rendered by a dentist regardless of where the dental services are provided.

b. A group or individual health service corporation contract may require prior authorization of hospitalization for dental services in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

c. This section shall apply to all group or individual health service corporation contracts in which the health service corporation has reserved the right to change the premium.

C.17B:26-2.1r Coverage for certain dental procedures for the severely disabled or child age five or under by individual health insurance policy.

4. a. No individual health insurance policy providing hospital or medical benefits shall be delivered, issued, executed or renewed in this State pursuant to chapter 26 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this amendatory and supplementary act, unless the policy provides benefits to any person covered thereunder who is severely disabled or a child age five or under for expenses incurred for: (1) general anesthesia and hospitalization for dental services; or (2) a medical condition covered by the contract which requires hospitalization or general anesthesia for dental services rendered by a dentist regardless of where the dental services are provided.

b. An individual health insurance policy may require prior authorization of hospitalization for dental services in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

c. This section shall apply to all individual health insurance policies in which the insurer has reserved the right to change the premium.

C.17B:27-46.1u Coverage for certain dental procedures for the severely disabled or child age five or under by group health insurance policy.

5. a. No group health insurance policy providing hospital or medical benefits shall be delivered, issued, executed or renewed in this State pursuant to chapter 27 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this amendatory and supplementary act, unless the policy provides benefits to any person covered thereunder who is severely disabled or a child age five or under for expenses incurred for: (1) general anesthesia and hospitalization for dental services; or (2) a medical condition covered by the contract which requires hospitalization or general anesthesia for dental services rendered by a dentist regardless of where the dental services are provided.

b. A group health insurance policy may require prior authorization of hospitalization for dental services in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

c. This section shall apply to all group health insurance policies in which the insurer has reserved the right to change the premium.

C.26:2J-4.19 Coverage for certain dental procedures for the severely disabled or child age five or under by health maintenance organization.

6. a. A certificate of authority to establish and operate a health maintenance organization in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), shall not be issued or continued by the Commissioner of Health and Senior Services on or after the effective date of this amendatory and supplementary act unless the health maintenance organization provides health care services to an enrollee who is severely disabled or a child age five or under for: (1) general anesthesia and hospitalization for dental services; or (2) a medical condition covered by the enrollee agreement which requires hospitalization or general anesthesia for dental services rendered by a participating dentist regardless of where the dental services are provided.

b. A health maintenance organization may require prior authorization of hospitalization for dental services in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

c. This section shall apply to all contracts for health care services in which the health maintenance organization has reserved the right to change the schedule of charges.

7. This act shall take effect 90 days following enactment.

Approved March 12, 1999.

CHAPTER 50

AN ACT concerning playground safety and supplementing the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:27D-123.9 Definitions relative to playground safety.

1. For the purposes of this act:

"Governmental Entity" means the State, its agencies and instrumentalities, a county or municipality, or any agency or instrumentality thereof, a school district, or any other similar public entity or agency, but not the federal government or its agencies and instrumentalities.

"Nonprofit entity" means a person or entity which operates a playground open to the public or open to users of a facility operated by the person or entity, and which is an exempt organization pursuant to section 9 of P.L.1966, c.30 (C.54:32B-9), the "Sales and Use Tax Act," but not a governmental entity or the federal government or its agencies and instrumentalities.

"Private entity" means any person or entity which operates a playground open to the public or open to users of a facility operated by the person or entity, but not a governmental entity, a nonprofit entity or the federal government or its agencies and instrumentalities.

"Playground" means an improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

"Supervision" means all general and specific supervision necessary to protect children from unreasonable risk of harm from site hazards, the acts of other children, or the use of the playground in a way that was not intended by the designer or manager of the playground. This act shall not expand or reduce existing standards of care to which a playground operator is held.

C.52:27D-123.10 Rules, regulations pertinent to playgrounds.

2. The Department of Community Affairs in consultation with the Department of Education shall promulgate rules and regulations for the design, installation, inspection and maintenance regarding all playgrounds operated by any governmental entity, nonprofit entity or private entity. Those regulations shall meet any standard of care imposed by law on playground operators, and shall be those guidelines and criteria which are contained in the Handbook for Public Playground Safety produced by the United States

Consumer Products Safety Commission or any successor. The rules and regulations shall include special provisions for playgrounds appropriate for children within the range of ages in day care settings. The department shall not be responsible for enforcement of any rules or regulations promulgated by this act, unless the department is otherwise responsible for enforcement pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.).

C.52:27D-123.11 Upgrading of playgrounds.

3. a. All governmental entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to satisfy the rules and regulations promulgated pursuant to this act to the extent State funds are made available specifically for that purpose through State bonds or other means, or within five years for surfacing and eight years for all other elements whichever comes first, after the effective date of those rules and regulations promulgated pursuant to P.L.1999, c.50 (C.52:27D-123.9 et seq.).

All private entities shall upgrade their playgrounds by replacement or improvement as necessary to satisfy the rules and regulations promulgated pursuant to this act within five years for surfacing, and within eight years for all other elements, following the effective date of those rules and regulations promulgated pursuant to P.L.1999, c.50 (C.52:27D-123.9 et seq.).

All nonprofit entities shall upgrade the surfacing of their playgrounds by replacement or improvement as necessary to satisfy the rules and regulations promulgated pursuant to this act, on or before five years following the effective date of those rules and regulations promulgated pursuant to P.L.1999, c.50 (C.52:27D-123.9 et seq.), and shall upgrade all other elements of their playgrounds to satisfy the rules and regulations promulgated pursuant to this act, no later than 15 years following the effective date of those rules and regulations promulgated pursuant to P.L.1999, c.50 (C.52:27D-123.9 et seq.), but shall upgrade playground equipment prior to that date if the equipment is replaced or reconstructed. This section shall not affect the liability or absence of liability of playground operators.

b. All newly constructed playgrounds built by a governmental entity, a nonprofit entity, or a private entity more than six months after the effective date of the rules and regulations promulgated pursuant to this act shall conform to the requirements of those rules and regulations.

C.52:27D-123.12 Conformity to rules, regulations required for receipt of State funding.

4. a. Except in connection with the upgrading of a playground as provided in subsection a. of section 3 of P.L.1999, c.50 (C.52:27D-123.11), after the effective date of the rules and regulations promulgated pursuant to this act, no State funding shall be available for the planning, development, or redevelopment of any playground, unless the playground, after completion of the State-funded project, will conform to the applicable rules and

regulations promulgated pursuant to this act. If, however, State funds have been appropriated to, or allocated for, a playground project prior to the effective date of the regulations but the regulations become effective prior to the completion of the project, that funding shall be maintained, as long as the playground is altered to conform to the rules and regulations to the extent the alterations can be made without adding more than 15% to the project cost.

b. After the date by which an entity is required to conform its playground to satisfy the rules and regulations promulgated pursuant to this act, no State funding shall be available for the construction, operation, maintenance, or supervision of the playground unless the playground conforms to the applicable regulations adopted pursuant to this act.

5. This act shall take effect immediately.

Approved March 23, 1999.

CHAPTER 51

AN ACT concerning Social Security coverage for student employees of public schools and public institutions of higher education, amending P.L.1951, c.253.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1951, c.253 (C.43:22-3) is amended to read as follows:

C.43:22-3 Agreement to extend Social Security Coverage.

3. The State agency, with the approval of the Governor or the official designated by the Governor, is hereby authorized to enter on behalf of the State into an agreement with the Secretary of Health and Human Services, consistent with the terms and provisions of this act, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees with respect to services specified in such agreement which constitute "employment." Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the State agency and Secretary of Health and Human Services shall agree upon, but, except as may be otherwise required by or under the

Social Security Act as to the services to be covered, such agreement shall provide in effect that:

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The several employers other than the State shall pay to the State agency and the State agency shall in turn pay to the Secretary of the Treasury the amounts severally due on behalf of the State and of such other employers, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages (as defined in section 2 of this act), equal to the sum of the taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act and for the purpose of this paragraph, the amounts severally due on behalf of the State and of such other employers may be determined in accordance with section 218(e)(2) of the Social Security Act (42 U.S.C. s.418);

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein;

(4) All services which constitute employment as defined in section 2 and are performed in the employ of the State by employees of the State, shall be covered by the agreement;

(5) All services which constitute employment as defined in section 2 and performed by the employees of any employer other than the State in this State and are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State agency shall be covered by the agreement;

(6) As modified, the agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the Social Security Act (42 U.S.C. s.418) is applicable, and shall provide that the services of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system;

(7) As modified, the agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals in positions covered by a retirement system with respect to which a certificate has been issued to the Secretary of Health and Human Services pursuant to section 6(b) of this amendatory and supplementary act; and

(8) As modified, the agreement shall exclude from coverage service performed in the employ of a public school or a public institution of higher education in this State by a student who is enrolled and is regularly attending classes at that school or institution.

2. This act shall take effect immediately.

Approved March 30, 1999.

CHAPTER 52

AN ACT concerning automobile insurance and amending P.L.1998, c.21.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 67 of P.L.1998, c.21 (C.17:29A-51) is amended to read as follows:

C.17:29A-51 Filing of rates by insurer writing private passenger automobile insurance; rate reductions.

67. a. Except for the plan established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1), every insurer writing private passenger automobile insurance in this State pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.) shall file rates with the Commissioner of Banking and Insurance which result in:

(1) a reduction of at least 25% from the personal injury protection territorial base rate applicable to medical expense benefits, at least 10% of which shall reflect a reduction in the actuarial value of the medical expense benefits provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), within the policy limits provided for in that section;

(2) a reduction of at least 22% in the territorial base rate for bodily injury liability coverage applicable to named insureds to whom the Limitation on Lawsuit Option provided for in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8) applies;

(3) a reduction of at least 6% in the territorial base rate for collision coverage which shall reflect the provisions of section 64 of this amendatory and supplementary act; and

(4) after the reductions required pursuant to paragraphs (1), (2) and (3) of this subsection have been applied, an additional aggregate reduction of at least 3% in the territorial base rates for personal injury protection, bodily injury, property damage, comprehensive and collision coverages, as apportioned by the insurer and approved by the commissioner, which reduction is attributable to the effect of the enhanced insurance fraud provisions of this amendatory and supplementary act and of other such laws including, but not limited to P.L.1997, c.353 (C.2C:21-4.2 et seq.) and P.L.1997, c.151 (C.17:33B-64 et al.).

b. For the purposes of an insurer's rate filing made pursuant to subsection a. of this section, in order that the filing result in an overall rate

reduction of 15%, the insurer may satisfy the requirements of paragraphs (1) through (4) of subsection a. by filing a rating plan that either:

(1) provides: (a) for policies applicable to named insureds to whom the Limitation on Lawsuit Option provided for in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8) applies, a 15% reduction by coverage in the territorial base rates and expense fees for personal injury protection coverage, property damage liability coverage, uninsured and underinsured motorist coverage, collision coverage, comprehensive coverage, and bodily injury liability coverage, and (b) for policies applicable to named insureds to whom the No Limitation on Lawsuit Option provided for in subsection b. of section 8 of P.L.1972, c.70 (C.39:6A-8) applies, a 15% reduction by coverage in the territorial base rates and expense fees for personal injury protection coverage, property damage liability coverage, collision coverage and comprehensive coverage, and a 3% reduction in the territorial base rates and a 15% reduction in the expense fees for bodily injury liability coverage and uninsured and underinsured motorist coverage; or

(2) provides, for policies applicable to named insureds to whom the Limitation on Lawsuit Option provided for in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8) applies: (a) at least a 15% reduction in the aggregate premium for policies that contain only personal injury protection coverage, bodily injury liability coverage, property damage liability coverage, uninsured and underinsured motorist coverage; and (b) a reduction in accordance with the insurer's overall 15% rate reduction provided for in this subsection, for policies that contain personal injury protection coverage, property damage liability coverage, uninsured and underinsured motorist coverage, bodily injury liability coverage, collision coverage and comprehensive coverage, provided that the application of such overall rate reduction to individual policies shall not result in a deviation of more than 2% from that overall reduction.

c. The rate filings reflecting these reductions shall apply to policies issued or renewed on or after 90 days following:

(1) the establishment by the commissioner of basic benefits required to be provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4); or

(2) the adoption by rule of the professional boards of the designation of valid diagnostic tests pursuant to the provisions of section 12 of P.L.1998, c.21 (C.39:6A-4.7); whichever is later.

2. This act shall take effect immediately and apply to any rate reduction filing required to be effective by March 22, 1999 pursuant to the provisions of P.L.1998, c.21 (C.39:6A-1.1 et al.).

Approved March 31, 1999.

CHAPTER 53

AN ACT concerning children and families, revising parts of statutory law and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1977, c.367 (C.9:3-37) is amended to read as follows:

C.9:3-37 Liberal construction; rights of affected persons.

1. This act shall be liberally construed to the end that the best interests of children be promoted and that the safety of children be of paramount concern. Due regard shall be given to the rights of all persons affected by an adoption.

2. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read as follows:

C.9:3-38 Definitions.

2. For the purposes of this act:

a. "Approved agency" means a nonprofit corporation, association or agency, including any public agency, approved by the Department of Human Services for the purpose of placing children for adoption in New Jersey;

b. "Child" means a person under 18 years of age;

c. "Custody" means the general right to exercise continuing control over the person of a child derived from court order or otherwise;

d. "Guardianship" means the right to exercise continuing control over the person or property or both of a child which includes any specific right of control over an aspect of the child's upbringing derived from court order;

e. "Guardian ad litem" means a qualified person, not necessarily an attorney, appointed by the court under the provisions of this act or at the discretion of the court to represent the interests of the child whether or not the child is a named party in the action;

f. "Parent" means a birth parent or parents, including the birth father of a child born out of wedlock who has acknowledged the child or to whom the court has ordered notice to be given, or a parent or parents by adoption;

g. "Placement for adoption" means the transfer of custody of a child to a person for the purpose of adoption by that person;

h. "Plaintiff" means a prospective parent or parents who have filed a complaint for adoption;

i. "Legal services" means the provision of counseling or advice related to the law and procedure for adoption of a child, preparation of legal documents, or representation of any person before a court or administrative agency;

j. "Surrender" means a voluntary relinquishment of all parental rights by a birth parent, previous adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise, for purposes of allowing a child to be adopted;

k. "Home study" means an approved agency's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the agency's written report and recommendations conducted in accordance with rules and regulations promulgated by the Director of the Division of Youth and Family Services; and

l. "Intermediary" means any person, firm, partnership, corporation, association or agency, which is not an approved agency as defined in this section, who acts for or between any parent and any prospective parent or acts on behalf of either in connection with the placement of the parent's child for adoption in the State or in any other state or country. An intermediary in any other state or country shall not receive money or other valuable consideration in connection with the placement of a child for adoption in this State. An intermediary in this State shall not receive money or other valuable consideration in connection with the placement of a child for adoption in this State or in any other state or country. The provisions of this subsection shall not be construed to prohibit the receipt of money or other valuable consideration specifically authorized in section 18 of P.L.1993, c.345 (C.9:3-39.1).

C.9:3-45.2 Foster parent notice, opportunity to be heard.

3. In any case in which the Division of Youth and Family Services accepts a child in its care or custody, the child's foster parent, preadoptive parent or relative providing care for the child, as applicable, shall receive written notice of and an opportunity to be heard at any review or hearing held with respect to the child, but the foster parent, preadoptive parent or relative shall not be made a party to the review or hearing solely on the basis of the notice and opportunity to be heard.

4. Section 1 of P.L.1971, c.437 (C.9:6-8.8) is amended to read as follows:

C.9:6-8.8 Health, safety of child paramount concern.

1. a. The purpose of this act is to provide for the protection of children under 18 years of age who have had serious injury inflicted upon them by other than accidental means. The safety of the children served shall be of

paramount concern. It is the intent of this legislation to assure that the lives of innocent children are immediately safeguarded from further injury and possible death and that the legal rights of such children are fully protected.

b. (1) In accordance with the provisions of paragraphs (2), (3), and (4) of this subsection, when determining the reasonable efforts to be made and when making the reasonable efforts, the child's health and safety shall be of paramount concern.

(2) In any case in which the division accepts a child in care or custody, the division shall make reasonable efforts, prior to placement, to preserve the family in order to prevent the need for removing the child from his home. After placement, the division shall make reasonable efforts to make it possible for the child to safely return to his home.

(3) Reasonable efforts to place a child for adoption or with a legal guardian or in an alternative permanent placement may be made concurrently with reasonable efforts to preserve and reunify the child's family.

(4) In any case in which family reunification is not the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner and to complete the steps necessary to finalize the permanent placement of the child.

C.9:6-8.19a Foster parent notice, opportunity to be heard.

5. In any case in which the Division of Youth and Family Services accepts a child in its care or custody, the child's foster parent, preadoptive parent or relative providing care for the child, as applicable, shall receive written notice of and an opportunity to be heard at any review or hearing held with respect to the child, but the foster parent, preadoptive parent or relative shall not be made a party to the review or hearing solely on the basis of the notice and opportunity to be heard.

6. Section 2 of P.L.1974, c.119 (C.9:6-8.22) is amended to read as follows:

C.9:6-8.22 Jurisdiction of Superior Court, Chancery Division, Family Part.

2. The Superior Court, Chancery Division, Family Part in each county shall have jurisdiction over all noncriminal proceedings involving alleged cases of child abuse or neglect, and shall be charged with the immediate protection of said children, whereby the safety of the children shall be of paramount concern. All noncriminal cases involving child abuse shall be commenced in or transferred to this court from other courts as they are made known to the other courts. Commencement of cases of child abuse or neglect must be the first order of priority in the Family Part.

7. Section 4 of P.L.1974, c.119 (C.9:6-8.24) is amended to read as follows:

C.9:6-8.24 Jurisdiction.

4. Jurisdiction. a. Notwithstanding any other law to the contrary, the Superior Court, Chancery Division, Family Part has exclusive original jurisdiction over noncriminal proceedings under this act alleging the abuse or neglect of a child.

b. In determining the jurisdiction of the court under this act, the age of the child at the time the proceedings are initiated is controlling.

c. In determining the jurisdiction of the court under this act, the child need not be currently in the care or custody of his parent or guardian, as defined herein.

d. If the matter in regard to the parent or guardian is referred to the county prosecutor by the Family Part or otherwise the Family Part may continue the proceeding under this act in regard to the child after such referral. If the proceeding in regard to the child is continued, the Family Part shall enter any preliminary order necessary to protect the interests of the child pending a final order from the criminal courts.

e. Any hearing held before the Family Part may serve as a permanency hearing to provide judicial review and approval of a permanency plan for the child if all the requirements of section 50 of P.L.1999, c.53 (C.30:4C-61.2) are met.

8. Section 8 of P.L.1974, c.119 (C.9:6-8.28) is amended to read as follows:

C.9:6-8.28 Preliminary orders of court before preliminary hearing held.

8. Preliminary orders of court before preliminary hearing held. a. The Superior Court, Chancery Division, Family Part may enter an order, whereby the safety of the child shall be of paramount concern, directing the temporary removal of a child from the place where he is residing before a preliminary hearing under this act, if (1) the parent or other person legally responsible for the child's care is absent or, though present, was asked and refused to consent to the temporary removal of the child and was informed of an intent to apply for any order under this section; and (2) the child appears so to suffer from the abuse or neglect of his parent or guardian that his immediate removal is necessary to avoid imminent danger to the child's life, safety or health; and (3) there is not enough time to hold a preliminary hearing.

b. The order shall specify the facility to which the child is to be brought.

c. The Family Part may enter an order authorizing a physician or hospital to provide emergency medical or surgical procedures before a preliminary hearing is held under this act if (1) such procedures are necessary to safeguard the life or health of the child; and (2) there is not enough time to hold a preliminary hearing under section 11 hereof.

d. Any person who originates a proceeding pursuant to section 14 of this act may apply for through the Division of Youth and Family Services or the court on its own motion may issue, an order of temporary removal. The division shall make every reasonable effort to inform the parent or guardian of any such application, confer with a person wishing to make such an application and make such inquiries as will aid the court in disposing of such application. Within 24 hours the Division of Youth and Family Services shall report such application to the central registry of the division.

e. Any person acting under the authority of this act may request and shall receive appropriate assistance from local and State law enforcement officials.

9. Section 9 of P.L.1974, c.119 (C.9:6-8.29) is amended to read as follows:

C.9:6-8.29 Removal of child without court order.

9. a. A police officer or a designated employee of the Probation Division or a designated employee of the division may remove a child from the place where he is residing, or any such person or any physician treating such child may keep a child in his custody without an order pursuant to section 8 of P.L.1974, c.119 (C.9:6-8.28) and without the consent of the parent or guardian regardless of whether the parent or guardian is absent, if the child is in such condition that his continuance in said place or residence or in the care and custody of the parent or guardian presents an imminent danger to the child's life, safety or health, and there is insufficient time to apply for a court order pursuant to section 8 of P.L.1974, c.119 (C.9:6-8.28), or any physician or hospital treating such child may keep a child in custody pursuant to P.L.1973, c.147 (C.9:6-8.16 et seq.). The Division of Youth and Family Services shall not be required to provide reasonable efforts to prevent placement if removal of the child is necessary due to imminent danger to the child's life, safety or health in accordance with section 24 of P.L. 1999, c.53 (C.30:4C-11.2).

b. If a person authorized by this section removes or keeps custody of a child, he shall (1) inform the division immediately; (2) bring the child immediately to a place designated by the division for this purpose, and (3) make every reasonable effort to inform the parent or guardian of the facility to which he has brought the child.

c. Any person or institution acting in good faith in the removal or keeping of a child pursuant to this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or keeping.

d. Any person acting under the authority of this act may request and shall receive appropriate assistance from local and State law enforcement officials.

10. Section 11 of P.L.1974, c.119 (C.9:6-8.31) is amended to read as follows:

C.9:6-8.31 Preliminary orders after filing of complaint.

11. Preliminary orders after filing of complaint. a. In any case where the child has been removed without court order, except where action has been taken pursuant to P.L.1973, c.147 (C.9:6-8.16 et seq.) the Superior Court, Chancery Division, Family Part shall hold a hearing on the next court day, whereby the safety of the child shall be of paramount concern, to determine whether the child's interests require protection pending a final order of disposition. In any other case under this act, any person who may originate a proceeding may apply for, or the court, on its own motion, may order a hearing at any time after the complaint is filed to determine, with the safety of the child of paramount concern, whether the child's interests require protection pending a final order of disposition.

b. Upon such hearing, if the court finds that continued removal is necessary to avoid an ongoing risk to the child's life, safety or health, it shall affirm the removal of the child to an appropriate place or place him in the custody of a suitable person.

If the court determines that removal of the child by a physician, police officer, designated employee of the Probation Division or designated employee of the Division of Youth and Family Services was necessary due to imminent danger to the child's life, safety or health, the court shall find that the Division of Youth and Family Services was not required to provide reasonable efforts to prevent placement of the child in accordance with section 24 of P.L.1999, c.53 (C.30:4C-11.2).

c. Upon such hearing the court may, for good cause shown, issue a preliminary order of protection which may contain any of the provisions authorized on the making of an order of protection under section 35 of P.L.1974, c.119 (C.9:6-8.55).

d. Upon such hearing, the court may, for good cause shown, release the child to the custody of his parent or guardian from whose custody or care the child was removed, pending a final order of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-8.53).

e. Upon such hearing, the court may authorize a physician or hospital to provide medical or surgical procedures if such procedures are necessary to safeguard the child's life or health.

f. If the court grants or denies a preliminary order requested pursuant to this section, it shall state the grounds for such decision.

g. In all cases involving abuse or neglect the court shall order an examination of the child by a physician appointed or designated for the purpose by the division. As part of such examination, the physician shall arrange to have color photographs taken as soon as practical of any areas of trauma visible on such child and may if indicated, arrange to have a radiological examination performed on the child. The physician, on the completion of such examination, shall forward the results thereof together with the color photographs to the court ordering such examination.

11. Section 12 of P.L.1974, c.119 (C.9:6-8.32) is amended to read as follows:

C.9:6-8.32 Hearing to determine if child to be returned.

12. Upon the application of the parent or guardian of a child temporarily removed under this act, the court shall hold a hearing, whereby the safety of the child shall be of paramount concern, to determine whether the child should be returned; a. if there has not been a hearing on the removal of the child at which the parent or guardian was present or had an adequate opportunity to be present; or b. upon good cause shown. Except for good cause shown, such hearing shall be held within three court days of the application. Upon such hearing, the court shall grant the application, unless it finds that such return presents an imminent risk to the child's life, safety or health.

12. Section 15 of P.L.1974, c.119 (C.9:6-8.35) is amended to read as follows:

C.9:6-8.35 Preliminary procedure.

15. Preliminary procedure. The division may, with the safety of the child of paramount concern:

a. Confer with any person seeking to file a complaint, the potential respondent, and other interested persons concerning the advisability of filing a complaint under this act; and

b. Attempt to adjust suitable cases before a complaint is filed over which the court apparently would have jurisdiction.

c. The division shall not prevent any person or agency who wishes to file a complaint under this act from having access to the court for that purpose.

d. Efforts at adjustment under this section may not extend for a period of more than 30 days without an order of a judge of the court, who may extend the period for an additional 30 days.

e. Such adjustment may include a preliminary conference held by the division at its discretion upon written notice to the parent or guardian and the potential complainant for the purpose of attempting such adjustment, provided however that the division shall not be authorized under this section to compel any person to appear at any conference, produce any papers, or visit any place.

f. The Superior Court, Chancery Division, Family Part and the division shall deal with cases involving imminent physical harm or actual physical harm on a priority basis.

13. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to read as follows:

C.9:6-8.40 Records involving abuse or neglect.

20. Records involving abuse or neglect. When the division receives a report or complaint that a child may be abused or neglected; when the division provides services to a child; or when the division receives a request from the Superior Court, Chancery Division, Family Part to investigate an allegation of abuse or neglect, the division may request of any and all public or private institutions, or agencies including law enforcement agencies, or any private practitioners, their records past and present pertaining to that child and other children under the same care, custody and control. The division shall not be charged a fee for the copying of the records. Records kept pursuant to the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.) may be obtained by the division, upon issuance by a court of an order on good cause shown directing these records to be released to the division for the purpose of aiding in evaluation to determine if the child is abused or neglected. In the release of the aforementioned records, the source shall have immunity from any liability, civil or criminal.

14. Section 29 of P.L.1974, c.119 (C.9:6-8.49) is amended to read as follows:

C.9:6-8.49 Priority to certain proceedings.

29. To ensure that the safety of children is of paramount concern, when scheduling hearings and investigations, the court shall give priority to proceedings under this act involving imminent or actual physical harm, or in which a child has been removed from home before a final order of disposition. Any adjournment granted in the course of such a proceeding should be for as short a time as possible.

15. Section 34 of P.L.1974, c.119 (C.9:6-8.54) is amended to read as follows:

C.9:6-8.54 Placement of child.

34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-8.51), the court may place the child in the custody of a relative or other suitable person or the division for the placement of a child after a finding that the division has made reasonable efforts to prevent placement or that reasonable efforts to prevent placement were not required in accordance with section 24 of P.L.1999, c.53 (C.30:4C-11.2).

b. (1) Placements under this section may be for an initial period of 12 months and the court, in its discretion, may at the expiration of that period, upon a hearing make successive extensions for additional periods of up to one year each. The court on its own motion may, at the conclusion of any period of placement, hold a hearing concerning the need for continuing the placement.

(2) The court shall conduct a permanency hearing for the child no later than 30 days after placement in cases in which the court has determined that reasonable efforts to prevent placement are not required pursuant to subsection a. of this section, or no later than 12 months after placement in cases in which the court has determined that efforts to reunify the child with the parent or guardian are required. The hearing shall include, but not necessarily be limited to, consideration and evaluation of information provided by the division and other interested parties regarding such matters as those listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-61.2).

(3) The court shall review the permanency plan for the child periodically, as deemed appropriate by the court, to ensure that the permanency plan is achieved.

c. No placement may be made or continued under this section beyond the child's eighteenth birthday without his consent.

d. If the parent or person legally responsible for the care of any such child or with whom such child resides receives public assistance and care, any portion of which is attributable to such child, a copy of the order of the court providing for the placement of such child from his home shall be furnished to the appropriate county welfare board, which shall reduce the public assistance and care furnished to such parent or other person by the amount attributable to such child.

16. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read as follows:

C.9:6-8.84 Definitions relative to child abuse, neglect.

2. As used in this act:

"Board" means the Child Fatality and Near Fatality Review Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

"Child" means any person under the age of 18.

"Commissioner" means the Commissioner of Human Services.

"Division" means the Division of Youth and Family Services in the Department of Human Services.

"Near fatality" means a case in which a child is in serious or critical condition, as certified by a physician.

"Panel" means a citizen review panel as established under P.L.1997, c.175 (C.9:6-8.83 et al.).

"Parent or guardian" means a person defined pursuant to section 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care.

"Reasonable efforts" means attempts by an agency authorized by the Division of Youth and Family Services to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure, as defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

"Sexual abuse" means contacts or actions between a child and a parent or caretaker for the purpose of sexual stimulation of either that person or another person. Sexual abuse includes:

a. the employment, use, persuasion, inducement, enticement or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct;

b. sexual conduct including molestation, prostitution, other forms of sexual exploitation of children or incest; or

c. sexual penetration and sexual contact as defined in N.J.S.2C:14-1 and a prohibited sexual act as defined in N.J.S.2C:24-4.

"Significant bodily injury" means a temporary loss of the functioning of any bodily member or organ or temporary loss of any one of the five senses.

"Withholding of medically indicated treatment" means the failure to respond to a child's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's reasonable judgment, will most likely be effective in ameliorating or correcting all such conditions. The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication to a child when, in the treating physician's reasonable medical judgment:

a. the child is chronically and irreversibly comatose;

b. the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the child's life-threatening conditions, or otherwise be futile in terms of the survival of the child; or

c. the provision of such treatment would be virtually futile in terms of the survival of the child and the treatment itself under such circumstances would be inhumane.

17. Section 5 of P.L.1997, c.175 (C.9:6-8.87) is amended to read as follows:

C.9:6-8.87 Exception to requirement to provide reasonable efforts to reunify child with parent.

5. In any case in which the division accepts a child in care or custody, including placement, the division shall not be required to provide reasonable efforts to reunify the child with a parent if an exception to the requirement to provide reasonable efforts has been established in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3).

18. Section 2 of P.L.1991, c.290 (C.9:6B-2) is amended to read as follows:

C.9:6B-2 Findings, declarations.

2. The Legislature finds and declares that:

a. A child placed outside his home by the Department of Human Services, the Department of Health and Senior Services or a board of education, or an agency or organization with which the applicable department contracts to provide services has certain specific rights separate from and independent of the child's parents or legal guardian by virtue of his placement in another residential setting;

b. The State has an affirmative obligation to recognize and protect these rights through its articulation of a clear and specific bill of rights that reflects the best interests of the child whereby the safety of the child is of paramount concern and an affirmation by the State of its commitment to enforce these rights in order to protect and promote the welfare of the child placed outside his home; and

c. The obligation of the State to recognize and protect the rights of the child placed outside his home shall be fulfilled in the context of a clear and consistent policy to promote the child's eventual return to his home or placement in an alternative permanent setting, which this Legislature has expressly declared to be in the public interest in section 2 of the "Child Placement Review Act," P.L.1977, c.424 (C.30:4C-51).

C.9:23-18 Authorization to enter into interstate compacts to enhance protection, permanency for children.

19. a. The Commissioner of Human Services is authorized on behalf of this State to develop, negotiate and enter into the Interstate Compact on

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Adoption and Medical Assistance and other interstate compacts, as determined by the commissioner to enhance protection and permanency for children. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

b. A compact entered into pursuant to the authority conferred by subsection a. of this section shall include:

(1) a provision making it available for joinder by all states;

(2) a provision for withdrawal from the compact upon written notice to the parties, with a period of one year between the date of the notice and the effective date of the withdrawal;

(3) a requirement that the protections afforded by or pursuant to the compact be covered by a written agreement between the agency providing services and the parents, adoptive parents, or other caregiver for the child and that the protections continue in force for the duration of the written agreement for all children who, on the effective date of the withdrawal, are receiving services from a party state other than the one in which they reside; and

(4) such other provisions as may be appropriate to implement the proper administration of the compact.

20. Section 1 of P.L.1951, c.138 (C.30:4C-1) is amended to read as follows:

C.30:4C-1 Administration of act in accordance with public policy.

1. This act is to be administered strictly in accordance with the general principles laid down in this section, which are declared to be the public policy of this State, whereby the safety of children shall be of paramount concern:

(a) That the preservation and strengthening of family life is a matter of public concern as being in the interests of the general welfare, but the health and safety of the child shall be the State's paramount concern when making a decision on whether or not it is in the child's best interest to preserve the family unit;

(b) That the prevention and correction of dependency and delinquency among children should be accomplished so far as practicable through welfare services which will seek to continue the living of such children in their own homes;

(c) That necessary welfare services to children should be strengthened and extended through the development of private and voluntary agencies qualified to provide such services;

(d) That wherever in this State necessary welfare services are not available to children who are dependent or adjudged delinquent by proper judicial tribunal, or in danger of so becoming, then such services should be

provided by this State until such times as they are made available by private and voluntary agencies;

(e) That the State may assist private, public and voluntary agencies to construct, purchase, upgrade or renovate youth facilities for the residential care or day treatment of children in need of these services; and

(f) That each child placed outside his home by the State has the need for permanency: through return to the child's own home, if the child can be returned home without endangering the child's health or safety; through adoption, if family reunification is not possible; or through an alternative permanent placement, if termination of parental rights is not appropriate.

21. Section 3 of P.L.1951, c.138 (C.30:4C-3) is amended to read as follows:

C.30:4C-3 Duties of Division of Youth and Family Services.

3. The Division of Youth and Family Services, in administering the provisions of this act, whereby the safety of children shall be of paramount concern, shall:

(a) provide care and custody for children eligible therefor in such manner that the children may, so far as practicable, continue to live in their own homes and family life be thereby preserved and strengthened;

(b) provide necessary welfare services as may be required by such children, so far as practicable, without assumption of custody;

(c) encourage the development of private and voluntary agencies qualified to provide welfare services for children to the end that through cooperative effort the need for such services may be limited or reduced; and

(d) for each child placed outside his home by the division, provide permanency through return of the child to the child's own home, if the child can be returned home without endangering the child's health or safety; through adoption, if family reunification is not possible; or through an alternative permanent placement, if termination of parental rights is not appropriate.

22. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to read as follows:

C.30:4C-11 Application for care and custody; verification, investigation.

11. Whenever it shall appear that any child within this State is of such circumstances that the child's safety or welfare will be endangered unless proper care or custody is provided, an application setting forth the facts in the case may be filed with the Division of Youth and Family Services by a parent or other relative of such child, by a person standing in loco parentis to such child, by a person or association or agency or public official having a special

interest in such child or by the child himself, seeking that the division accept and provide such care or custody of such child as the circumstances may require. Such application shall be in writing, and shall contain a statement of the relationship to or special interest in such child which justifies the filing of such application. The provisions of this section shall be deemed to include an application on behalf of an unborn child when the prospective mother is within this State at the time of application for such services.

Upon receipt of an application as provided in this section, the division shall verify the statements set forth in such application and shall investigate all the matters pertaining to the circumstances of the child. If upon such verification and investigation it shall appear (a) that the safety or welfare of such child will be endangered unless proper care or custody is provided; (b) that the needs of such child cannot properly be provided for by financial assistance as made available by the laws of this State; (c) that there is no person legally responsible for the support of such child whose identity and whereabouts are known and who is willing and able to provide for the care and support required by such child; and (d) that such child, if suffering from a mental or physical disability requiring institutional care, is not immediately admissible to any public institution providing such care; then the division may accept and provide such care or custody as the circumstances of such child may require.

C.30:4C-11.1 Health, safety of paramount concern in placement of child.

23. a. In accordance with the provisions of subsections b., c., and d. of this section, when determining the reasonable efforts to be made and when making the reasonable efforts, the child's health and safety shall be of paramount concern.

b. In any case in which the division accepts a child in care or custody, the division shall make reasonable efforts, prior to placement, to preserve the family in order to prevent the need for removing the child from his home. After placement, the division shall make reasonable efforts to make it possible for the child to safely return to his home.

c. Reasonable efforts to place a child for adoption or with a legal guardian or in an alternative permanent placement may be made concurrently with reasonable efforts to preserve and reunify the child's family.

d. In any case in which family reunification is not the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner and to complete the steps necessary to finalize the permanent placement of the child.

C.30:4C-11.2 Exceptions to requirement to make reasonable efforts to prevent placement of child.

24. In any case in which the Division of Youth and Family Services accepts a child in care or custody, including placement, the division shall

not be required to provide reasonable efforts to prevent placement of the child if a court of competent jurisdiction has determined that both of the following criteria are met:

a. One of the following actions has occurred:

(1) the parent has subjected the child to aggravated circumstances of abuse, neglect, cruelty or abandonment,

(2) the parent has been convicted of murder, aggravated manslaughter or manslaughter of a child; aiding or abetting, attempting, conspiring or soliciting to commit murder, aggravated manslaughter or manslaughter of a child; committing or attempting to commit an assault that resulted, or could have resulted, in the significant bodily injury to a child; or committing a similarly serious criminal act which resulted, or could have resulted, in the death or significant bodily injury to a child,

(3) the rights of the parent to another of the parent's children have been involuntarily terminated or

(4) removal of the child was required due to imminent danger to the child's life, safety or health; and

b. Efforts to prevent placement were not reasonable due to risk of harm to the child's health or safety.

When determining whether reasonable efforts are required to prevent placement, the health and safety of the child shall be of paramount concern to the court.

C.30:4C-11.3 Exceptions to requirement to provide reasonable efforts to reunify child with parent.

25. In any case in which the Division of Youth and Family Services accepts a child in care or custody, including placement, the division shall not be required to provide reasonable efforts to reunify the child with a parent if a court of competent jurisdiction has determined that:

a. The parent has subjected the child to aggravated circumstances of abuse, neglect, cruelty or abandonment;

b. The parent has been convicted of murder, aggravated manslaughter or manslaughter of a child; aiding or abetting, attempting, conspiring or soliciting to commit murder, aggravated manslaughter or manslaughter of a child; committing or attempting to commit an assault that resulted, or could have resulted, in significant bodily injury to a child; or committing a similarly serious criminal act which resulted, or could have resulted, in the death of or significant bodily injury to a child; or

c. The rights of the parent to another of the parent's children have been involuntarily terminated.

When determining whether reasonable efforts are required to reunify the child with the parent, the health and safety of the child and the child's need for permanency shall be of paramount concern to the court.

This section shall not be construed to prohibit the division from providing reasonable efforts to reunify the family, if the division determines that family reunification is in the child's best interests.

A permanency plan for the child may be established at the same hearing at which the court determines that reasonable efforts are not required to reunify the child with the parent, if the hearing meets all of the requirements of a permanency hearing pursuant to section 50 of P.L.1999, c.53 (C.30:4C-61.2).

C.30:4C-11.4 Permanency hearing.

26. Any hearing held before the Family Part of the Chancery Division of the Superior Court may serve as a permanency hearing to provide judicial review and approval of a permanency plan for the child if all the requirements of section 50 of P.L.1999, c.53 (C.30:4C-61.2) are met.

27. Section 12 of P.L.1951, c.138 (C.30:4C-12) is amended to read as follows:

C.30:4C-12 Filing complaint; investigation; application for court order; hearing.

12. Whenever it shall appear that the parent or parents, guardian, or person having custody and control of any child within this State is unfit to be entrusted with the care and education of such child, or shall fail to provide such child with proper protection, maintenance and education, or shall fail to ensure the health and safety of the child, or is endangering the welfare of such child, a written or oral complaint may be filed with the Division of Youth and Family Services by any person or by any public or private agency or institution interested in such child. When such a complaint is filed by a public or private agency or institution, it shall be accompanied by a summary setting forth the reason for such complaint and other social history of the child and his family's situation which justifies such complaint; or, if this is not feasible, such summary shall be made available to the Division of Youth and Family Services as soon thereafter as possible. Upon receipt of a complaint as provided in this section, the Division of Youth and Family Services shall investigate, or shall cause to be investigated, the statements set forth in such complaint. If the circumstances so warrant, the parent, parents, guardian, or person having custody and control of the child shall be afforded an opportunity to file an application for care, as provided in section 11 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian, or person having custody and control of the child shall refuse to permit or shall in any way impede investigation, and the division determines that further investigation is necessary in the best

interests of the child, the division may thereupon apply to the Family Part of the Chancery Division of the Superior Court in the county where the child resides, for an order directing the parent, parents, guardian, or person having custody and control of the child to permit immediate investigation. The court, upon such application, may proceed to hear the matter in a summary manner and if satisfied that the best interests of the child so require may issue an order as requested.

If, after such investigation has been completed, it appears that the child requires care and supervision by the Division of Youth and Family Services or other action to ensure the health and safety of the child, but the parent, parents, guardian, or person having custody and control of the child continue to refuse to apply for care in the manner provided in section 11 of P.L.1951, c.138 (C.30:4C-11) or to take action to ensure the health and safety of the child, the division may apply to the Family Part of the Chancery Division of the Superior Court in the county where the child resides for an order making the child a ward of the court and placing such child under the care and supervision of the Division of Youth and Family Services.

The court, at a summary hearing held upon notice to the Division of Youth and Family Services, and to the parent, parents, guardian, or person having custody and control of the child, if satisfied that the best interests of the child so require, may issue an order as requested, which order shall have the same force and effect as the acceptance of a child for care by the division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11); provided, however, that such order shall not be effective beyond a period of six months from the date of entry unless the court, upon application by the Division of Youth and Family Services, at a summary hearing held upon notice to the parent, parents, guardian, or person having custody of the child, extends the time of the order.

Immediately after the court's order and while the child is in the division's care, the division shall initiate a search for the child's mother or father, if they are not known to the division. The search shall be initiated within 30 days of the court order. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The results shall be valid for six months after the date it was completed.

C.30:4C-12.2 Foster parent notice, opportunity to be heard.

28. In any case in which the Division of Youth and Family Services accepts a child in its care or custody, the child's foster parent, preadoptive parent or relative providing care for the child, as applicable, shall receive written notice of and an opportunity to be heard at any review or hearing held with respect to the child, but the foster parent, preadoptive parent or

relative shall not be made a party to the review or hearing solely on the basis of the notice and opportunity to be heard.

29. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to read as follows:

C.30:4C-15 Petition to terminate parental rights, conditions.

15. Whenever (a) it appears that a court wherein a complaint has been proffered as provided in chapter 6 of Title 9 of the Revised Statutes, has entered a conviction against the parent or parents, guardian, or person having custody and control of any child because of abuse, abandonment, neglect of or cruelty to such child; or (b) (Deleted by amendment, P.L.1991, c.275); (c) it appears that the best interests of any child under the care or custody of the Division of Youth and Family Services require that he be placed under guardianship; or (d) it appears that a parent or guardian of a child, following the acceptance of such child by the division pursuant to section 11 or 12 of P.L.1951, c.138 (C.30:4C-11 or 12), or following the placement or commitment of such child in the care of an authorized agency, whether in an institution or in a foster home, and notwithstanding the reasonable efforts of such agency to encourage and strengthen the parental relationship, has failed for a period of one year to remove the circumstances or conditions that led to the removal or placement of the child, although physically and financially able to do so, notwithstanding the division's reasonable efforts to assist the parent or guardian in remedying the conditions; (e) the parent has abandoned the child; or (f) the parent of a child has been found by a criminal court of competent jurisdiction to have committed murder, aggravated manslaughter or manslaughter of another child of the parent; to have aided or abetted, attempted, conspired, or solicited to commit such murder, aggravated manslaughter or manslaughter of the child or another child of the parent; or to have committed, or attempted to commit, an assault that resulted, or could have resulted, in the significant bodily injury to the child or another child of the parent; or the parent has committed a similarly serious act which resulted, or could have resulted, in the death or significant bodily injury to the child or another child of the parent; a petition to terminate the parental rights of the child's parents, setting forth the facts in the case, shall be filed by the division with the Family Part of the Chancery Division of the Superior Court in the county where such child may be at the time of the filing of such petition. A petition shall be filed as soon as any one of the circumstances in subsections (a) through (f) of this section is established, but no later than when the child has been in placement for 15 of the most recent 22 months, unless the division establishes an exception to the requirement to seek termination of parental

rights in accordance with section 31 of P.L.1999, c.53 (C.30:4C-15.3). Upon filing the petition, the division shall initiate concurrent efforts to identify, recruit, process and approve a qualified family to adopt the child.

A petition as provided in this section may be filed by any person or any association or agency, interested in such child in the circumstances set forth in subsections (a) and (f) of this section. The division shall seek to be joined as a party to a petition filed to terminate the parental rights of a child in the care and custody of the division unless the division has established an exception to the requirement to seek termination of parental rights in accordance with section 31 of P.L.1999, c.53 (C.30:4C-15.3).

30. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read as follows:

C.30:4C-15.1 Termination of parental rights, standards.

7. a. The division shall initiate a petition to terminate parental rights on the grounds of the "best interests of the child" pursuant to subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) The child's safety, health or development has been or will continue to be endangered by the parental relationship;

(2) The parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Such harm may include evidence that separating the child from his foster parents would cause serious and enduring emotional or psychological harm to the child;

(3) The division has made reasonable efforts to provide services to help the parent correct the circumstances which led to the child's placement outside the home and the court has considered alternatives to termination of parental rights; and

(4) Termination of parental rights will not do more harm than good.

b. The division shall initiate a petition to terminate parental rights on the ground that the "parent has abandoned the child" pursuant to subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) a court finds that for a period of six or more months:

(a) the parent, although able to have contact, has had no contact with the child, the child's foster parent or the division; and

(b) the parent's whereabouts are unknown, notwithstanding the division's reasonable efforts to locate the parent; or

(2) where the identities of the parents are unknown and the division has exhausted all reasonable methods of attempting identification, the division

may immediately file for termination of parental rights upon the completion of the law enforcement investigation.

c. As used in this section and in section 15 of P.L.1951, c.138 (C.30:4C-15) "reasonable efforts" mean attempts by an agency authorized by the division to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure, including, but not limited to:

(1) consultation and cooperation with the parent in developing a plan for appropriate services;

(2) providing services that have been agreed upon, to the family, in order to further the goal of family reunification;

(3) informing the parent at appropriate intervals of the child's progress, development and health; and

(4) facilitating appropriate visitation.

d. The division shall not be required to provide " reasonable efforts" as defined in subsection c. of this section prior to filing a petition for the termination of parental rights if an exception to the requirement to provide reasonable efforts to reunify the family has been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).

C.30:4C-15.3 Exemptions from requirement to file petition seeking termination of parental rights.

31. The Division of Youth and Family Services shall not be required to file a petition seeking the termination of parental rights if:

a. The child is being cared for by a relative and a permanent plan for the child can be achieved without termination of parental rights;

b. The division has documented in the case plan, which shall be available for court review, a compelling reason for determining that filing the petition would not be in the best interests of the child; or

c. The division is required to provide reasonable efforts to reunify the family but the division has not provided to the family of the child, consistent with the time period in the case plan, such services as the division deems necessary for the safe return of the child to his home.

32. Section 20 of P.L.1951, c.138 (C.30:4C-20) is amended to read as follows:

C.30:4C-20 Order terminating parental rights; committing child to guardianship.

20. If upon the completion of such hearing the court is satisfied that the best interests of such child require that he be placed under proper guardianship, such court shall make an order terminating parental rights and committing such child to the guardianship and control of the Division of Youth and Family Services, and such child shall thereupon become the legal

ward of the division, which shall be the legal guardian of such child for all purposes, including the placement of such child for adoption.

If the court shall have made an interlocutory order as provided in section 17 of P.L.1951, c.138 (C.30:4C-17), but at the final hearing a further order of commitment shall not be made as provided in this section, the Division of Youth and Family Services shall return the child forthwith to the parent or parents, guardian or person having had custody of the child immediately prior to the filing of the petition; provided, however, that if the return does not ensure the safety of the child or if the parent or parents, guardian or person having had custody cannot be found or, for other reason satisfactory to the court, is unable to accept the child, the division, upon order of the court, may place the child with such other person or persons who, at the time of final hearing, expressed willingness to accept the child, but such order shall in no wise be construed as a grant of custody or guardianship. In all such cases the interlocutory order shall continue in full force and effect until the division shall have made disposition of the child as provided herein or as otherwise provided by law, but in no case for a period longer than 30 days after the final hearing.

33. Section 2 of P.L.1992, c.139 (C.30:4C-26.11) is amended to read as follows:

C.30:4C-26.11 Findings, declarations.

2. The Legislature finds and declares that:

a. It is in the public interest, whereby the safety of the child is of paramount concern, to afford every child placed outside of his home by the Division of Youth and Family Services the opportunity for eventual return to his home or placement in an alternative permanent home;

b. If it has been determined that reuniting the child with the child's parents or placing the child for adoption will not serve a child's best interest, the child's best interest may be served through a transfer to long-term foster care custody with the child's foster parent; and

c. It is the purpose of this act to establish conditions and procedures for the transfer of a child to long-term foster care custody.

34. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to read as follows:

C.30:4C-26.8 Adoptive, foster parent; investigation.

1. a. A person, in addition to meeting other requirements as may be established by the Department of Human Services, shall become a foster parent or eligible to adopt a child only upon the completion of an investigation to ascertain if there is a State or federal record of criminal history for the

prospective foster or adoptive parent or any other adult residing in the prospective parent's home. The investigation shall be conducted by the Division of State Police in the Department of Law and Public Safety and shall include an examination of its own files and the obtaining of a similar examination by federal authorities.

b. If the prospective foster or adoptive parent or any adult residing in the prospective parent's home has a record of criminal history, the Department of Human Services shall review the record with respect to the type and date of the criminal offense and make a determination as to the suitability of the person to become a foster parent or adoptive parent or the suitability of placing a child in that person's home, as the case may be.

c. For the purposes of this section, a conviction for one of the offenses enumerated in subsection d. or e. of this section has occurred if the person has been convicted under the laws of this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in these subsections.

d. A person shall be disqualified from being a foster parent or shall not be eligible to adopt a child if that person or any adult residing in that person's household ever committed a crime which resulted in a conviction for:

(1) a crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.2C:24-4; or child abuse, neglect, or abandonment pursuant to R.S.9:6-3;

(2) murder pursuant to N.J.S. 2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(3) aggravated assault which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(5) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;

(6) sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(7) robbery which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(8) burglary which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(10) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.2C:24-8;

(11) terrorist threats pursuant to N.J.S.2C:12-3;

(12) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2; or

(13) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (12) of this subsection.

e. A person shall be disqualified from being a foster parent or shall not be eligible to adopt a child if that person or any adult residing in that person's household was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years:

(1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

(2) aggravated assault which would constitute a crime of the fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

(3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1 et seq.);

(4) robbery which would constitute a crime of the second degree pursuant to N.J.S.2C:15-1;

(5) burglary which would constitute a crime of the third degree pursuant to N.J.S.2C:18-2; or

(6) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (5) of this subsection.

For the purposes of this subsection, the "date of release from confinement" means the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

35. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to read as follows:

C.30:4C-26.9 Provisional approval for foster parent.

1. The Department of Human Services may grant approval to a prospective foster parent for a period not to exceed six months, upon completion of the State portion of the criminal history record investigation required pursuant to P.L.1985, c.396 (C.30:4C-26.8), pending completion and review of the federal portion of the criminal history record investigation required pursuant to that act, if (1) the State portion of the criminal history record investigation indicates no information which would disqualify the person, (2) the prospective foster parent and any adult residing in the prospective foster parent's home submit a sworn statement to the Department of Human Services attesting that the person does not have a record of criminal history which would disqualify the person and (3) there is substantial compliance with department standards for foster homes indicating there is no risk to a child's health or safety.

36. Section 4 of P.L.1992, c.139 (C.30:4C-26.13) is amended to read as follows:

C.30:4C-26.13 Filing of petition for long-term foster care.

4. The division may file a petition seeking long-term foster care custody of a child in the Family Part of the Chancery Division of the Superior Court. The petition shall be verified and shall show that:

a. The child has reached the age of 12, or there are unique circumstances which make the age of the child irrelevant;

b. Unless an exception to make reasonable efforts to reunify the family of the child has been established in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3), reasonable efforts have been made for at least one year by the division to reunite the child with the child's family and it has been documented in the case record that the attempts have been unsuccessful;

c. Reasonable efforts have been made by the division to place the child for adoption for at least one year and it has been documented in the case record that the attempts have been unsuccessful, or the division has made the determination that adoption is not in the child's best interests; and

d. The child has resided as a foster child in the home of the person seeking long-term foster care custody for at least one year and wishes to remain with his foster parent.

The division shall attach to the long-term foster care custody petition a written agreement signed by the child and the child's foster parent and, where in concurrence, the child's parent, which delineates the conditions of the custody arrangement. The consent of the child's parent is desirable, but not necessary if all other conditions have been met.

37. Section 2 of P.L.1977, c.424 (C.30:4C-51) is amended to read as follows:

C.30:4C-51 Legislative declarations.

2. The Legislature declares that it is in the public interest, whereby the safety of children shall be of paramount concern, to afford every child placed outside his home by the Division of Youth and Family Services with the opportunity for eventual return to his home or placement in an alternative permanent home; that it is the obligation of the State to promote this end through effective planning and regular review of each child's placement; and that it is the purpose of this act to establish procedures for both administrative and judicial review of each child's placement in order to ensure that such placement ensures the safety and health and serves the best interest of the child.

38. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to read as follows:

C.30:4C-52 Definitions.

3. As used in this act, unless the context indicates otherwise:

a. "Child" means any person less than 18 years of age;

b. "Child placed outside his home" means a child under the care, custody or guardianship of the division, through voluntary agreement or court order, who resides in a foster home, group home, residential treatment facility, shelter for the care of abused or neglected children or juveniles considered as juvenile-family crisis cases, or independent living arrangement operated by or approved for payment by the division, or a child who has been placed by the division in the home of a person who is not related to the child and does not receive any payment for the care of the child from the division, or a child placed by the court in juvenile-family crisis cases pursuant to P.L.1982, c.77 (C.2A:4A-20 et seq.), but does not include a child placed by the court in the home of a person related to the child who does not receive any payment from the division for the care of the child;

c. "County of supervision" means the county in which the division has established responsibility for supervision of the child;

d. "Division" means the Division of Youth and Family Services in the Department of Human Services;

e. "Temporary caretaker" means a foster parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director of a group home or residential treatment facility;

f. "Designated agency" means an agency designated by the court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a family services plan.

39. Section 4 of P.L.1977, c.424 (C.30:4C-53) is amended to read as follows:

C.30:4C-53 Filing notice of placement of child outside home.

4. Within five calendar days after the placement of a child outside his home pursuant to a voluntary agreement, the division or the designated agency, as the case may be, shall file notice of such placement with the Family Part of the Chancery Division of the Superior Court in the child's county of supervision. Such notice shall be in the form of a petition encaptioned "In the matter of....., a minor" and shall include the date and type of placement and the reasons for such placement, which shall include the specific efforts to prevent the placement or the specific situation which the division has documented to establish an exception to the requirement to make reasonable efforts to prevent placement in accordance with

section 24 of P.L.1999, c.53 (C.30:4C-11.2). Such filing shall establish a continuing jurisdiction of the court over the placement of the child.

The division shall also file immediate notice with the court of any change in placement and of the permanent placement or return home of the child. The court's jurisdiction shall cease upon receipt of such notification of the return home or alternative permanent placement of the child, except as permitted pursuant to subsection e. of section 8 of P.L.1984, c.85 (C.30:4C-61.1).

40. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to read as follows:

C.30:4C-53.1 Findings, declarations.

1. The Legislature finds and declares that it is in the public interest, whereby the safety of children shall be of paramount concern, to afford every child placed outside his home by the division with permanency through return to his own home, if the child can be returned home without endangering the child's health or safety; through adoption, if family reunification is not possible; or through an alternative permanent placement, if termination of parental rights is not appropriate:

a. Due to the severity of health and social problems such as AIDS, drug abuse and homelessness, the Division of Youth and Family Services in the Department of Human Services often works with families over a period of many years, and the children of these families often spend a majority of their young lives in foster care; and

b. Research has shown that the longer children remain in the foster care system, the greater number of placements they experience. As a result of these multiple placements, from birth family to foster home and from one foster home to another foster home, children develop emotional and psychological problems, making it more difficult for them to develop a positive self-image; and

c. For the majority of these children, placement in residential treatment facilities becomes the only viable option left to the division because it is more difficult for the division to find adoptive homes for them when, and if, adoption becomes a case goal; and

d. The obligation of the State to recognize and protect the rights of children in the child welfare system should be fulfilled in the context of a clear and consistent policy which limits the repeated placement of children in foster care and promotes the eventual placement of these children in stable and safe permanent homes.

41. Section 3 of P.L.1991, c.448 (C.30:4C-53.3) is amended to read as follows:

C.30:4C-53.3 Revised, repeated placement plans, requisites.

3. a. The division shall not treat a child's repeated placement into foster care as an initial placement. The child's revised placement plan, updated at the time of the child's repeated placement, shall summarize the child's prior history with the division regarding previous placements, the findings of the child placement review board, as well as a copy of the court order for the removal of the child from the custody of his parents or guardian. The revised placement plan shall be used by the division when preparing the child's repeated placement plan pursuant to this section.

b. Whenever a child is placed again into foster care, the division shall prepare a repeated placement plan which shall ensure the goals of safety and permanency through the safe return of the child to his parents or, if this is not possible, through the State's assumption of guardianship for the purpose of finding the child an adoptive home or, if termination of parental rights is not appropriate, through an alternative permanent placement. The plan shall be prepared within 30 days after the child's repeated placement and submitted to the court. The plan shall be valid for 12 months after the date the child was placed again into foster care.

c. The repeated placement plan shall include, but not be limited to:

(1) The specific reasons for the repeated placement of the child, including a description of the problems or conditions in the home of the parents or guardian which necessitated the child's removal, and a summary of the efforts made by the division to prevent the child's repeated placement or the exception to the requirement to make reasonable efforts to prevent placement in accordance with section 24 of P.L.1999, c.53 (C.30:4C-11.2);

(2) The specific actions to be taken by the child's parents or guardian to eliminate the identified problems or conditions which were the basis of the child's repeated placement into foster care, which actions shall be taken within a specific time limit agreed upon by the child's caseworker and the parents or guardian;

(3) The social services to be provided to the child and the foster parents during the period the child is in foster care and the social services to be provided to the child's parent or guardian, or the exception to the requirement to make reasonable efforts toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3), and the goal for the child and anticipated date for achieving the goal. The purpose of the supportive services shall be to promote the child's best interest and to facilitate his safe return to his home, placement for adoption or an alternative permanent placement. Services to facilitate adoption or an alternative permanent

placement may be provided concurrently with services to reunify the child with the parent or guardian;

(4) An assessment of the division's ability to obtain a child's birth certificate, locate the child's parents for future contact and have access to the child's extended family, in the event that a plan for adoption or an alternative permanent placement becomes necessary;

(5) A stipulation that the child be placed with his prior foster family, if possible and if in the child's best interest, to provide the child with continuity and stability in his living environment; and

(6) A permanency plan for the child and the reasonable efforts of the division to achieve that plan, if: the division has established an exception to the requirement to provide reasonable efforts toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or the child has, in any period of 22 consecutive months, been in any placement or placements for a total of 12 months.

The permanency plan shall include whether and, if applicable, when:

(a) the child will be returned to the parent or guardian, if the child can be returned home without endangering the child's health or safety;

(b) the division has determined that family reunification is not possible, and the division shall file a petition for the termination of parental rights for the purpose of adoption; or

(c) the division has determined that termination of parental rights is not appropriate in accordance with section 31 of P.L.1999, c.53 (C.30:4C-15.3), and the child shall be placed in an alternative permanent placement.

42. Section 4 of P.L.1991, c.448 (C.30:4C-53.4) is amended to read as follows:

C.30:4C-53.4 Petition to terminate parental rights.

4. If the division is required to provide reasonable efforts toward family reunification, and if the parents or guardian of the child are unwilling or unable to remedy the problems or conditions outlined in the child's repeated placement plan within the specified time limit despite reasonable efforts by the division, and if the permanency plan for the child requires the termination of parental rights, the division shall file a petition to terminate the rights of the child's parents with the family part of the Chancery Division of the Superior Court pursuant to section 15 of P.L.1951, c.138 (C.30:4C-15). The division shall concurrently provide services to facilitate the child's placement into an adoptive home.

The court shall set a hearing, with notice to all parties, on the guardianship petition within 45 days from the date the petition was filed.

43. Section 5 of P.L.1977, c.424 (C.30:4C-54) is amended to read as follows:

C.30:4C-54 Determination by court as to placement.

5. The court shall, within 15 days following receipt of the notice of the initial placement pursuant to a voluntary agreement, determine, based solely upon the petition and other affidavits and written materials submitted to the court, whether or not reasonable efforts have been made to prevent the placement and whether or not the continuation of the child in his home would be contrary to the welfare of the child, and either approve the placement or order the return of the child to his home, except that, lack of reasonable efforts to prevent placement shall not be the sole basis for the court's order of a return of the child to his home.

If the division has documented an exception to the requirement to provide reasonable efforts towards family reunification, the court shall make a finding of whether reasonable efforts are required in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3). The child's health, safety and need for permanency shall be of paramount concern to the court when it makes its finding.

The court also may require the submission of supplementary material or schedule a summary hearing if:

a. The court has before it conflicting statements of material fact;

b. The court determines that it is in the best interest of the child; or

c. The child's parents or legal guardian requests the hearing.

The court shall provide written notice to the parties involved in the hearing at least five days prior to the hearing. The court shall provide written notice of the date, time and place of such hearing to the parents or legal guardian of the child, the child or the child's counsel, the child's temporary caretaker, the division, and any other party the court deems appropriate. If the child's caretaker is a foster parent, preadoptive parent or relative, the caretaker shall receive written notice of and an opportunity to be heard at the hearing, but the caretaker shall not be made a party to the hearing solely on the basis of the notice and opportunity to be heard.

44. Section 6 of P.L.1977, c.424 (C.30:4C-55) is amended to read as follows:

C.30:4C-55 Placement plans, requirements.

6. The division shall prepare and revise, when necessary, in consultation with the child's parents or legal guardian and, when appropriate, the child, a placement plan for each child placed outside his home. The placement plan shall include:

a. A statement of the goal for the permanent placement or return home of the child and anticipated date that the goal will be achieved;

b. The intermediate objectives relating to the attainment of the goal;

c. A statement of the duties and responsibilities of the division, the parents or legal guardian and the temporary caretaker, including the services to be provided by the division to the child and to the temporary caretaker;

d. A statement of the services to be provided to the parent or legal guardian or an exception to the requirement to provide reasonable efforts toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate adoption or an alternative permanent placement may be provided concurrently with services to reunify the child with the parent or guardian; and

e. A permanency plan for the child and the division's reasonable efforts to achieve that plan, if: the division has established an exception to the requirement to provide reasonable efforts toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or the child has been in placement for 12 months.

The permanency plan shall include whether and, if applicable, when:

(a) the child shall be returned to the parent or guardian, if the child can be returned home without endangering the child's health or safety;

(b) the division has determined that family reunification is not possible, and the division shall file a petition for the termination of parental rights for the purpose of adoption; or

(c) the division has determined that termination of parental rights is not appropriate in accordance with section 31 of P.L.1999, c.53 (C.30:4C-15.3) and the child shall be placed in an alternative permanent placement.

45. Section 9 of P.L.1977, c.424 (C.30:4C-58) is amended to read as follows:

C.30:4C-58 Review of placements.

9. Each board shall act on behalf of the Family Part of the Chancery Division of the Superior Court in reviewing the case of every child placed outside his home pursuant to a voluntary agreement, to determine whether the best interests and safety of the child are being served by such placement.

Each board shall also act on behalf of the Family Part of the Chancery Division of the Superior Court in reviewing the case of each child placed outside his home by the division in accordance with a court order pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), section 12 of P.L.1951, c.138 (C.30:4C-12), section 24 of P.L.1982, c.77 (C.2A:4A-43) or section 25 of P.L.1982, c.77 (C.2A:4A-44). The division or designated agency shall submit to the board within 30 days of a child's placement, a placement plan

prepared in accordance with the provisions of P.L.1977, c.424 (C.30:4C-50 et seq.).

A board shall initiate a review of a placement pursuant to a voluntary agreement or in accordance with a court order within 45 days following the initial or repeated placement and shall complete the review within 15 days thereafter. A periodic review shall take place at least every 12 months thereafter.

The board may schedule additional reviews on its own motion, upon the request of any person listed in section 5 of P.L.1977, c.424 (C.30:4C-54) or upon an order of the court.

Notwithstanding the provisions of section 3 of P.L.1977, c.424 (C.30:4C-52) to the contrary, if a child placed outside his home attains 18 years of age or older and his out of home placement costs are being paid by the division, the board shall continue to conduct periodic reviews until the division terminates supervision.

All such reviews shall include, but not necessarily be limited to, the consideration and evaluation of such matters as:

a. The appropriateness of the goal and objectives of the placement plan and anticipated date that the goal will be achieved;

b. The appropriateness of the services provided to the child and to the temporary caretaker;

c. Whether the child has siblings who are also placed outside of their home;

d. Whether the wishes of the child were considered regarding placement and development of the placement plan, when appropriate;

e. Whether the division, the parents or legal guardian and the temporary caretaker are fulfilling their respective responsibilities in accordance with the placement plan;

f. Whether the parents or legal guardian have been afforded the opportunity and been encouraged to participate in a program of regular visitation with the child;

g. Whether there are obstacles which hinder or prevent the attainment of the placement plan objectives and goal;

h. The circumstances surrounding the placement;

i. The appropriateness of the services provided to the parent or legal guardian or the circumstances which do not require the division to make reasonable efforts toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); and

j. The appropriateness of the division's permanency plan and the division's reasonable efforts to achieve that plan, if an exception to the requirement to provide reasonable efforts toward family reunification has been established in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3) or the child has been in placement for 12 months.

In the case of a child in placement outside of his home on the effective date of this act, the first review shall be completed as soon as possible, but not later than 12 months following such effective date.

46. Section 10 of P.L.1977, c.424 (C.30:4C-59) is amended to read as follows:

C.30:4C-59 Written notice in advance of review.

10. Each board shall provide written notice of the date, time and place of each review at least 15 days in advance to the following, each of whom shall be entitled to attend the review and to submit information in writing to the board:

a. The division or agency;

b. The child;

c. The parents including a non-custodial parent or legal guardian;

d. The temporary caretaker;

e. Any other person or agency whom the board determines has an interest in or information relating to the welfare of the child;

f. The counsel for a parent, child or other interested party who has provided or is providing representation in the case before the board; and

If the child's caretaker is a foster parent, preadoptive parent or relative, the caretaker shall receive written notice of and an opportunity to be heard at the review, but the caretaker shall not be made a party to the review solely on the basis of the notice and opportunity to be heard.

The board may determine who may be in attendance at any particular portion of its meeting. Nothing herein shall be interpreted to exclude judges and court support staff from attending review board meetings.

The written notice shall inform the person of his right to attend the review and to submit written information and shall be prepared in a manner which will encourage the person's attendance at the review.

Notice to the child may be waived by the court on a case by case basis either on its own motion or on the petition of any of the above persons in cases where the court determines that notice would be harmful to the child. A waiver of notice to the child shall not waive the notice requirement to counsel for the child or other representatives of the child.

The review board may seek information from any agency which has been involved with the child, parents or legal guardian or temporary caretaker. If the agency fails to provide the requested information, the court may, upon the request of the board, issue a subpena to the agency for the information.

The board shall conduct a review and make recommendations based upon the written materials; provided, however, that the board shall afford

any party or person entitled to notice pursuant to this section a reasonable opportunity to appear and to present his views and recommendations. Upon the request of the board, the Family Part of the Chancery Division of the Superior Court may subpena a person to attend the review board meeting.

A designated agency shall provide relevant and necessary information to the board regarding a child who is reviewed by the board.

47. Section 11 of P.L.1977, c.424 (C.30:4C-60) is amended to read as follows:

C.30:4C-60 Submission of report.

11. Within 10 days after the completion of such review, the board shall submit a written report to the Family Part of the Chancery Division of the Superior Court and the division. Such report shall offer one of the following findings, stating the specific reasons therefor:

a. That continued placement of the child outside of the home is not in the child's best interest and the child should be returned home within two weeks and that the division or designated agency, as appropriate, shall provide reasonable and available services which are necessary to implement the return home;

b. That continued placement outside of the home is in the child's best interest on a temporary basis until the long-term goal is achieved, which long-term goal is:

(1) Return to the child's parents or legal guardian,
(2) Adoption,
(3) Permanent placement with a relative,
(4) Long-term foster care custody,
(5) Independent living,
(6) Institutionalization, or
(7) An alternative permanent placement;

c. That continued placement outside of the home on a temporary basis is in the child's best interest, but that there is not sufficient information for the board to make a recommendation, therefore, the board requests the court to order the division or designated agency, as appropriate, to provide the needed information within two weeks of the court order.

d. (Deleted by amendment, P.L.1987, c.252.)

In addition to the finding, the board shall state in its report if the placement plan satisfies the criteria provided in section 9 of P.L.1977, c.424 (C.30:4C-58) and if it does not, that the placement plan should be modified or a new plan should be developed.

When making its finding pursuant to this section, the child's health, safety and need for permanency shall be of paramount concern to the board.

The board shall give priority to the goal of return to the child's parents or legal guardian unless that goal is not in the best interest of the child. If the return has not been achieved within one year, and after considering the family's efforts; the division's or designated agency's provision of reasonable and available services, if reasonable efforts are required; or other relevant factors; the board shall recommend another permanent plan for the child.

In addition to the finding, the board shall state the reasons and additional factors it deems appropriate to explain its conclusions. When any change in the plan or situation of the child is recommended, the board shall state its specific recommendations and the factual basis therefor.

In accordance with section 8 of P.L.1985, c.85 (C.30:4C-61.1), the board may recommend that the division shall not return a child to his home prior to a review by the board and an order of the court.

Within 10 days of the completion of its review, the board shall provide to those persons entitled to notice under section 10 of P.L.1977, c.424 (C.30:4C-59) the specific finding made pursuant to this section, unless the board recommends that the finding shall not be provided to specific individuals as provided in this paragraph. The court may waive notice of findings to the child on a case-by-case basis on its own motion or on the petition of a person listed in section 10 of P.L.1977, c.424 (C.30:4C-59) in cases where the court determines that the nature of the findings would be harmful to the child, or if notice to the child of review was waived. The court may waive notice of findings to persons included in subsection e. of section 10 of P.L.1977, c.424 (C.30:4C-59) on the recommendation of the board or on the petition of other persons entitled to notice.

48. Section 12 of P.L.1977, c.424 (C.30:4C-61) is amended to read as follows:

C.30:4C-61 Issuance of order by court.

12. a. Upon review of the board's report, the Family Part of the Chancery Division of the Superior Court shall issue an order concerning the child's placement which it deems will best serve the health, safety and interests of the child. The court shall issue the order within 21 calendar days of the court's receipt of the board's report unless the court schedules a summary hearing. The court shall either:

(1) Order the return of the child to his parents or legal guardian within two weeks and order the division or designated agency, as appropriate, to provide any reasonable and available services which are necessary to implement the return home;

(2) Order continued placement on a temporary basis until the long-term goal is achieved; or

(3) Order continued placement on a temporary basis but that the division shall provide further information within two weeks to the court, which information shall be reviewed by the board within 30 days of its receipt.

(4) (Deleted by amendment, P.L.1987, c.252.)

In accordance with section 8 of P.L.1984, c.85 (C.30:4C-61.1), the court may order that the division shall not return a child to his home prior to review by the board and an order of the court.

In addition, if the placement plan does not satisfy the criteria of section 9 of P.L.1977, c.424 (C.30:4C-58), the court shall order that the placement plan be modified or that a new plan be developed within 30 days.

b. In reviewing the report, the court may request that, where available, any written or oral information submitted to the board be provided to the court. The court shall make a determination based upon the report and any other information before it; provided, however, that the court may schedule a summary hearing if:

(1) The court has before it conflicting statements of material fact which it cannot resolve without a hearing; or

(2) A party entitled to participate in the proceedings requests a hearing; or

(3) The court concludes that the interests of justice require that a hearing be held; or

(4) The board recommends that a hearing be held due to lack of compliance with the placement plan, including achievement of the permanent placement identified in the permanency plan; or

(5) The division has documented an exception to the requirement to provide reasonable efforts toward family reunification pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

(6) If the review is to serve as a permanency hearing.

c. Notice of such hearing, including a statement of the dispositional alternatives of the court, shall be provided at least 30 days in advance, unless the court finds that it is in the best interest of the child to provide less notice in order to conduct the hearing sooner. Notice shall be provided to the following persons unless the court determines it is not in the best interests of the child:

(1) The division;

(2) The child;

(3) The child's parents including a non-custodial parent or legal guardian;

(4) The review board;

(5) The temporary caretaker;

(6) The counsel for any parent, child or other interested party who has provided or is providing representation in the case before the board; and

(7) If the child's caretaker is a foster parent, preadoptive parent or relative, the caretaker shall receive written notice of and an opportunity to be heard at the hearing, but the caretaker shall not be made a party to the hearing solely on the basis of the notice and opportunity to be heard.

The court may also request or order additional information from any other persons or agencies which the court determines have an interest in or information relating to the welfare of the child.

The court shall hold the hearing within 60 days of receipt of the board's report and shall issue its order within 15 days of the hearing.

d. The court shall send a copy of its order concerning the child's placement to all persons listed in subsection c. of this section, except that, if notice to the child of the board review was waived pursuant to section 10 of P.L.1977, c.424 (C.30:4C-59), the court may waive the requirement of sending a copy of its order to the child.

e. Any person who receives a copy of the court order shall comply with the confidentiality requirements established by the Supreme Court for the purposes of this act.

49. Section 8 of P.L.1984, c.85 (C.30:4C-61.1) is amended to read as follows:

C.30:4C-61.1 Proposal to return child home.

8. a. If the division proposes to return a child home, although the return home is either prohibited by the placement plan approved by the court or expressly contingent upon certain conditions in the placement plan that have not been met, the division shall promptly notify the board and the court in writing.

b. The board shall conduct a special review within 15 days of receipt of the notice provided pursuant to subsection a. or f. of this section to consider and evaluate the reasons for the proposed action and determine whether the action ensures the safety and serves the best interests of the child. The board shall provide written notice of the special review pursuant to section 10 of P.L.1977, c.424 (C.30:4C-59), except that the 15-day advance notice requirement is waived. The board shall submit its report to the court pursuant to section 11 of P.L.1977, c.424 (C.30:4C-60), except that the board shall submit the report within five days of completion of the special review.

c. The court shall review the board's recommendations within 10 days and issue an order within five days unless a summary hearing is scheduled concerning the child's placement pursuant to section 12 of P.L.1977, c.424 (C.30:4C-61), except that if a party entitled to participate in the proceeding requests a hearing, the court shall hold a summary hearing within 15 days of receipt of the board's report unless the court determines that the request

for the hearing is frivolous. The court shall issue its order within five days of the hearing.

d. The division shall not return the child home unless the court approves the division's proposed action and orders the return home of the child.

e. Notwithstanding the provisions of this section to the contrary, in an emergency situation, the court may waive the special review provisions of this section and approve the return home, upon the request of the division to do so. The request of the division for a court waiver of the special review provisions shall be accompanied by a written statement from the division declaring and finding that the out-of-home placement has been disrupted, that no appropriate alternative placement for the child can be found in the home of a relative, a foster home, group home, shelter, residential care facility or other setting following the change in placement, and that the return home will not endanger the health, safety or welfare of the child. The written statement submitted with a request shall also outline the specific reasons for the findings made. The division shall conduct an on-site visit of the home of a child when in an emergency situation the division plans to request of the court a waiver of the special review provisions. A report of the on-site visit shall be included with the request.

If the court approves the division's request, the division shall promptly notify the board of the court's approval of the request. The board shall conduct a review of the change in the placement plan within 15 days of the date the child is returned home. The division shall conduct a minimum of two on-site visits to the home of a child returned there in an emergency situation within the first 10 days of the return to ascertain the continued health, safety and welfare of the child. The court, upon granting a request for a waiver, may require additional on-site visits. A detailed written report of each on-site visit to the home of a child returned in an emergency situation shall promptly be submitted to the court and to the child placement review board.

Notwithstanding any other provisions of law to the contrary, the court shall retain jurisdiction over the placement of the child after a child has been returned home in an emergency situation for up to six months unless there is a subsequent court hearing or court order.

In any case where, following a court order for the implementation of a placement plan, the board determines upon re-review of the case that there has been insufficient effort on the part of the division or any other parties toward implementation of the court ordered plan, the board may petition the court for an order to show cause as to why the plan is not being implemented as ordered.

f. If, subsequent to the review and approval of a plan by the court, the division proposes to change the long-term goal in the plan or otherwise

substantially modify the plan, it shall notify the court and the board in writing, within five days. The board shall schedule review of the modification. The division shall continue to implement the current court ordered plan until the court orders a modified or new plan.

g. Nothing in this section is intended to limit the court's authority to exercise its regular remedies for enforcement of an order.

C.30:4C-61.2 Permanency hearing.

50. a. A permanency hearing shall be held that provides review and approval by the court of the placement plan:

(1) within 30 days after the determination of an exception to the reasonable effort requirement to reunify the child with the parent in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

(2) no later than 12 months after the child has been in placement.

b. Written notice of the date, time and place of the permanency hearing shall be provided at least 15 days in advance to the following, each of whom shall be entitled to attend the hearing and to submit written information to the court:

(1) the division or agency;

(2) the child;

(3) the parents, including a non-custodial parent or legal guardian;

(4) the temporary caretaker;

(5) any other person or agency whom the court determines has an interest in or information relating to the welfare of the child;

(6) the counsel for a parent, child or other interested party who has provided or is providing representation in the case before the court; and

(7) the child's foster parent, preadoptive parent or relative providing care for the child shall also receive written notice of and an opportunity to be heard at the hearing, but the foster parent, preadoptive parent or relative shall not be made a party to the hearing solely on the basis of the notice and opportunity to be heard.

c. The hearing shall include, but not necessarily be limited to, consideration and evaluation of information provided by the division and other interested parties regarding such matters as:

(1) a statement of the goal for the permanent placement or return home of the child and the anticipated date that the goal will be achieved;

(2) the intermediate objectives relating to the attainment of the goal;

(3) a statement of the duties and responsibilities of the division, the parents or legal guardian and the temporary caretaker, including the services to be provided by the division to the child and to the temporary caretaker;

(4) a statement of the services to be provided to the parent or legal guardian or an exception to the requirement to provide reasonable efforts

toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate adoption or an alternative permanent placement may be provided concurrently with services to reunify the child with the parent or guardian;

(5) a permanency plan which includes whether and, if applicable, when:

(a) the child shall be returned to the parent or guardian, if the child can be returned home without endangering the child's health or safety;

(b) the division has determined that family reunification is not possible and the division shall file a petition for the termination of parental rights for the purpose of adoption; or

(c) the division has determined that termination of parental rights is not appropriate in accordance with section 31 of P.L.1999, c.53 (C.30:4C-15.3) and the child shall be placed in an alternative permanent placement.

d. If the court approves a permanency plan for the child, the court shall make a specific finding of the reasonable efforts made thus far by the division and the appropriateness of the reasonable efforts to achieve the permanency plan.

51. Section 2 of P.L.1992, c.111 (C.30:4C-67) is amended to read as follows:

C.30:4C-67 Findings, declarations.

2. The Legislature finds and declares that it is the intent of the Legislature to preserve the sanctity of the family unit, to the extent that the preservation does not jeopardize the safety of children, which shall be of paramount concern, and to prevent the unnecessary out-of-home placement of emotionally disturbed children, whether in New Jersey or out-of-State.

The Legislature further finds and declares that it is in the best interest of children that an individualized, appropriate child and family driven care system be developed so that children with special emotional needs and their families receive safe and appropriate educational, nonresidential, residential and family supportive services.

C.30:4C-11.5 Commissioner's report to Legislature, Governor.

52. The Commissioner Human Services shall report to the Legislature and the Governor within 18 months of the date of enactment of this act on the implementation of the act.

C.30:4C-11.6 Rules, regulations.

53. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to implement the provisions of this act. The commis-

sioner shall provide an opportunity for public input in the development of the rules and regulations.

C.30:4C-15.4 Notice to parent of right to counsel; public defender appointments.

54. When a petition is filed under section 15 of P.L.1951, c.138 (C.30:4C-15), the court shall provide the parent with notice of his right to retain counsel and consult with him. The court shall advise the parent that if he is indigent, he may obtain an attorney through the Office of the Public Defender who is authorized to provide such representation pursuant to this section.

The court shall appoint legal representation for the child from the Law Guardian Program in the Office of the Public Defender. The attorney appointed by the court to represent the child shall represent such child in all proceedings before the Superior Court, Chancery Division, Family Part filed pursuant to chapter 6 of Title 9 of the Revised Statutes and chapter 4C of Title 30 of the Revised Statutes unless relieved by the court upon application for substitution counsel or other just cause.

55. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read as follows:

C.9:6-8.21 Definitions.

1. As used in this act, unless the specific context indicates otherwise:

a. "Parent or guardian" means any natural parent, adoptive parent, foster parent, stepparent, or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21).

b. "Child" means any child alleged to have been abused or neglected.

c. "Abused or neglected child" means a child less than 18 years of age whose parent or guardian, as herein defined, (1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; (2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impair-

ment of the function of any bodily organ; (3) commits or allows to be committed an act of sexual abuse against the child; (4) or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court; (5) or a child who has been willfully abandoned by his parent or guardian, as herein defined; (6) or a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; (7) or a child who is in an institution and (a) has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being or (b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused or neglected pursuant to paragraph (7) of subsection c. of this section if the acts or omissions described therein occur in a day school as defined in this section.

No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

d. "Law guardian" means an attorney admitted to the practice of law in this State, regularly employed by the Office of the Public Defender or appointed by the court, and designated under this act to represent minors in alleged cases of child abuse or neglect and in termination of parental rights proceedings.

e. "Attorney" means an attorney admitted to the practice of law in this State who shall be privately retained; or, in the instance of an indigent parent or guardian, an attorney from the Office of the Public Defender or an attorney appointed by the court who shall be appointed in order to avoid conflict between the interests of the child and the parent or guardian in regard to representation.

f. "Division" means the Division of Youth and Family Services in the Department of Human Services unless otherwise specified.

g. "Institution" means a public or private facility in the State which provides children with out of home care, supervision or maintenance. Institution includes,

but is not limited to, a correctional facility, detention facility, treatment facility, day care center, residential school, shelter and hospital.

h. "Day school" means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

56. a. There is appropriated $600,000 from the General Fund to the Office of the Public Defender in the Department of the Treasury for Fiscal Year 1999 to provide representation for children and indigent parents in proceedings to terminate parental rights pursuant to Title 30 of the Revised Statutes. In addition to the amount hereinabove appropriated, there is appropriated such additional sums as may be required for Trial and Appellate services to children and indigent parents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

b. In accordance with the provisions of section 10 of P.L.1967, c.43 (C.2A:158A-10), the office may contract with attorneys in private practice, Legal Services of New Jersey or other qualified public interest organizations to provide the representation of children and indigent parents, as it deems appropriate.

57. The Office of the Public Defender shall report to the Legislature and Governor by October 1, 1999 on the number of cases for which it has provided representation pursuant to sections 54, 55 and 56 of P.L.1999, c.53) and whether and to what extent the representation was provided by contract with attorneys in private practice or other public interest organizations. The report shall include recommendations as to how and by whom the representation should be provided in Fiscal Year 2000 and as to how the State can ensure, to the maximum extent possible, that the same legal counsel can continue to represent the interests of the child or parent throughout proceedings under Titles 9 and 30 of the Revised Statutes.

58. This act shall take effect immediately.

Approved March 31, 1999.

CHAPTER 54

AN ACT suspending certain licenses, registrations and certifications for failure to repay student loans and supplementing P.L.1978, c.73 (C.45:1-14 et seq.) and Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:1-21.2 Suspension of certain licenses, registrations, certifications for failure to repay student loans.

1. The director or a board shall suspend, as appropriate, after a hearing, the license, registration or certification of any person who has been certified by a lender or guarantor and reported to the director or the board, as the case may be, for nonpayment or default of a State or federal direct or guaranteed educational loan. The license, registration or certification shall not be reissued until the person provides the director or board with a written release issued by the lender or guarantor stating that the person has cured the default or is making payments on the loan in accordance with a repayment agreement approved by the lender or guarantor. If the person has continued to meet all other requirements for licensure, registration or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director or the board may impose.

C.2A:13-12 Process for suspension of attorney's license for failure to repay student loans.

2. The Supreme Court of the State of New Jersey may adopt Rules of the Court establishing a process for the suspension of the license to practice law of any attorney who has been certified by a lender or guarantor and reported to the Clerk of the Supreme Court for nonpayment or default of a State or federal direct or guaranteed educational loan.

3. This act shall take effect on the 60th day after enactment.

Approved April 9, 1999.

CHAPTER 55

AN ACT concerning public school contracting and supplementing chapter 18A of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:18A-46.1 Limitation on withholding of State funds from school districts for certain violations of public school contracts law.

1. a. Notwithstanding any law to the contrary, except as otherwise provided in this section, the Commissioner of Education shall not withhold

State funds from any school district, or require any school district to remit any State funds previously paid to that district, because of any act or omission by the district which the commissioner determines to have been taken or permitted to occur in violation of the extraordinary unspecifiable services exception to the requirements for public advertisement and bidding as set forth in N.J.S.18A:18A-5, unless the commissioner determines that:(1) the act or omission was the result of any collusion between any officer or employee of the district and any contract vendor; or (2) the act or omission was prompted by an intent on the part of any officer or employee of the district to evade the public advertisement and bidding requirements of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq.; or (3) a prior act or omission resulted in a withholding of State funds or a remission of State funds due to a violation of the extraordinary unspecifiable services exception to the requirements for public advertisement and bidding as set forth in N.J.S.18A:18A-5.

b. If the commissioner determines that the violation was caused by negligence and none of the provisions in paragraph (3) in subsection a. are met, the amount of State funds withheld shall not exceed 10% of the contract amount, or in the case of multiple contracts, 10% of the total amount of the contracts, or $25,000, whichever is less.

c. Any school district from which the commissioner withheld funds or has sought to collect funds prior to the effective date of this act due to a determination that the district acted or permitted an action to occur in violation of the extraordinary unspecifiable services exception to the requirements for public advertising and bidding as set forth in N.J.S.18A:18A-5 may apply to the commissioner for restoration of funds so withheld. If the commissioner determines that none of the provisions set forth in paragraph (1), (2) or (3) in subsection a. or in subsection b. applies, the commissioner shall remit to the school district the applicable funds previously withheld or forgive any amounts pending collection.

d. The limitations placed upon the commissioner pursuant to this act shall not restrict the commissioner's authority to supervise the compliance by school districts with the requirements of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., and to seek all other remedies pursuant to Title 18A of the New Jersey Statutes.

2. This act shall take effect immediately and shall apply to any determination of the commissioner that is subject to an administrative appeal pending as of the effective date of this act

Approved April 9, 1999.

CHAPTER 56

AN ACT providing for the issuance of special license plates to recipients of the Navy Cross and supplementing chapter 3 of Title 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:3-27.106 Issuance of "Navy Cross" license plates.

1. a. Upon application of any person who is the holder of a Navy Cross as certified on the applicant's DD-214 form or on a Certificate of Release or Discharge from Active Duty, the director shall issue, for the motor vehicle owned or leased by the person, distinctive plates bearing a design approved by the director, in addition to the registration number and other markings or identification prescribed by law. The plates shall bear the words "Navy Cross" and depict the Navy Cross emblem.

b. There shall be a fee of $15 to the applicant for these special plates in addition to the fees otherwise prescribed by law for the registration of motor vehicles. The director shall retain from the fees collected such sums as are necessary to provide for all costs incurred by the division in producing and issuing Navy Cross license plates.

c. The surviving spouse of a deceased recipient of the Navy Cross who is eligible to operate a motor vehicle in this State under the provisions of R.S.39:3-10 may retain the special license plates obtained by the deceased spouse pursuant to this section for display on a motor vehicle registered to the surviving spouse under the provisions of R.S.39:3-4.

d. The director may promulgate rules and regulations governing the issuance and use of these special license plates.

2. This act shall take effect on the first day of the seventh month after enactment.

Approved April 13, 1999.

CHAPTER 57

AN ACT concerning certain individuals who are considering whether to be candidates for public office, amending P.L.1973, c.83 and repealing section 8 of P.L.1989, c.4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.19:44A-2.1 Findings, declarations relative to individuals considering candidacy for public office.

1. The Legislature finds and declares that:

a. Accessible public disclosure of money and other things of value given to a candidate for public office by an individual, another candidate or a political committee has proven to be the most effective means of fostering public awareness of and reducing public skepticism about the current system of financing elections for public office;

b. However, under the current disclosure system, certain individuals who collect and spend money while considering whether to become a candidate for public office at a future election do not have to disclose anything about the money they raise or expend until they become a candidate;

c. The continuation of this practice undermines public confidence in the current system of financing elections for public office;

d. The State has a compelling interest in preventing the actuality or appearance of corruption and in protecting public confidence in democratic institutions by requiring an individual who is considering whether to be a candidate for office to comply with the same laws that apply to any candidate for public office; and

e. It is, therefore, reasonable for the State to promote these compelling interests by requiring an individual who acts like a candidate to comply with the current limitations, prohibitions and requirements on campaign contributions and the disclosure of the sources and amounts of contributions and expenditures.

2. Section 3 of P.L.1973, c.83 (C.19:44A-3) is amended to read as follows:

C.19:44A-3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

a. (Deleted by amendment, P.L.1993, c.65.)

b. (Deleted by amendment, P.L.1993, c.65.)

c. The term "candidate" means: (1) an individual seeking election to a public office of the State or of a county, municipality or school district at an election; except that the term shall not include an individual seeking party office; (2) an individual who shall have been elected or failed of election to an office, other than a party office, for which he sought election and who receives contributions and makes expenditures for any of the

purposes authorized by section 17 of P.L.1993, c.65 (C.19:44A-11.2) during the period of his service in that office; and (3) an individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs (1) and (2) of this subsection.

d. The terms "contributions" and "expenditures" include all loans and transfers of money or other thing of value to or by any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and all pledges or other commitments or assumptions of liability to make any such transfer; and for purposes of reports required under the provisions of this act shall be deemed to have been made upon the date when such commitment is made or liability assumed.

e. The term "election" means any election described in section 4 of this act.

f. The term "paid personal services" means personal, clerical, administrative or professional services of every kind and nature including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services, performed other than on a voluntary basis, the salary, cost or consideration for which is paid, borne or provided by someone other than the committee, candidate or organization for whom such services are rendered. In determining the value, for the purpose of reports required under this act, of contributions made in the form of paid personal services, the person contributing such services shall furnish to the treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by said contributor to the individuals actually performing said services for the performance thereof. But if any individual or individuals actually performing such services also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall in his statement to the treasurer so state and shall either (1) set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same, or (2) if unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed. If any candidate is a holder of public office to whom there is attached or assigned, by virtue of said office, any aide or aides whose services are of a personal or confidential nature in assisting him to carry out the duties of said office, and whose salary or other compensation is paid in whole or part out of public funds, the services of such aide or aides which are paid for out of public funds shall be for public purposes only; but they may

contribute their personal services, on a voluntary basis, to such candidate for election campaign purposes.

g. (Deleted by amendment, P.L.1983, c.579.)

h. The term "political information" means any statement including, but not limited to, press releases, pamphlets, newsletters, advertisements, flyers, form letters, or radio or television programs or advertisements which reflects the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or which contains facts on any such candidate, or public question whether or not such facts are within the personal knowledge of members of the organization.

i. The term "political committee" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does, aid or promote the passage or defeat of a public question in any election, if the persons, corporation, partnership or incorporated or unincorporated association raises or expends $1,000.00 or more to so aid or promote the nomination, election or defeat of a candidate or candidates or the passage or defeat of a public question; provided that for the purposes of this act, the term "political committee" shall not include a "continuing political committee," as defined by subsection n. of this section, a "political party committee," as defined by subsection p. of this section, a "candidate committee," as defined by subsection q. of this section, a "joint candidates committee," as defined by subsection r. of this section or a "legislative leadership committee," as defined by subsection s. of this section.

j. The term "public solicitation" means any activity by or on behalf of any candidate, political committee, continuing political committee, candidate committee, joint candidates committee, legislative leadership committee or political party committee whereby either (1) members of the general public are personally solicited for cash contributions not exceeding $20.00 from each person so solicited and contributed on the spot by the person so solicited to a person soliciting or through a receptacle provided for the purpose of depositing contributions, or (2) members of the general public are personally solicited for the purchase of items having some tangible value as merchandise, at a price not exceeding $20.00 per item, which price is paid on the spot in cash by the person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, political committee, continuing political committee, candidate committee, joint candidates committee, legislative leadership committee or political party committee.

k. The term "testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs directly or indirectly intended to raise campaign funds in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State, or directly or indirectly intended to raise funds in behalf of any political party committee or in behalf of a political committee, continuing political committee, candidate committee, joint candidates committee or legislative leadership committee.

l. The term "other thing of value" means any item of real or personal property, tangible or intangible, but shall not be deemed to include personal services other than paid personal services.

m. The term "qualified candidate" means:

(1) Any candidate for election to the office of Governor whose name appears on the general election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for general election campaign expenses under subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial election debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

(2) Any candidate for election to the office of Governor whose name does not appear on the general election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for general election campaign expenses under subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial election debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

(3) Any candidate for nomination for election to the office of Governor whose name appears on the primary election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general

election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses under subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial primary debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

(4) Any candidate for nomination for election to the office of Governor whose name does not appear on the primary election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses under subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial primary debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47).

n. The term "continuing political committee" means any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $2,500.00 to the aid or promotion of the candidacy of an individual, or of the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined to be a continuing political committee under subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided that for the purposes of this act, the term "continuing political committee" shall not include a "political party committee," as defined by subsection p. of this section, or a "legislative leadership committee," as defined by subsection s. of this section.

o. The term "statement of agreement" means a written declaration, by a candidate for nomination for election or for election to the office of Governor who intends that application will be made on that candidate's behalf to receive monies for primary election or general election campaign expenses under subsection a. or subsection b., respectively, of section 8 of P.L.1974, c.26 (C.19:44A-33), that the

candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial primary or general election debate, as appropriate, to be held under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47) and in which the candidate is to participate. The statement of agreement shall include an acknowledgment of notice to the candidate who signs it that failure on that candidate's part to participate in any of the gubernatorial debates may be cause for the termination of the payment of such monies on the candidate's behalf and for the imposition of liability for the return to the commission of such monies as may previously have been so paid.

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. The term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

s. The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.

Repealer.

3. Section 8 of P.L.1989, c.4 (C.19:44A-11.1) is repealed.

4. This act shall take effect on the quarterly reporting date next following enactment which is at least 30 days after enactment.

Approved April 13, 1999.

CHAPTER 58

AN ACT concerning the consolidation of municipalities and municipal services and amending P.L.1977, c.435 and P.L.1952, c.72.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1977, c.435 (C.40:43-66.41) is amended to read as follows:

C.40:43-66.41 Question of forming consolidation commission submitted to voters; alternative methods.

7. a. If, within one year after the date on which the first ordinance, pursuant to section 5 of P.L.1977, c.435 (C.40:43-66.39), or the first petition, pursuant to section 6 of P.L.1977, c.435 (C.40:43-66.40), is filed with the clerk of the county, either an ordinance or a certified petition is transmitted to the county clerk by each of the other municipalities named in the first such ordinance or petition, then one of the following shall occur:

(1) The question of forming a consolidation commission shall be submitted to the voters of each of the municipalities named in such ordinances or petitions in the following form:

"Shall a joint municipal consolidation study commission be formed to study the feasibility of consolidating (insert the names of each of the municipalities named in such ordinances or petitions) into a single new municipality, to study the question of the form of government under which such new municipality should be governed, to study the feasibility of consolidating the local school districts of the aforesaid municipalities, and to make recommendations thereon; or, in the alternative, to make recommendations on the consolidation of certain municipal services?"

The question shall be submitted to the voters of each municipality so named in the ordinances or petitions on the date for the next general election or on the date for the next regular municipal election, whichever shall first occur at least 60 days after the date of the filing with the county clerk of the final ordinance or petition necessary to require the submission of the question to the voters.

The public question submitted to the voters shall be deemed adopted, and a consolidation commission formed, if a majority of the votes cast on the question in each of the municipalities in which the question is submitted shall be in the affirmative; or

(2) An ordinance expressly creating a consolidation commission shall be adopted by each of the municipalities named in such ordinances or

petitions. The ordinance shall state that the governing body will not be submitting the question of forming a consolidation commission to the voters of that municipality by referendum. The ordinance shall state that the governing body is seeking the formation of a consolidation commission pursuant to P.L.1977, c.435 (C.40:43-66.35 et seq.), and shall name the participating municipalities for which a consolidation commission is proposed. Upon adoption of the ordinance, the clerk of each participating municipality adopting the ordinance shall forthwith transmit a certified copy thereof to the municipal clerk of each of the other participating municipalities named in the ordinance, to the clerk of the county in which each participating municipality is located, and to the Commissioner of Community Affairs.

The ordinance forming a consolidation commission shall be deemed adopted, and a consolidation commission formed, if each participating municipality adopts an ordinance agreeing to participate in a consolidation commission pursuant to this subsection; or

(3) One or more of the municipalities named in such ordinances or petitions shall submit the question of forming a consolidation commission to the voters pursuant to paragraph (1) of this subsection, and one or more of those municipalities shall adopt an ordinance expressly creating a consolidation commission pursuant to paragraph (2) of this subsection, in any combination, provided that each of the participating municipalities adopts the formation of a consolidation commission.

b. Nothing herein contained shall be construed to prevent the submission of the question of forming a consolidation commission to the voters of the municipalities pursuant to paragraph (1) of subsection a. of this section, or the forming of a consolidation commission by ordinance pursuant to paragraph (2) of subsection a. of this section, named in any combination of such ordinances pursuant to section 5 of P.L.1977, c. 435 (C.40:43-66.39) and petitions pursuant to section 6 of P.L.1977, c.435 (C.40:43-66.40), provided that such ordinances and petitions are substantively similar.

2. Section 8 of P.L.1977, c.435 (C.40:43-66.42) is amended to read as follows:

C.40:43-66.42 Election of members of consolidation commission.

8. Members of a consolidation commission formed pursuant to paragraph (1) of subsection a. of section 7 of P.L.1977, c.435 (C.40:43-66.41) shall be elected by the qualified voters at the same time as the public question is submitted.

Duly nominated candidates for the office of commission member shall be placed upon the ballot containing the public question in the same manner as is provided by law for candidates nominated by petition for other elective offices of a single municipality, except that they shall be listed without any designation or slogan. Each voter shall be instructed to vote on the question and, regardless of the manner of the voter's vote on the question, to vote for the elected members of a commission.

The five candidates for commission member receiving the greatest number of votes shall be elected and shall constitute the commission members from the participating municipality in which they reside, provided that if a majority of those voting on the public question in any of the municipalities in which the question was submitted shall have voted against the formation of a commission, none of the candidates in any of the municipalities shall be elected. In the instance that the vote for commission members results in six or more candidates in any one participating municipality receiving sufficient votes to be elected, then those candidates receiving the least and equal number of votes shall draw lots to determine which shall be elected.

b. Members of a consolidation commission formed pursuant to paragraph (2) of subsection a. of section 7 of P.L.1977, c.435 (C.40:43-66.41) shall be appointed by the governing body of the participating municipality.

Five members shall be appointed to the consolidation commission by the governing body of the participating municipality. The governing body shall appoint not more than one individual who holds a paid or volunteer position with the appointing municipality. Each member, except a member holding a paid or volunteer position with the appointing municipality, shall be a resident of the appointing municipality.

3. Section 9 of P.L.1977, c.435 (C.40:43-66.43) is amended to read as follows:

C.40:43-66.43 Qualifications of candidates of consolidation commission.

9. a. The candidates from each participating municipality for a consolidation commission formed pursuant to paragraph (1) of subsection a. of section 7 of P.L.1977, c.435 (C.40:43-66.41) shall be registered voters of that municipality. They may be nominated by petitions signed by the registered and qualified voters of the municipality in a number at least equal to one percent of the total votes cast in the municipality at the last preceding general election at which members of the General Assembly were elected, or by 25 registered and qualified voters of the municipality, whichever is

less, and filed with the municipal clerk not less than 40 days prior to the date of the election.

b. Each nominating petition shall set forth the names, places of residence, and post-office addresses of the person or persons therein nominated, and a statement that the nomination is for the office of commission member and that the petitioners are registered voters of the municipality. Every voter signing a nominating petition shall, in addition to the voter's signature, give the voter's place of residence, post-office address and street number, if any.

c. Before being filed with the municipal clerk, each nominating petition shall have fixed or appended thereto, or, if the same person or persons are named in more than one petition, fixed or appended to one of such petitions, a written acceptance of such nomination signed by the person or persons nominated therein. Such acceptance shall certify that the nominee is a registered voter of the municipality, that the nominee consents to stand as a candidate at the election and that, if elected, the nominee agrees to take office and serve.

d. Each nominating petition shall be verified by an oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that the petition was signed by each of the signers thereof in each signer's proper handwriting, that the signers are, to the best knowledge and belief of the affiant, registered voters of the municipality, and that the petition is prepared and filed in good faith for the sole purpose of endorsing the person or persons named therein for election as stated in the petition.

e. If any nominating petition, or any oath, affirmation or written statement attached thereto, is defective, the person designated in the petition for such purpose may cause such petition or oath, affirmation or written statement to be amended in the manner prescribed for the amendment of defective petitions for nominating candidates for general elections in R.S.19:13-13.

4. Section 11 of P.L.1977, c.435 (C.40:43-66.45) is amended to read as follows:

C.40:43-66.45 Membership of joint municipal consolidation study commission.

11. The membership of a joint municipal consolidation study commission formed pursuant to the provisions of P.L.1977, c.435 (C.40:43-66.35 et seq.) shall consist of five members from each participating municipality.

5. Section 13 of P.L.1977, c.435 (C.40:43-66.47) is amended to read as follows:

C.40:43-66.47 Appointment of commissioner's representative.

13. The Commissioner of Community Affairs shall appoint a person to act as the commissioner's representative to the commission. The commissioner's appointee shall not be a member or an officer of the commission, shall not be a resident of any of the participating municipalities, but shall participate in all meetings, activities and proceedings of the commission.

6. Section 14 of P.L.1977, c.435 (C.40:43-66.48) is amended to read as follows:

C.40:43-66.48 Organization, meeting of consolidation commission.

14. As soon as possible and in any event no later than 15 days after the election or appointment of all its members, the consolidation commission shall organize and hold its first meeting. The commission shall elect from its membership a chair and a vice-chair. The commission shall fix its hours and places of meeting, adopt such rules for the conduct of its business as it may deem necessary and advisable, and appoint a secretary, who need not be a member of the commission. A majority of the total membership of the commission shall constitute a quorum for the transaction of business, but no recommendation of said commission shall have any legal effect pursuant to P.L.1977, c.435 (C.40:43-66.35 et seq.), unless adopted by a majority of the five commission members from each of the participating municipalities.

At its first meeting, or as soon thereafter as possible, the commission shall establish a schedule for the conduct of its business which shall take into account the following mandatory dates:

a. The five-month date set forth in section 20 of P.L.1977, c.435 (C.40:43-66.54) by which the Department of Community Affairs is required to report its fiscal findings to the commission;

b. (Deleted by amendment, P.L.1999, c.58.)

c. (Deleted by amendment, P.L.1999, c.58.) and,

d. The 10-month date set forth in section 22 of P.L.1977, c.435 (C.40:43-66.56) by which the commission is required to submit its final report.

A copy of such schedule shall be filed with the commissioner and with the clerk of each of the participating municipalities within 30 days after the first meeting.

7. Section 20 of P.L.1977, c.435 (C.40:43-66.54) is amended to read as follows:

C.40:43-66.54 Study of fiscal aspects of proposed consolidation.

20. a. The Department of Community Affairs shall, within five months from the date of its receipt of all the election results or ordinances, or both,

establishing a commission pursuant to section 7 of P.L.1977, c.435 (C.40:43-66.41), prepare an objective study of the fiscal aspects of the proposed consolidation, and shall report its findings to the commission.

b. The department shall, to every possible extent, advise and cooperate with any consolidation commission created pursuant to P.L.1977, c.435 (C.40:43-66.35 et seq.) and shall make available its facilities, records, and technical and professional resources. The department shall consider promptly any commission application for a State grant to conduct, or any commission request for the department to conduct, any other feasibility study or studies consistent with the provisions of P.L.1977, c.435 (C.40:43-66.35 et seq.); provided, however, that whenever any such study or studies are to be conducted by a party other than the department, said party shall be approved by, and conduct such study or studies under the supervision of, the department. Upon approval of such study or studies, the commissioner shall certify the amount approved therefor to the State Treasurer, who shall make immediate payment thereon. Any application for financial assistance submitted by a commission created pursuant to P.L.1977, c.435 (C.40:43-66.35 et seq.) shall have first claim on any moneys appropriated under any State aid or grant program that authorizes the use of funds for these purposes. At the written request of such a commission, a reservation of moneys shall be made by the commissioner prior to the formal filing of an application therefor by such commission.

8. Section 22 of P.L.1977, c.435 (C.40:43-66.56) is amended to read as follows:

C.40:43-66.56 Filing of final report, recommendations.

22. a. The joint municipal consolidation study commission shall publish and file its final report and recommendations within ten calendar months from the date all of its members are elected or appointed. A copy of such final report signed by the chairman of the commission shall be filed with the Secretary of State, the department, the county clerk and with the municipal clerk of each participating municipality. Included in such final report shall be: a statement, if any, by any member of the commission dissenting from the findings and recommendations set forth in the final report; and the department's findings on the fiscal aspects of the proposed consolidation. The municipal clerks shall deliver a copy of such final report to each member of the governing body of their respective municipalities. The commission shall cause a reasonable number of copies of the final report to be printed and made available to the general public upon request.

b. If the commission recommends consolidation, it shall prepare an "official abstract" of its report and recommendations and plan of consolida-

tion consisting of a concise statement, which shall be objective in content and presentation, and shall be descriptive of the substance of the plan. At the time the commission publishes and files its final report, and again on a date not less than 30 days preceding the date fixed for the election, the commission shall cause the official abstract to be published at least once in a newspaper of general circulation in the participating municipalities, together with notice of:

(1) The time, place and purpose of the election;

(2) The manner in which copies of the commission's final report and recommendations may be obtained;

(3) (Deleted by amendment, P.L.1999, c.58.)

(4) The fact that if the voters favor the consolidation by a majority vote in each of the participating municipalities, the consolidation plan shall become binding and legally enforceable between or among such municipalities.

9. Section 5 of P.L.1952, c.72 (C.40:48B-5) is amended to read as follows:

C.40:48B-5 Management committee; membership, appointment; organization, powers, etc.

5. The joint contract shall provide for the constitution and appointment of a management committee to consist of not more than three members to be appointed by the governing body of each of the local units executing same, who shall be residents of the appointing local unit, except that a member who is the chief financial officer, business administrator, municipal administrator or municipal manager of the local unit making the appointment need not be a resident of the appointing local unit. Such appointees may or may not be members of the appointing governing body. Each member of the management committee shall hold office for the term of one year and until the member's successor has been appointed and qualified. In the event that only two local units are parties to the contract and only one member is appointed by each governing body, the management committee shall consist of three members, one appointed by each of the governing bodies and one member selected by the two other appointed members.

The management committee shall elect annually from among its members a chair to preside over its meetings. The management committee may appoint such other officers and employees, including counsel, who need not be members of the management committee or members of the governing bodies or employees or residents of the local units, as it may deem necessary. The employees appointed by the management committee shall hold office for such term not exceeding four years as may be provided by the joint contract. The management committee shall adopt rules and regulations to provide for the conduct of its meetings and the duties and

powers of the chairman and such other officers and employees as may be appointed. All actions of the management committee shall be by vote of the majority of the entire membership of the committee, except for those matters for which the contract requires a greater number, and shall be binding on all local units who have executed the joint contract. The management committee shall exercise all of the powers of the joint meeting subject to the provisions of the joint contract.

The joint contract may provide for the delegation of the administration of any or all of the services, lands, public improvements, works, facilities or undertakings of the joint meeting to the governing body of any one of the several contracting local units, in which event such governing body shall have and exercise all of the powers and authority of the management committee with respect to such delegated functions.

Repealer.

10. Section 10 and section 21 of P.L.1977, c.435 (C.40:43-66.44 and 40:43-66.55) are repealed.

11. This act shall take effect immediately.

Approved April 13, 1999.

CHAPTER 59

AN ACT authorizing local units of government and certain school districts to offer incentive programs for the retirement or termination of certain employees when entering into interlocal services contracts or joint services contracts, and supplementing Title 40 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.43:8C-1 Definitions relative to incentive programs for retirement, termination of certain employees.

1. As used in this act, unless the context indicates otherwise:

"Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county that does not have an elected county executive, and the chairman or other presiding officer of any other governing body.

"Consolidated municipality" or "municipal consolidation" means the resultant municipal entity created after approval and adoption of a public

question in favor of consolidation pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.).

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

"Governing body" means the board, commission, council or other body having the control of the finances of a local unit; and in those local units in which a chief executive officer is authorized by law to participate in such control through powers of recommendation, approval or veto, the term includes such executive officer to the extent of such participation.

"Interlocal services contract" means a contract between two or more local units for the joint provision of governmental services pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.).

"Joint services contract" means a contract between two or more local units to form a joint meeting for the joint provision of governmental services pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.).

"Local unit" means a municipality, consolidated municipality, county, authority as defined in section 3 of P.L.1983, c.313 (C.40A:5A-3), joint meeting or fire district.

C.43:8C-2 Implementation of incentive program.

2. A local unit entering into an interlocal services contract or a joint services contract or becoming a part of a consolidated municipality may offer and implement an incentive program for retirement or termination of employment after approval of such incentive program by the director. The program shall be limited to full-time employees in any department, office, section, or other organizational component of the local unit in which the number of employees will be reduced or which will be eliminated as a result of the interlocal services contract or joint services contract or municipal consolidation. The incentive program may include one or more of the following:

a. cash payments or the purchase of annuities;

b. employer contributions to an approved employee deferred compensation program to the extent permitted by federal law;

c. payment by the local unit for continuation of health benefits coverage after retirement for not more than five years or until the employee attains the age of eligibility for Medicare, whichever occurs first;

d. payment by the local unit for health benefits coverage after retirement under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), or under group insurance contracts pursuant to N.J.S.40A:10-23, for employees and dependents in accordance with the law and rules governing the State Health Benefits Program or the law governing such group insurance contracts, as the case may be, for employees who fail

to meet the service requirement for payment for such coverage after retirement by no more than five years, but who are otherwise eligible for employer payment for health benefits coverage after retirement; or

e. additional service credit for employees who are members of the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.) or the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), or a county pension fund created under P.L.1943, c.160 (C.43:10-18.1 et seq.), or a municipal retirement system created under P.L.1954, c.218 (C.43:13-22.3 et seq.) or P.L.1964, c.275 (C.43:13-22.50 et seq.), as provided in section 4 of P.L.1999, c.59 (C.43:8C-4).

C.43:8C-3 Submission of detailed information concerning incentive program.

3. a. No later than six months prior to the date on which a proposed incentive program is to begin, the local unit shall submit detailed information concerning the incentive program to the director, in a form and manner prescribed by the director, which shall include the following:

(1) the governmental services affected by the interlocal services contract or joint services contract or municipal consolidation;

(2) the departments, offices, sections, and other organizational components of the local unit to be affected, and a list of the employees thereof;

(3) the incentives to be offered;

(4) the estimated number of employees who will retire or terminate employment under the incentive program;

(5) fiscal information sufficient to demonstrate that the incentive program in conjunction with the interlocal services contract or joint services contract or municipal consolidation will result in a reduction for the local unit in the number of employees providing the affected governmental services, including information on the number of employees by which the local unit will reduce employment for a period of at least five years;

(6) fiscal information sufficient to demonstrate that, taking into consideration the costs of the incentive program, the interlocal services contract or joint services contract or municipal consolidation will result in a reduction in the cost of providing the affected governmental services for the local unit;

(7) information on the fiscal stability of the local unit sufficient to demonstrate that the local unit will be able to pay the costs for the incentive program and for the interlocal services contract or joint services contract or municipal consolidation which will result in net savings and shall not necessitate any increase in property taxes for the local unit;

(8) information sufficient to demonstrate that the local unit will continue to provide the affected governmental services without the number of employees that are expected to take the incentive;

(9) copies of proposed interlocal services contracts or joint services contracts; and

(10) any other information which the director may require.

The director may, for good cause, permit a local unit to submit information without complying with the time period for submission of information or which does not conform to the specific informational requirements of this subsection.

b. The director shall provide to the Director of the Division of Pensions and Benefits in the Department of the Treasury sufficient information relating to the incentive program so that the Director of the Division of Pensions and Benefits may provide to the director:

(1) an estimate of the anticipated liability of the affected retirement systems;

(2) a determination of whether the incentive program is reasonably calculated to produce a reduction in the number of employees of the local unit; and

(3) taking into consideration the liability for the incentive program, an estimate of the net savings in the employment costs to provide the affected governmental services.

c. In order to make the calculation required by paragraph (2) of subsection b. of this section, the Director of the Division of Pensions and Benefits in the Department of the Treasury shall submit the proposed incentive program to the actuary of each retirement system which would be affected by the incentive program. Each actuary shall estimate the additional liability to the retirement system for the incentive program, including the liability for the additional service credit and the earlier retirement of employees under the incentive program. Each actuary shall provide the Director of the Division of Pensions and Benefits with an opinion on whether the incentive program is reasonably calculated to produce a reduction in the number of employees of the local unit providing the affected governmental services, and a net savings, taking into consideration the liability for the incentive program, in the employment costs to provide the affected governmental services. The State shall conduct the actuarial work required by this subsection at no charge to the local units.

d. If the incentive program includes the provision of additional service credit under State retirement systems for eligible employees, the beginning and ending dates for the incentive program and the time period during which the eligible employees will have to elect to participate in the incentive

program shall be subject to approval by the Director of the Division of Pensions and Benefits in the Department of the Treasury.

e. If the director determines that the incentive program, in conjunction with the interlocal services contract or joint services contract or municipal consolidation, will result in the local unit continuing to provide the affected governmental services with fewer employees and at a lower cost, and that the incentive program and the interlocal services contract or joint services contract or municipal consolidation will result in net savings and will not necessitate any increase in local property taxes for the local unit, the director shall approve the incentive program for implementation.

C.43:8C-4 Additional service credits, PFRS, PERS; conditions.

4. a. For employees who are members of the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), an incentive program for retirement may provide additional months of service credit for an employee who has 20 or more years of service credit on the last day for retirement under the incentive program, so that the employee shall have an aggregate amount of service credit under the retirement system of no more than 30 years on the effective date of retirement. In no case shall more than 60 months of additional service credit be provided under the incentive program.

b. For employees who are members of the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), or a county or municipal retirement system, an incentive program for retirement may provide not more than 60 additional months of service credit for an employee who has 20 or more years of service credit on the last day for retirement under the incentive program.

c. An incentive program may require one or more of the following criteria: a minimum number of years of service credit in a retirement system, a minimum number of years of service with the local unit, or a minimum age for eligibility to participate in the program.

d. An employee who receives an incentive benefit for retirement or termination of employment under P.L.1999, c.59 (C.43:8C-1 et seq.) shall forfeit any tenure, civil service, or other employment right for continued employment or for return to employment based upon the employment for which the employee receives the incentive benefit.

e. When the needs of the local unit require the continuation in service of an employee who elects to retire and receive an incentive benefit under P.L.1999, c.59 (C.43:8C-1 et seq.), the effective retirement date of the employee may be delayed, with the approval of the governing body of the local unit and the agreement of the employee, until the first day of any month not later than the twelfth month after the last date for retirement

under the incentive program. If an employee whose retirement is delayed under this subsection dies before the retirement becomes effective, the retirement shall be effective on the first day of the month after the date of death of the employee, unless the employee's beneficiary for retirement benefits requests in writing to the board of trustees of the retirement system that benefits payable for death in active service be paid on behalf of the employee.

f. An employee retiring with an incentive benefit under P.L.1999, c.59 (C.43:8C-1 et seq.) who has not paid the full amount of a loan from the retirement system by the effective date of retirement may repay the loan through deductions from the monthly retirement benefits in the same monthly amount which was deducted from the member's compensation immediately preceding retirement, until the balance of the amount borrowed with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining balance shall be repaid as provided in the laws governing the retirement system for repayment of loans.

g. Notwithstanding the provisions of the laws governing the retirement system, an employee purchasing service credit to qualify for a benefit under P.L.1999, c.59 (C.43:8C-1 et seq.) may, for each affected retirement system, purchase a portion of the service credit which the employee is eligible to purchase.

h. If the incentive program is approved and implemented, the actuary to the affected retirement system shall determine the full amount of the liability of the retirement system for the incentive program including the liability for the additional service credit and the earlier retirement of employees under the incentive program in accordance with the assumptions used by the retirement system to determine the full liabilities of the system. The local unit shall pay the amount of the liability determined by the actuary to the retirement system in a lump sum or through annual installment payments with regular interest at the rate used by the retirement system to determine liabilities and to estimate investment return for a period approved by the Director of the Division of Pensions and Benefits in the Department of the Treasury which shall not exceed 15 years. The local unit shall pay the cost for the actuarial work to determine the full liability of the retirement system if the incentive program is approved and implemented. If the local unit does not make payments for the liability, the cost of the actuarial work, and administrative expenses in a timely manner, the local unit shall be subject to interest and penalties on the payments on the same basis provided for late payment of employer contributions to the retirement system under the laws and rules governing the retirement system.

i. The Director of the Division of Pensions and Benefits in the Department of the Treasury shall provide a local unit with information on the estimated liability for the proposed incentive program, and actual liability if the program is approved and implemented. If the program provides additional service credit to employees under the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.) or the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), the director shall provide the eligible employees of the local unit with information on the benefits they would receive under the incentive program, and other appropriate assistance, to enable employees to decide whether to accept the incentive benefit and retire from the retirement systems if they accept the incentive benefit.

j. The powers, duties and responsibilities related to retirement systems under P.L.1999, c.59 (C.43:8C-1 et seq.) for county and municipal retirement systems shall be exercised and performed by the governing bodies of the retirement systems.

C.43:8C-5 Consultation with representative of bargaining unit.

5. Prior to the beginning date of the incentive program, appropriate representatives of the governing body of a local unit which implements an incentive program shall meet and consult with the majority representative of the bargaining unit or units which include the employees of the local unit who would be eligible for the incentive program.

C.43:8C-6 Employment level of affected local unit.

6. a. For a period of five years after the last date for retirement or termination of employment under an incentive program implemented pursuant to P.L.1999, c.59 (C.43:8C-1 et seq.), the employment level of the local unit for the provision of governmental services previously performed by employees that participated in the incentive program shall not, without the approval of the director, exceed the employment level specified in the incentive program approved by the director. The director may approve an increase in the employment level to provide the affected governmental services if the director determines that:

(1) changes in local conditions such as increased residential or commercial development, increased population, or other changes, have created an increased need or demand for the affected governmental services; and

(2) an increase in the employment level for the affected governmental services is warranted and will provide for the delivery of governmental services in an effective and cost efficient manner. The local unit shall submit annual reports to the director for five years after the last date for retirement or termination of employment under an incentive program implemented pursuant to P.L.1999, c.59 (C.43:8C-1 et seq.), in the form and

manner required by the director, concerning the number of employees and the employment costs to provide the affected governmental services.

b. If a local unit exceeds the employment levels under subsection a. of this section, it shall be required by the director to reimburse the Division of Pensions and Benefits in the Department of the Treasury for the costs of the actuarial work performed for the local unit pursuant to subsection c. of section 3 of P.L.1999, c.59 (C.43:8C-3), as determined by the director of that division.

C.43:8C-7 Rules by Director of Division of Local Government Services.

7. The director may adopt rules to effectuate the purposes of this act in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.43:8C-8 Rules by Director of Division of Pensions and Benefits.

8. The Director of the Division of Pensions and Benefits in the Department of the Treasury may adopt rules to effectuate the purposes of this act in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.43:8C-9 Incentive program for employees of merging school districts, conditions.

9. Notwithstanding the provisions of any other law to the contrary, if a school district merges with one or more other school districts due solely to municipal consolidation pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.), then the board of education of the merging district may offer and implement an incentive program for retirement or termination of employment of its employees after approval of such incentive program by the director under substantially similar terms and conditions as are provided for in sections 2, 3, 5 and 6 of P.L.1999, c.59 (C.43:8C-2, C.43:8C-3, C.43:8C-5 and C.43:8C-6), as prescribed by, and subject to the determination of, the Commissioner of the Department of Education.

10. This act shall take effect immediately.

Approved April 13, 1999.

CHAPTER 60

AN ACT concerning the regionalization of certain local government services, supplementing Title 40 of the Revised Statutes and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:8B-14 Short title.

1. This act shall be known and may be referred to as the "Regional Efficiency Development Incentive Act."

C.40:8B-15 Findings, declarations relative to regionalization of local government services.

2. The Legislature finds and declares:

a. One of the most effective ways to reduce property taxes is through the regionalization, consolidation or sharing of services by counties, municipalities and school districts.

b. Before decisions are made by local officials concerning which services to regionalize or share, and with which partners to enter into shared services agreements, regional service or consolidation opportunities need to be studied and evaluated.

c. It is therefore a valid public purpose to establish a program to provide State aid, in the form of loans and grants, to local government units to assist them in making decisions concerning the most efficient ways to regionalize or share various services and to provide funding for one-time costs required by such agreements, in order to accelerate such agreements to the benefit of the local property taxpayers.

C.40:8B-16 Definitions relative to regionalization of local government services.

3. For the purposes of this act:

"Commissioner" means the Commissioner of Education with regard to local units that are school districts.

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs with regard to local units that are not school districts.

"Local unit" means any municipal government, county government, board of education, fire or other special district, or joint meeting.

"Regional service agreement" means any agreement between local units or local units and authorities, pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.), the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.), the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) or any agreement between boards of education to provide regional, consolidated, or joint services as may be allowed by law.

C.40:8B-17 Regional Efficiency Development Incentive Program.

4. a. A local unit that plans to study or implement a regional service agreement may apply to the commissioner or director, for grants or loans to study regional service or consolidation opportunities and to fund one-time

start-up costs of regional or consolidated services. The commissioner and the director shall establish a program to be known as the Regional Efficiency Development Incentive Program, or "REDI," to accomplish this purpose, and shall jointly or separately, as appropriate, promulgate rules and regulations necessary to effectuate the purposes of the program.

b. The commissioner and director shall provide guidelines and procedures for the submission of REDI grant and loan applications.

c. Applications for regional service study funds:

(1) May require such local match of funds, as is determined by the director or commissioner, for the studies if the director or commissioner finds that the local unit is financially capable of providing such matching funds.

(2) Shall not require a local match of funds for consolidation studies under the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.).

d. Applications for one-time start-up costs shall provide that:

(1) Local units may apply for financial assistance for the one-time start-up costs necessary to implement regional services. Costs that may be financed through the issuance of debt or capital lease agreements shall be excluded from this program.

(2) The commissioner and director may set limits on aid awards and negotiate the various provisions, costs, payment provisions, and amounts of grants or loans to ensure that the regional service is cost effective and in the public interest.

e. The commissioner and director may provide technical support programs to assist local units in applying for grants or aid for studying regional services.

C.40:8B-18 Regional Efficiency Development Incentive account.

5. There is created a Regional Efficiency Development Incentive account within the Property Tax Relief Fund as a non-lapsing revolving account which shall receive monies as may be credited to it from the Property Tax Relief Fund, the repayments of loans made from the account, and any other funds as may be appropriated to the account from time to time. Monies in the account shall be appropriated for the purposes of this act.

6. The Director of the Division of Budget and Accounting shall credit to the Regional Efficiency Development Incentive (REDI) account from the Property Tax Relief Fund the amount of $10,000,000. The amount in the REDI account is appropriated for allocation by the commissioner and the director for aid and loans to be awarded to local government units pursuant to P.L.1999, c.60 (C.40:8B-14 et seq.).

7. This act shall take effect immediately.

Approved April 13, 1999.

CHAPTER 61

AN ACT concerning the regionalization of certain local government services, supplementing P.L.1990, c.61 (C.54:4-8.57 et seq.), and repealing various sections of law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54:4-8.76 Short title.

1. This act shall be known and may be referred to as the "Regional Efficiency Aid Program Act."

C.54:4-8.77 Findings, declarations relative to regionalization of certain local government services.

2. The Legislature finds and declares:

a. One of the most effective ways to reduce property taxes is through the regionalization, consolidation or sharing of services by local units and school districts.

b. Due to institutional and financial limitations on these governmental units, regionalized, consolidated and shared alternatives have not been widely adopted, resulting in duplication of services and excess costs levied on property taxpayers.

c. A program of providing State aid to governmental units that successfully implement strategies to regionalize, consolidate and share services will be an innovative and important means of providing a financial incentive to overcome the institutional limitations of local units and school districts.

d. To overcome these institutional limitations and to ensure property tax relief, the State should provide State aid in the form of a property tax credit of a sum of money related to property taxes as authorized by Article VIII, Section I, paragraph 5 of the Constitution directly to the taxpayer, while the governmental unit realizes the budgetary savings from shared, regionalized or consolidated services and passes these additional savings through to taxpayers through a reduction in property tax obligations.

e. Further, combining State-funded property tax relief with fiscal assistance for the planning and start-up costs associated with new shared, regionalized or consolidated services will provide additional incentives for government units to take advantage of the potential savings.

C.54:4-8.78 Definitions relative to regionalization of certain local government services.

3. For the purposes of this act:

"Commissioner" means the Commissioner of Education with regard to local units that are school districts.

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs with regard to local units that are not school districts.

"Local unit" means any municipal government, county government, board of education, fire or other special district that raises or relies upon property tax revenue as a budget revenue, or joint meeting.

"Residential property" means a homestead as defined in P.L.1990, c.61, s.2 (C.54:4-8.58).

"Regional service agreement" means any agreement entered into on or after July 1, 1997, between local units, or local units and authorities, pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.), the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.), the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) or any agreement, entered into on or after July 1, 1997, between two or more boards of education to provide regional, consolidated, or joint services as may be allowed by law, which agreement shall contain projections by the local units or authorities of their total cost savings anticipated through the agreement.

C.54:4-8.79 Application for State aid to reduce property taxes; REAP formula.

4. a. Local units that enter into regional service agreements, either as providers or receivers of services after July 1, 1997, may apply for State aid to reduce property taxes owed on residential property as provided in P.L.1999, c.61 (C.54:4-8.76 et seq.). Each residential property shall receive a reduction in the total property tax obligation during each calendar year in which the local unit receives aid based on the regional services that are entered into by the local units serving the residential property. Aid shall be granted for each calendar year during which a regional service agreement is in effect. This program shall be known as the "Regional Efficiency Aid Program" or "REAP."

b. The formula for allocating REAP aid shall use the following variables, where:

P = total number of points accumulated for the regional services of the local unit provided by or to the local unit

D = dollar value per point

C = latest population of a municipality using the most recent State population estimates provided by the New Jersey Department of Labor or the U.S. Bureau of the Census, whichever is most recent.

W = weighting factor of fiscal stress

T = total aid

and the formula shall be: $T = P \times C \times D \times W$;

or: Total aid = total number of points times population, times dollar value of a point, times weighting factor.

c. A system of determining variables in the formula for allocating State aid, other than for determining the dollar value of a point, shall be proposed within six months of enactment of this act by the commissioner and director, and shall be adopted by each as rules pursuant to the "Administrative Procedure Act," P.L.1968, 410 (C.52:14B-1 et seq.). The dollar value (D) of a point shall be one dollar per point. The system shall have the following provisions:

(1) A schedule of the number of points for each type of service shall be set by the commissioner or director, as appropriate to the local government unit.

(2) The director or the commissioner may assign the amount of points for services that are not included on the schedule on a case-by-case basis.

(3) The assignment of the number of points may be based on the percentage of the cost of the service in the current budget of the local unit, a relative value scale of the importance of the service, a combination of the two, or such other criteria that shall be designated by the commissioner or the director to provide incentives as they deem necessary or appropriate.

(4) An increase to the number of points by an amount not to exceed 25% of the number provided to the recipient, to be granted to the provider of regional service.

(5) A formula for weighting points based on a local unit's degree of fiscal stress.

d. The commissioner and the director shall establish procedures for the administration of REAP aid and provide for an application and award process that:

(1) is concurrent with the timetable and process of setting property tax rates;

(2) ensures that regional services are bonafide;

(3) ensures that to qualify for the receipt of REAP aid under P.L.1999, c.61 (C.54:4-8.76 et seq.), regional services result in savings for the cost of services, including any new capital expenditures, reflected as current or future budget reductions, limits on future cost increases, minimizing the costs of a new service, or such other criteria as the commissioner or director may deem relevant; and

(4) provides for monitoring, oversight, and enforcement of the provisions of REAP.

e. Each year the director and commissioner shall review applications and calculate the allowable number of points accumulated by the respective local units and calculate the amount of REAP aid each local unit has earned. The commissioner shall properly allocate aid to ensure that the municipalities constituting sending districts, and regional and consolidated school

districts receive their share of aid based on their proportion of taxes or tuition paid, or other appropriate measure.

f. All local unit appropriations for regional services for which REAP aid is provided shall be exempt from the limitations on appropriations pursuant to the provisions of the laws limiting local unit expenditures, P.L.1976, c.68 (C.40A:4-45.1 et seq.), and subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

g. The tax assessor of each taxing district for which a local unit has applied to receive REAP aid shall identify those parcels that qualify as residential property.

(1) As a condition of eligibility for a REAP property tax credit, taxpayers of the taxing district may be required to answer questionnaires and to certify that the property for which a REAP property tax credit is sought is residential property as defined in section 3 of P.L.1999, c.61 (C.54:4-8.78). Such questionnaires and certifications may be appended to the notice required by section 32 of P.L.1991, c.75 (C.54:4-38.1), in a form to be adopted by the Director of the Division of Taxation. The assessor may also utilize any other information that will aid in determining whether a parcel qualifies as residential property. The determination of the tax assessor as to whether a parcel qualifies as residential property shall be final unless such determination is appealed to the county board of taxation.

(2) The assessor shall provide to each local unit making its first application for REAP aid an explanation of how residential properties shall be identified, which explanation shall be included in the application.

(3) By May 1 of each year, the assessor shall identify to the county board of taxation the properties which the assessor has identified as residential property, together with a certification that the assessor has made good faith efforts in so identifying those properties.

h. A REAP property tax credit shall be applied to each residential property each year as follows:

(1) The director and commissioner shall certify to each county board of taxation, the Director of the Division of Budget and Accounting, the Legislative Budget and Finance Officer, and the Senate President and the Speaker of the General Assembly, by May 1 of each year, the amount of REAP aid due to each local unit for that tax year.

(2) When the table of aggregates prepared pursuant to R.S.54:4-52 for each municipality is prepared, a tax credit rate shall be calculated using the calculation of total REAP aid divided by the total taxable value of residential property.

(3) The tax credit rate shall be multiplied by the taxable value for each residential property, the product of which shall be deducted from the total

taxes due, before deductions, on each residential property for the tax year. The tax credit rate and amount of the credit shall be displayed on the tax bill.

i. The total amount of REAP aid shall be paid by the Director of the Division of Budget and Accounting as State aid to each municipality in two equal installments payable on August 1 and November 1 of each year.

j. The director shall establish a procedure for information about the aid program and the amount of REAP aid earned by each taxing district to be printed on, or mailed with, the tax bill.

k. The Director of the Division of Taxation shall assist in identifying residential properties as defined in this act and may make any additions to notices of assessments or to other forms or notices as the Director of the Division of Taxation deems appropriate, and may promulgate regulations for the identification of residential property, including a requirement that taxpayers timely complete certifications or questionnaires in order to be eligible for a REAP tax credit. Notwithstanding the provisions of R.S.54:50-8 to the contrary, the Director of the Division of Taxation may provide such information as he deems necessary to the commissioner, the director or the county boards of taxation to implement the provisions of P.L.1999, c.61 (C.54:4-8.76 et seq.). The Director of the Division of Taxation, the director and the commissioner may adopt rules to effectuate the purposes of P.L.1999, c.61 (C.54:4-8.76 et seq.) in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.54:4-8.80 Regional Efficiency Aid Program.

5. a. There is created a Regional Efficiency Aid Program within the Property Tax Relief Fund which shall be a non-lapsing revolving account which shall receive appropriations and repayments of loans as may be determined necessary by the State Treasurer.

b. Each year the Legislature shall appropriate such funds for REAP as are determined to be appropriate based upon certification by the commissioner and director, subject to the approval of the State Treasurer.

C.54:4-8.81 Rules for REAP aid to tenants.

6. In addition to any provisions of the "Tenants' Property Tax Rebate Act," P.L.1976, c.63 (C.54:4-6.2 et seq.), the director shall, through rules adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), provide that REAP aid received by owners of residential property under P.L.1999, c.61 (C.54:4-8.76 et seq.) shall be provided to tenants as a tenant property tax rebate.

Repealer.

7. The following sections of law are repealed:

The "Interlocal Services Aid Act," P.L.1973, c.289 (C.40:8B-1 through 40:8B-9);

The "Economy in Government Loan Fund Act," sections 3 through 6 of P.L.1981, c.529 (C.40:8B-10 through 40:8B-13).

8. This act shall take effect immediately.

Approved April 13, 1999.

CHAPTER 62

AN ACT appropriating $6,000,000 from the "Jobs, Education and Competitiveness Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Commission on Higher Education, in, but not of, the Department of State, from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of $6,000,000 for the purpose of constructing, reconstructing, developing, extending, improving and equipping classrooms, academic buildings, libraries, computer facilities and other higher education buildings. The sum shall be allocated to the following institution of higher education which shall provide funds to projects which have been approved by the Commission on Higher Education as provided below:

Project	**Institution Funds**	**P.L. 1988, c.78**
Construction of Higher Education Buildings at the New Jersey State Colleges		
Academic Classroom Building at Kean University	$3,100,000	$6,000,000
TOTAL		**$6,000,000**

2. This act shall take effect immediately.

Approved April 14, 1999.

CHAPTER 63

AN ACT providing for direct property tax relief for individual homestead owners and renters in this State, establishing the New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act (the NJ SAVER and Homestead Rebate Act), amending and supplementing P.L.1990, c.61 (C.54:4-8.57 et seq.), amending P.L.1981, c.239 and P.L.1997, c.348, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1990, c.61 (C.54:4-8.57) is amended to read as follows:

C.54:4-8.57 Short title.

1. Sections 1 through 10 of P.L.1990, c.61 (C.54:4-8.57 through 54:4-8.66) and sections 3, 4, 14 through 16, 18 and 19 of P.L.1999, c.63 (C.54:4-8.58a, C.54:4-8.58b and C.54:4-8.66a through C.54:4-8.66e) shall be known and may be cited as the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act" (NJ SAVER and Homestead Rebate Act).

2. Section 2 of P.L.1990, c.61 (C.54:4-8.58) is amended to read as follows:

C.54:4-8.58 Definitions relative to NJ SAVER and homestead rebates.

2. As used in sections 2 through 10 of P.L.1990, c.61 (C.54:4-8.58 through 54:4-8.66) and sections 3, 4, and 14 through 16 of P.L.1999, c.63 (C.54:4-8.58a and 54:4-8.66a through C.54:4-8.66c):

"Condominium" means the form of real property ownership provided for under the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.);

"Continuing care retirement community" means a residential facility primarily for retired persons where lodging and nursing, medical or other health related services at the same or another location are provided as continuing care to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges;

"Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or

association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association;

"Director" means the Director of the Division of Taxation in the Department of the Treasury;

"Dwelling house" means any residential property assessed as real property which consists of not more than four units, of which not more than one may be used for commercial purposes, but shall not include a unit in a condominium, cooperative, horizontal property regime or mutual housing corporation;

"Equalized property value" means the assessed value of a homestead on which an NJ SAVER applicant has paid property taxes for the tax year, as certified by the county board of taxation pursuant to R.S.54:4-55, divided by the ratio of assessed value to true value of the municipality, as adopted by the director on October 1 of that year pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

"Homestead" means:

a. (1) a dwelling house and the land on which that dwelling house is located which constitutes the place of the claimant's domicile and is owned and used by the claimant as the claimant's principal residence;

(2) a dwelling house situated on land owned by a person other than the claimant which constitutes the place of the claimant's domicile and is owned and used by the claimant as the claimant's principal residence;

(3) a condominium unit or a unit in a horizontal property regime which constitutes the place of the claimant's domicile and is owned and used by the claimant as the claimant's principal residence;

(4) for purposes of this definition as provided in this subsection, in addition to the generally accepted meaning of owned or ownership, a homestead shall be deemed to be owned by a person if that person is a tenant for life or a tenant under a lease for 99 years or more and is entitled to and actually takes possession of the homestead under an executory contract for the sale thereof or under an agreement with a lending institution which holds title as security for a loan, or is a resident of a continuing care retirement community pursuant to a contract for continuing care for the life of that person which requires the resident to bear a share of the property taxes that are assessed upon the continuing care retirement community, if a share is attributable to the unit that the resident occupies;

b. a unit in a cooperative or mutual housing corporation which constitutes the place of domicile of a residential shareholder or lessee therein, or of a lessee, or shareholder who is not a residential shareholder therein, and which is used by the claimant as the claimant's principal residence; and

c. a unit of residential rental property which unit constitutes the place of the claimant's domicile and is used by the claimant as the claimant's principal residence;

"Horizontal property regime" means the form of real property ownership provided for under the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.);

"Gross income" means all New Jersey gross income required to be reported pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., other than income excludable from the gross income tax return, but before reduction thereof by any applicable exemptions, deductions and credits, received during the taxable year by the owner or residential shareholder in, or lessee of, a homestead;

"Manufactured home" or "mobile home" means a unit of housing which:

(1) Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;

(2) Is built on a permanent chassis;

(3) Is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and

(4) Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s.5401 et seq.) and the standards promulgated for a manufactured or mobile home by the commissioner pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.);

"Mobile home park" means a parcel of land, or two or more parcels of land, containing no fewer than 10 sites equipped for the installation of manufactured or mobile homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured or mobile home for the installation thereof, and where the owner or owners provide services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include but shall not be limited to:

(1) The construction and maintenance of streets;

(2) Lighting of streets and other common areas;

(3) Garbage removal;

(4) Snow removal; and

(5) Provisions for the drainage of surface water from home sites and common areas;

"Mutual housing corporation" means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis

within the scope of section 607 of the Lanham Act (National Defense Housing), Pub.L.849, 76th Congress (42 U.S.C. s.1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act;

"NJ SAVER applicant" means an individual who files an application for an NJ SAVER rebate pursuant to section 4 of P.L.1999, c.63 (C.54:4-8.58b);

"NJ SAVER property value amount" means the lesser of

a. $45,000, or

b. the highest equalized property value of a homestead for the 1997 tax year or any subsequent tax year, provided that if in any such year the equalized property value of that homestead equals $45,000 or more, the NJ SAVER property value amount for that homestead shall be $45,000 in any subsequent tax year;

"NJ SAVER school tax rate" means for a municipality the result of the total school tax levies divided by the net valuation taxable for the municipality as shown in the 1997 county abstract of ratables multiplied by the ratio of assessed value to true value of the municipality promulgated by the director on October 1, 1997, as prepared pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.);

"Principal residence" means a homestead actually and continually occupied by a claimant as the claimant's permanent residence, as distinguished from a vacation home, property owned and rented or offered for rent by the claimant, and other secondary real property holdings;

"Property tax" means payments to a municipality based upon an assessment made by the municipality upon real property on an ad valorem basis on land, improvements or both, but shall not include payments made in lieu of taxes;

"Rent constituting property taxes" means 18% of the rent paid by the homestead rebate claimant during the tax year on a unit of residential rental property which constitutes the claimant's homestead, and in the case of a manufactured home or mobile home in a mobile home park which constitutes the claimant's homestead means 18% of the site fee paid by the claimant during the tax year to the owner of the mobile home park;

"Resident" means an individual:

a. who is domiciled in this State, unless he maintains no permanent place of abode in this State, maintains a permanent place of abode elsewhere, and spends in the aggregate no more than 30 days of the tax year in this State; or

b. who is not domiciled in this State but maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the

tax year in this State, unless the individual is in the Armed Forces of the United States;

"Residential rental property" means:

a. any building or structure or complex of buildings or structures in which dwelling units are rented or leased or offered for rental or lease for residential purposes;

b. a rooming house, hotel or motel, if the rooms constituting the homestead are equipped with kitchen and bathroom facilities;

c. any building or structure or complex of buildings or structures constructed under the following sections of the National Housing Act (Pub. L.73-479) as amended and supplemented: section 202, Housing Act of 1959 (Pub.L.86-372) and as subsequently amended, section 231, Housing Act of 1959; and

d. a site in a mobile home park equipped for the installation of manufactured or mobile homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured or mobile home for the installation thereof;

"Residential shareholder in a cooperative or mutual housing corporation" means a tenant or holder of a membership interest in that cooperative or corporation, whose residential unit therein constitutes the tenant or holder's domicile and principal residence, and who may deduct real property taxes for purposes of federal income tax pursuant to section 216 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.216; and

"Tax year" means the calendar year in which property taxes are due and payable.

C.54:4-8.58a NJ SAVER rebate, homestead rebate; the greater amount, determination.

3. The director shall determine the amount of the NJ SAVER rebate or homestead rebate that shall be paid to each claimant pursuant to P.L.1999, c.63 (C.54:4-8.58a et al.) based upon the information provided by the individual applicant in the application or from any other information as may be available to the director in order that each individual applicant shall be paid the greater of the NJ SAVER rebate amount that may be allowed to the applicant pursuant to section 4 of P.L.1999, c.63 (C.54:4-8.58b) or the homestead rebate amount that may be allowed to the claimant pursuant to sections 3 through 5 of P.L.1990, c.61 (C.54:4-8.59 through 54:4-8.61). If the payment of the lesser rebate is actually first distributed to an individual who may be allowed for the same tax year the greater rebate, the director may provide for the payment of the amount of the difference to that individual in any convenient manner, form and time as the director shall prescribe.

C.54:4-8.58b NJ SAVER rebate, amount; eligibility; conditions.

4. a. A resident of this State who has paid property taxes for the tax year on a homestead that is owned as such, who has filed an application for an

NJ SAVER rebate pursuant to the provisions of P.L.1999, c.63 (C.54:4-8.58a et al.), shall be allowed an NJ SAVER rebate in the amount determined by the director pursuant to this section. The amount of the NJ SAVER rebate shall be equal to the product of (1) the NJ SAVER property value amount, multiplied by (2) the NJ SAVER school tax rate for the municipality in which the claimant maintains the homestead for which the claimant has paid property taxes for the tax year; provided however, that the NJ SAVER rebate amount for the 1998 tax year to be paid on or before September 30, 1999 shall be 20% of the amount otherwise determined, the NJ SAVER rebate amount for the 1999 tax year to be paid on or before September 30, 2000 shall be 40% of the amount otherwise determined, the NJ SAVER rebate amount for the 2000 tax year to be paid on or before September 30, 2001 shall be 60% of the amount otherwise determined, and the NJ SAVER rebate amount for the 2001 tax year to be paid on or before September 30, 2002 shall be 80% of the amount otherwise determined.

b. Eligibility for an NJ SAVER rebate shall be based upon the prerequisites for an NJ SAVER rebate having been met by the applicant at 12:01 A.M. on October 1 of the tax year for which the NJ SAVER rebate is claimed.

c. If title to a homestead is held by more than one individual, other than a husband and wife, as joint tenants or tenants in common, each individual shall be allowed an NJ SAVER rebate pursuant to this section only in relation to the individual's proportionate share of interest in the title. Title shall be presumed to be held in equal shares among all co-owners, but if the applicant satisfactorily demonstrates to the director that under the conveyance under which the title is held, or otherwise satisfactorily demonstrates that the title provides for unequal interests therein, that applicant's NJ SAVER rebate shall be in proportion to the claimant's interest in the title.

d. If the homestead of an NJ SAVER applicant is a residential property consisting of more than one unit, that applicant shall be allowed an NJ SAVER rebate pursuant to this section only in relation to the proportionate share of the school property taxes assessed and levied against the residential unit occupied by that applicant, as satisfactorily demonstrated by the applicant to the director.

e. A homestead held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but no more than one NJ SAVER rebate in regard to that homestead shall be allowed in any year. If a husband and wife file separate NJ SAVER applications for a tax year for the same homestead, the amount of the NJ SAVER rebate allowed in regard to that homestead shall be paid in one-half equal amounts to each applicant. An application for an NJ SAVER rebate shall be allowed for a homestead the title to which is held by a partnership, to the extent of the applicant's interest as a partner therein, and by a guardian, trustee, committee,

conservator or other fiduciary for any individual who would be otherwise be eligible for an NJ SAVER rebate.

5. Section 3 of P.L.1990, c.61 (C.54:4-8.59) is amended to read as follows:

C.54:4-8.59 Homestead rebate, amount; eligibility, conditions.

3. a. A resident of this State who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, shall be allowed a homestead rebate for the tax year equal to the amount by which property taxes paid by the claimant in that tax year on the claimant's homestead exceed 5% of the claimant's gross income, up to a maximum homestead rebate of $500 (rounded to the nearest whole dollar), provided that:

(1) in the case of a married couple filing a joint New Jersey gross income tax return or an individual filing a return who determines gross income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income does not exceed $70,000 for that year;

(2) in the case of an unmarried individual who determines gross income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income does not exceed $35,000 for that year;

(3) in the case of a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State, the combined gross income of both spouses does not exceed $70,000, but in no event shall the homestead rebate claimed under this subsection exceed one-half of the amount of the homestead rebate allowable had the spouses filed a joint return and homestead rebate application; and

(4) in the case of a married individual filing a separate gross income tax return and maintaining a homestead apart from that individual's spouse, gross income does not exceed $35,000.

b. A homestead rebate shall be allowed pursuant to subsection a. of this section in relation to the amount of the property taxes actually paid by or allocable to a resident property taxpayer who is a claimant on more than one homestead, but the aggregate amount of the property taxes claimed shall not exceed the total of the proportionate amounts of property taxes assessed and levied against or allocable to each homestead for the portion of the tax year the claimant occupied it as the claimant's principal residence.

c. If title to a homestead is held by more than one individual as joint tenants or tenants in common, each individual shall be allowed a homestead rebate pursuant to this section only in relation to the individual's proportionate share of the property taxes assessed and levied against the homestead.

The individual's proportionate share of the property taxes on that homestead shall be equal to the share of that individual's interest in the title. Title shall be presumed to be held in equal shares among all co-owners, but if the claimant satisfactorily demonstrates to the director that title provides for unequal interests, either under the conveyance under which the title is held, or as otherwise may be demonstrated, that claimant's share of the property taxes paid on that homestead shall be in proportion to the claimant's interest in the title.

d. If the homestead of a claimant is a residential property consisting of more than one unit, that claimant shall be allowed a homestead rebate pursuant to this section only in relation to the proportionate share of the property taxes assessed and levied against the residential unit occupied by that claimant, as determined by the local tax assessor.

e. Nothing in this section shall preclude a co-owner, other than a husband or wife claiming a homestead rebate on the same homestead, from receiving a homestead rebate determined pursuant to subsection f. or g. of this section if another co-owner claims a homestead rebate pursuant to subsection a. of this section, provided however, that each claim for a homestead rebate determined pursuant to subsections a. and f. of this section shall be separately subject to the provisions of subsections c. and d. of this section and each claim for a homestead rebate determined pursuant to subsection g. of this section shall be separately subject to the provisions of that subsection.

f. (1) Notwithstanding the provisions of subsection a. of this section to the contrary, a homestead rebate shall be allowed for a resident of this State who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who has paid property taxes in that tax year on the claimant's homestead, which shall not be less than:

(a) $150 for property taxes paid on one homestead for the tax year if the claimant's gross income does not exceed $70,000 for that year; or

(b) $100 for property taxes paid on one homestead for the tax year if the claimant's gross income exceeds $70,000 but does not exceed $100,000 for that year.

(2) If a claimant who is eligible to receive a homestead rebate in an amount set forth in paragraph (1) of this subsection paid property taxes on homesteads maintained as such in this State for less than the full tax year, the homestead rebate amount set forth in paragraph (1) shall be prorated in the proportion which the number of days that the homesteads were maintained during the tax year bears to 365 days. The homestead rebate amount set forth in paragraph (1) of this subsection shall be subject to any further proportionate reduction as may be applicable pursuant to subsections

c. and d. of this section. The homestead rebate amount set forth in paragraph (1) of this subsection that is subject to any proportionate reduction shall be rounded to the nearest whole dollar. The homestead rebate amount set forth in paragraph (1) of this subsection that is claimed based upon a homestead maintained by both spouses shall be determined based upon the combined gross income of both spouses regardless of whether the claimants filed a joint New Jersey gross income tax return or separate New Jersey gross income tax returns for the tax year.

g. (1) A resident of this State who is not 65 years of age or older at the close of the tax year, and who is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who maintains a homestead for which property taxes have been paid for the tax year, who has gross income for the tax year not in excess of $40,000, shall be allowed a homestead rebate pursuant to this subsection of $90, provided however, that the homestead rebate allowed pursuant to this subsection shall be subject to the limitations and reductions as may apply pursuant to the provisions of subsections b. through d. of this section.

(2) In the case of a claimant who is a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State: (a) if the combined gross income of both spouses exceeds $40,000 then neither spouse shall be entitled to a rebate pursuant to this subsection; or (b) if the combined gross income of both spouses does not exceed $40,000, then the maximum homestead rebate paid pursuant to this subsection to each spouse shall not exceed one-half of the amount of the homestead rebate allowable had the spouses filed a joint return and homestead rebate application.

(3) A rebate paid pursuant to this subsection shall be subject to such proportionate reductions in amount as relate to the claimant's number of days as an owner of the homestead during the tax year.

6. Section 4 of P.L.1990, c.61 (C.54:4-8.60) is amended to read as follows:

C.54:4-8.60 Rebates for residential rental property units, amount; eligibility, conditions.

4. a. A resident of this State who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, whose homestead is a unit of residential rental property shall be allowed a homestead rebate for the tax year equal to the amount by which the claimant's rent constituting property taxes in that tax year exceeds 5% of the

claimant's gross income, up to a maximum rebate of $500 (rounded to the nearest whole dollar), provided that:

(1) in the case of a married couple filing a joint New Jersey gross income tax return or an individual filing a return who determines gross income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income does not exceed $70,000 for that year;

(2) in the case of an unmarried individual who determines gross income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income does not exceed $35,000 for that year;

(3) in the case of a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State, the combined gross income of both spouses does not exceed $70,000, but in no event shall the homestead rebate claimed under this subsection exceed one-half of the amount of the homestead rebate allowable had the spouses filed a joint return and homestead rebate application; and

(4) in the case of a married individual filing a separate gross income tax return and maintaining a homestead apart from that individual's spouse, gross income does not exceed $35,000.

b. If more than one resident, other than a husband and wife, qualify for a homestead rebate by reason of their having occupied the same unit of residential rental property as their homestead, it shall be presumed that each claimant shall be allowed a homestead rebate pursuant to this section only in relation to the individual's proportionate share of the total rent constituting property taxes paid by that claimant which homestead rebate shall be in proportion to the percentage that the total rent paid by that claimant bears to the total rent paid by all tenants of the same unit. For the purposes of a homestead rebate claimed by an individual subject to this subsection, the names and social security numbers of each co-tenant shall be reported by the claimant and the total rent paid shall be presumed to be paid in equal parts among all co-tenants.

c. If a claimant for a homestead rebate pursuant to this section has no other homestead in this State other than a unit of residential rental property, and that claimant was not a resident of this State for the full tax year, but paid rent for the full tax year for one or more units of residential rental property in this State, the claimant's total homestead rebate otherwise calculated pursuant to this section shall be prorated in the proportion which the number of days the claimant occupied residential rental property in this State as a homestead during the tax year bears to 365 days.

d. Nothing in this section shall preclude a co-tenant, other than a husband or wife claiming a homestead rebate on the same homestead, from receiving a homestead rebate determined pursuant to subsection e. or f. of

this section if another co-tenant claims a rebate pursuant to subsection a. of this section, provided however, that each such claim shall be separately subject to the provisions of subsections b. and c. of this section.

e. (1) Notwithstanding the provisions of subsection a. of this section to the contrary, a homestead rebate shall be allowed for a resident of this State who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, whose homestead is a unit of residential rental property which shall not be less than:

(a) $65 for property taxes paid through rent on the homestead for the tax year if the claimant's gross income does not exceed $70,000 for that year; or

(b) $35 for property taxes paid through rent on the homestead for the tax year if the claimant's gross income exceeds $70,000 but does not exceed $100,000 for that year.

(2) If a claimant who is eligible to receive a homestead rebate in an amount set forth in paragraph (1) of this subsection paid rent for less than the full tax year on one or more homesteads in this State maintained as such for less than the full tax year, the homestead rebate amount set forth in paragraph (1) shall be prorated in the proportion which the number of days that the homestead was maintained during the tax year bears to 365 days. A claim for a homestead rebate in an amount set forth in paragraph (1) of this subsection shall be subject to such further proportionate reduction as may be required pursuant to subsections b. and c. of this section. A homestead rebate in an amount set forth in paragraph (1) of this subsection subject to any proportionate reduction shall be rounded to the nearest whole dollar. A claim for a homestead rebate in an amount set forth in paragraph (1) of this subsection based upon a homestead maintained by both spouses shall be determined based upon the combined gross income of both spouses regardless of whether the claimants filed a joint New Jersey gross income tax return or separate New Jersey gross income tax returns for the tax year.

f. (1) A resident of this State who is not 65 years of age or older at the close of the tax year, and who is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, whose homestead is a unit of residential rental property, who has gross income for the tax year not in excess of $100,000, shall be allowed a homestead rebate pursuant to this subsection of $30 for property taxes paid through rent during the 1998 tax year, $40 for property taxes paid through rent during the 1999 tax year, $60 for property taxes paid through rent during the 2000 tax year, $80 for property taxes paid through rent during the 2001 tax year, and $100 for property taxes paid through rent during any tax year thereafter, provided however, that the homestead rebate allowed

pursuant to this subsection shall be subject to the limitations and reductions as may apply pursuant to the provisions of subsections b. and c. of this section and such proportionate reduction as may relate to the number of days the claimant was a tenant in a unit of residential rental property maintained as a homestead in this State during the tax year.

(2) The gross income limit imposed in paragraph (1) of this subsection for a claim for a homestead rebate made pursuant to this subsection that is based upon a homestead maintained by both spouses shall be based upon the combined gross income of both spouses if the claimants filed a joint New Jersey gross income tax return for the tax year. If a claim by a married individual for a homestead rebate made pursuant to this subsection is based upon a homestead maintained by both spouses who each file separate New Jersey gross income tax returns for the tax year, no homestead rebate for the tax year shall be paid to either spouse if their combined gross income exceeds the gross income limit imposed in paragraph (1) of this subsection. For such a claim, if the combined gross income of both spouses does not exceed the gross income limit imposed in paragraph (1) of this subsection, then each such spouse making a claim shall be allowed a homestead rebate amount equal to one-half of the homestead rebate amount otherwise allowed pursuant to this subsection.

7. Section 5 of P.L.1990, c.61 (C.54:4-8.61) is amended to read as follows:

C.54:4-8.61 Rebates for property taxes and rent.

5. a. A resident of this State who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is a resident of this State for the full tax year for which a homestead rebate is claimed, whose homestead has been other than a unit of residential rental property for a part of the tax year and has been a unit of residential rental property for the remainder of that year, shall be allowed a homestead rebate for that tax year equal to the amount by which the sum of the actual property taxes paid by the claimant and the rent constituting property taxes paid by the claimant in that tax year exceeds 5% of the claimant's gross income, up to a maximum rebate of $500 (rounded to the nearest whole dollar), provided that:

(1) in the case of a married couple filing a joint New Jersey gross income tax return or an individual filing a return who determines gross income tax pursuant to subsection a. of N.J.S.54A:2-1, gross income does not exceed $70,000 for that year;

(2) in the case of an unmarried individual who determines gross income tax pursuant to subsection b. of N.J.S.54A:2-1, gross income does not exceed $35,000 for that year;

(3) in the case of a married individual filing a separate New Jersey gross income tax return, if the spouse of the claimant maintains the same homestead as the claimant and also files a separate gross income tax return in this State, the combined gross income of both spouses does not exceed $70,000, but in no event shall the homestead rebate claimed under this subsection exceed one-half of the amount of the homestead rebate allowable had the spouses filed a joint return and rebate application; and

(4) in the case of a married individual filing a separate gross income tax return and maintaining a homestead apart from that individual's spouse, gross income does not exceed $35,000.

b. (1) Notwithstanding the provisions of subsection a. of this section to the contrary, a homestead rebate shall be allowed for a resident of this State who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is a resident of this State for the full tax year for which a homestead rebate is claimed, who has paid property taxes on a homestead other than a unit of residential rental property for a part of the tax year and has paid property taxes through rent on a unit of residential rental property for the remainder of that year, which shall not be less than:

(a) the sum of that portion of $150 which the number of days that the claimant's homestead was other than a unit of residential rental property bears to 365 days and that portion of $65 which the number of days that the claimant's homestead was a unit of residential rental property bears to 365 days, if the claimant's gross income does not exceed $70,000 for that year; or

(b) the sum of that portion of $100 which the number of days that the claimant's homestead was other than a unit of residential rental property bears to 365 days and that portion of $35 which the number of days that the claimant's homestead was a unit of residential rental property bears to 365 days, if the claimant's gross income exceeds $70,000 but does not exceed $100,000 for that year.

(2) A claim for a homestead rebate pursuant to this subsection shall first be subject to such further proportionate reductions to the respective portions of the sums determined pursuant to subparagraph (a) or (b) of paragraph (1) of this subsection as may be required pursuant to subsections c. and d. of section 3 of P.L.1990, c.61 (C.54:4-8.59) and subsections b. and c. of section 4 of P.L.1990, c.61 (C.54:4-8.60). A homestead rebate determined pursuant to this subsection shall be rounded to the nearest whole dollar. A claim for a homestead rebate determined pursuant to this subsection based upon a homestead maintained by both spouses shall be determined based

upon the combined gross income of both spouses regardless of whether the claimants filed a joint New Jersey gross income tax return or separate New Jersey gross income tax returns for the tax year.

c. A claim for a homestead rebate for a resident of this State who is not 65 years of age or older at the close of the tax year, and who is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who is a resident of this State for the full tax year for which a homestead rebate is claimed, who has paid property taxes on a homestead other than a unit of residential rental property for a part of the tax year and has paid property taxes through rent on a unit of residential rental property for the remainder of that year shall be determined based upon the sum of:

(1) a homestead rebate determined under subsection g. of section 3 of P.L.1990, c.61 (C.54:4-8.59), as may apply, subject to such proportionate reduction as relates to the number of days that the claimant's homestead was other than a unit of residential rental property bears to 365 days; and

(2) a homestead rebate determined under subsection f. of section 4 of P.L.1990, c.61 (C.54:4-8.60), as may apply, subject to such proportionate reduction as relates to the number of days that the claimant's homestead was a unit of residential rental property bears to 365 days.

8. Section 6 of P.L.1990, c.61 (C.54:4-8.62) is amended to read as follows:

C.54:4-8.62 Rebate applications.

6. a. No NJ SAVER rebate or homestead rebate shall be allowed pursuant to this act except upon annual application therefor, in any manner, upon any form, and in any format, whether in writing or otherwise, as shall be prescribed by the director. The director may require a claimant for a homestead rebate to attach to the homestead rebate application a copy of the appropriate property tax bill or proof of rent paid for the prior tax year. The director may require such other verification of eligibility for an NJ SAVER rebate or homestead rebate as the director may deem necessary. The application for a homestead rebate shall be submitted (1) as part of the claimant's gross income tax return filed pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or, (2) on any other form, in any manner or format and at any time and prior to any date as the director shall prescribe if (a) the claimant is not required to file a gross income tax return or (b) the claimant has filed an application for extension of time to file the claimant's gross income tax return. The director may require that the application for an NJ SAVER rebate shall be submitted (1) as part of the applicant's gross income tax return filed pursuant to the "New Jersey Gross

Income Tax Act," N.J.S.54A:1-1 et seq., or (2) on any other form, in any other format and at any time and prior to any date as the director shall prescribe. The director shall, for good cause shown, extend the time of any applicant to file a claim for an NJ SAVER rebate or homestead rebate for a reasonable period, and in such case, the application shall be processed and payment of an NJ SAVER or homestead rebate made in accordance with the procedures established in the case of applications timely filed. The director may require sworn applications. In the event that the director waives the requirement of sworn applications, all declarations by claimants shall be considered as if made under oath and claimants, as to false declarations, shall be subject to the penalties as provided by law for perjury.

b. Upon approval of NJ SAVER and homestead rebate applications by the director, the director shall prepare lists of individuals entitled to a rebate, together with the respective amounts due each claimant and shall forward such lists to the State Treasurer, the Director of the Division of Budget and Accounting and any other officials as the director deems appropriate on or before the earliest of such date or dates as may be convenient for the director to compile such lists. The director may inspect all records in the offices of the tax collector and tax assessor of a municipality with respect to applications, claims and allowances for NJ SAVER rebates and homestead rebates.

c. If an NJ SAVER or homestead rebate application contains a claim for a rebate that is incorrectly determined by the claimant or is based upon incorrect or insufficient information from which the director is to approve the claim, the director may determine the eligibility of the claimant for an NJ SAVER or homestead rebate and the correct amount of an NJ SAVER or homestead rebate to be paid to that claimant from such other information as may be available to the director. In addition, the director may adjust the amount of any NJ SAVER or homestead rebate to which a claimant may be entitled by any part of the amount of any previous NJ SAVER or homestead rebate erroneously claimed by and paid to that claimant.

d. In the case of a claimant for an NJ SAVER rebate or a homestead rebate whose homestead is a unit in a cooperative, mutual housing corporation or continuing care retirement community, the director may provide that the application shall include the name and address of the location of the property and the amount of real property taxes attributed to the cooperative, mutual housing residential unit or continuing care retirement community residential unit, as shall be indicated in an official notice which shall be furnished by the cooperative, mutual housing corporation or continuing care retirement community for the same year.

e. An NJ SAVER rebate or a homestead rebate shall be allowed pursuant to this act for a claimant whose ownership of an interest in a

homestead is satisfied by the holding of the beneficial interest if legal title thereto or share therein is held by another for the benefit of the claimant.

9. Section 7 of P.L.1990, c.61 (C.54:4-8.63) is amended to read as follows:

C.54:4-8.63 Rebates, distribution.

7. The State Treasurer annually on or before October 31, upon certification of the director and upon warrant of the State Comptroller, shall pay and distribute the amount of the NJ SAVER rebate or homestead rebate claimed for the prior tax year to each claimant whose NJ SAVER rebate or homestead rebate is approved by the director.

10. Section 8 of P.L.1990, c.61 (C.54:4-8.64) is amended to read as follows:

C.54:4-8.64 Property tax delinquency; withholding of rebates.

8. a. The tax collector of each municipality shall, on or before May 15 of each year, furnish the director with a list of property taxpayers in the district delinquent for taxes due and payable for the year immediately preceding and the amounts of such delinquencies. The collector shall report on such list the name, lot and block number on the property tax duplicate as may be applicable, and the address of each owner to whom a delinquency is attributable together with the amount of such delinquency so identified. No NJ SAVER rebate or homestead rebate payment under this act shall be made to a property owner while that property owner's delinquency remains, provided however that for the purposes of this act, for an assessment on a property which is on appeal and for which the statutory percentage of the tax as provided in R.S.54:3-27 has been paid, the taxes assessed on that property shall not be regarded as delinquent.

b. If the director receives the list as provided for in subsection a. of this section, and the director determines that a property tax delinquency remains for the preceding tax year on May 15, the director shall ascertain the amount of the NJ SAVER rebate or homestead rebate, or the amount of both, required to be withheld because of such delinquency in each municipality in the State, and shall certify such amounts to the State Treasurer as soon thereafter as may be practicable.

c. On or before November 15, the director shall notify each NJ SAVER rebate and homestead rebate claimant whose rebate or rebates have been withheld because of delinquency that the amount of the rebate or rebates to which the claimant otherwise would have been entitled has been sent to the tax collector in the municipality to be credited against the claimant's delinquency.

d. Upon certification by the director as to the amount of NJ SAVER and homestead rebates required to be withheld because of delinquency in the several municipalities, the State Treasurer upon the warrant of the State Comptroller, shall pay such amount on or before October 30 to the tax collector in each municipality.

e. The tax collector in each municipality shall credit the tax delinquency of each property taxpayer who appears on the delinquency list set forth in subsection a. of this section in the amount that otherwise would have been returned to the property taxpayer as an NJ SAVER rebate or homestead rebate. In the event that the amount so credited exceeds the amount of delinquency, the tax collector may return the difference to the taxpayer or credit such amount to the subsequent property tax bill.

f. In the case of delinquency in the payment of property taxes by a cooperative, mutual housing corporation or continuing care retirement community, an NJ SAVER rebate or a homestead rebate that may be due an individual resident shall be paid by the State Treasurer to the tax collector of the municipality. The tax collector shall credit the cooperative, mutual housing corporation or continuing care retirement community with such payment and the cooperative, mutual housing corporation or continuing care retirement community shall, in turn, credit the individual unit owner to the extent of the rebate and notify the applicant of the amount to be credited.

g. If a tax collector fails to comply with the provisions of subsection a. of this section requiring the tax collector to furnish the director with a list, on or before May 15 of each year, of property taxpayers in the district delinquent for taxes due and payable for the year immediately preceding and the amounts of such delinquencies, the director shall pay the NJ SAVER rebate or homestead rebate directly to the delinquent applicant rather than to the tax collector of the municipality as set forth in subsection d. of this section.

11. Section 9 of P.L.1990, c.61 (C.54:4-8.65) is amended to read as follows:

C.54:4-8.65 Rebates not subject to legal process; exceptions.

9. The NJ SAVER rebate and homestead rebate authorized under this act shall not be subject to garnishment, attachment, execution or other legal process, except as provided in section 1 of P.L.1981, c.239 (C.54A:9-8.1), or except for an income withholding order issued pursuant to P.L.1981, c.417 (C.2A:17-56.8 et seq.), nor shall the payment thereof be anticipated.

12. Section 1 of P.L.1981, c. 239 (C.54A:9-8.1) is amended to read as follows:

C.54A:9-8.1Setoff of indebtedness to State agencies; precedence of child support indebtedness.

1. Whenever any taxpayer or resident shall be entitled to any refund of taxes pursuant to the "New Jersey Gross Income Tax Act" (N.J.S.54A:1-1 et seq.), or whenever any individual is eligible to receive an NJ SAVER rebate or a homestead rebate pursuant to P.L.1990, c.61 (C.54:4-8.57 et al.) or P.L.1999, c.63 (C.54:4-8.58a et al.), and if the rebate is not required to be paid over to the municipal tax collector under the provisions of section 8 of P.L.1990, c.61 (C.54:4-8.64), and at the same time the taxpayer or resident shall be indebted to any agency or institution of State Government, to the Victims of Crime Compensation Board for the portion of an assessment ordered pursuant to N.J.S.2C:43-3.1 for deposit in the Victims of Crime Compensation Board Account or restitution ordered to be paid to the board pursuant to N.J.S.2C:44-2 for deposit in the Victims of Crime Compensation Board Account, or for child support under Title IV-A, Title IV-D, or Title IV-E of the federal Social Security Act (42 U.S.C. s.601 et seq.), or other indebtedness in accordance with section 1 of P.L.1995, c.290 (C.2A:17-56.11b) the Department of the Treasury shall apply or cause to be applied the refund, NJ SAVER rebate or homestead rebate, or all, or so much of any or all as shall be necessary, to satisfy the indebtedness. Child support indebtedness shall take precedence over all other indebtedness. The Department of the Treasury shall retain a percentage of the proceeds of any collection setoff as shall be necessary to provide for any expenses of the collection effort.

13. Section 10 of P.L.1990, c.61 (C.54:4-8.66) is amended to read as follows:

C.54:4-8.66 Appeal to tax court.

10. a. An applicant for an NJ SAVER rebate or a homestead rebate aggrieved by the denial by the director of all or part of that applicant's NJ SAVER or homestead rebate may protest the denial under procedures as may be determined by the director by regulation. If the protest results in a final determination that affirms or modifies the denial under review, the final determination shall be subject to judicial review pursuant to N.J.S.54:51A-13 et seq. in the New Jersey Tax Court within 90 days of the issuance of the final determination.

b. The appeal provided by this section shall be the exclusive remedy available to an applicant for review of a decision of the director in respect to the denial of all or part of an NJ SAVER rebate or homestead rebate.

C.54:4-8.66a Misrepresentation, penalty.

14. Any individual who receives an NJ SAVER rebate or homestead rebate as a result of an intentional misrepresentation of a material fact shall

be required to repay to the director the amount of the NJ SAVER rebate or homestead rebate and shall be liable to a penalty equal to 150% of the amount of the NJ SAVER rebate or homestead rebate paid as a result of that misrepresentation.

C.54:4-8.66b Erroneous rebates.

15. Any person who receives an NJ SAVER rebate or a homestead rebate which has been paid in error and which is recoverable by the director, and fails to return the payment within 45 days of receiving notice from the director that such payment was erroneous, shall pay, in addition to the amount of the erroneous rebate, interest at the rate prescribed in R.S.54:49-3, assessed for each month or fraction thereof, compounded annually at the end of each year, from the date next following the 45th day after receiving the notice from the director that such payment was erroneous until the date of the return of the erroneous payment.

C.54:4-8.66c Recovery of erroneous or misrepresented rebates, procedures.

16. An NJ SAVER rebate or homestead rebate paid as a result of misrepresentation or paid in error and any penalties and interest as imposed thereon by this act, shall be payable to and recoverable by the director in the same manner as a deficiency with respect to the payment of a State tax in accordance with the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

17. Section 2 of P.L.1997, c.348 (C.54:4-8.69) is amended to read as follows:

C.54:4-8.69 Annual reimbursement entitlement.

2. Every eligible claimant shall be entitled to reimbursement for each year subsequent to the base year and annually thereafter, on proper claim being made therefor to the director, to a homestead property tax reimbursement. The amount of the homestead property tax reimbursement shall not be reduced by the amount of the deductions taken by the eligible claimant pursuant to P.L.1963, c.171 (C.54:4-8.10 to 54:4-8.23) and P.L.1964, c.255 (C.54:4-8.40 to 54:4-8.45 et al.). The surviving spouse of a deceased resident of this State who during his or her life received a homestead property tax reimbursement pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.) shall be entitled, so long as he or she remains a resident in the same homestead with respect to which the homestead property tax reimbursement was granted, and so long as he or she is an eligible claimant, to the same homestead property tax reimbursement, upon the same conditions, with respect to the same homestead.

18. Section 18 of P.L.1990, c.61 is amended to read as follows:

C.54:4-8.66d Rules, regulations.

18. The Director of the Division of Taxation in the Department of the Treasury is empowered to promulgate rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and to prescribe forms to administer the provisions of this act. Notwithstanding any provisions of P.L.1968, c.410 to the contrary, the director may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the director deems necessary to implement the provisions of P.L.1999, c.63 (C. 54:4-8.58a et al.) which regulations shall be effective for a period not to exceed 180 days from the date of the filing. Such regulations may thereafter be amended, adopted or readopted by the director as the director deems necessary in accordance with the requirements of P.L.1968, c.410.

C.54:4-8.66e Administrative costs appropriated annually.

19. There shall be annually appropriated to the Department of the Treasury such amount as the Director of the Division of Budget and Accounting in the Department of the Treasury shall determine is necessary for the administrative costs of implementing the provisions of this act.

20. There is appropriated to the Department of the Treasury such amount as the Director of the Division of Budget and Accounting in the Department of the Treasury determines is necessary for the administrative costs of implementing the provisions of this act.

21. This act shall take effect immediately.

Approved April 15, 1999.

CHAPTER 64

AN ACT concerning the sale of certain lands and supplementing chapter 12 of Title 27 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.27:12-1.1 Sale of State highway property, first offer.

1. Notwithstanding the provisions of R.S. 27:12-1 or any other law to the contrary, if the Commissioner of Transportation determines, pursuant to R.S. 27:12-1, that real property acquired for the use of the State in the

improvement, betterment, reconstruction or maintenance of a State highway is no longer required for such use, the commissioner shall first offer to sell such property or any right or interest therein at private sale to the owner of the real property whose frontage is contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance of the municipality in which the property is located and is without any capital improvement thereon; except that when there is more than one owner with real property whose frontage is contiguous thereto, the property shall be sold to the highest bidder from among all such owners. Any such sale shall be for not less than the fair market value of the real property.

C.27:12-1.2 Conditions of sale.

2. The sale of real property permitted by section 1 of this act may only occur after the owners of record of the property at the time of acquisition have been notified and provided the right to repurchase their interest pursuant to section 1 of P.L.1985, c.201 (C.52:31-1.4).

C.27:12-1.3 Sale to municipality, public body permitted.

3. The provisions of this act shall not affect the right of the commissioner to sell at private sale to a municipal corporation or to any public board or commission any real estate or any right or interest therein as provided in subsection a. of R.S. 27:12-1.

4. This act shall take effect immediately.

Approved April 16, 1999.

CHAPTER 65

AN ACT concerning the Council on Local Mandates and amending P.L.1996, c.24.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 10 of P.L.1996, c.24 (C.52:13H-10) is amended to read as follows:

C.52:13H-10 Council plan, rules, staffing.

10. The council shall establish, and revise from time to time, a plan for its organization and may incur expenses within the limits of funds available

to it. The council may adopt rules governing its procedures. The council shall employ such clerical and secretarial staff as it deems necessary. In addition, each member of the council may employ one professional employee who shall directly serve the member for a period not to exceed one year. Upon completion of one year of service a professional employee shall not again be employed in that capacity by any member of the council. Professional employees of the council shall be deemed confidential employees for purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.). Employees and members of the council shall be enrolled in the Public Employees' Retirement System, except that no person who has been granted a pension or retirement allowance for any cause other than vesting or deferred retirement under any pension fund or retirement system established under any law of this State prior to commencing service as an employee or member of the council shall be eligible on the basis of that service for enrollment or membership in the Public Employees' Retirement System. The council may employ legal counsel, on a temporary basis, to represent it in any proceeding to which it is a party. The council may contract for the services of other professional, technical and operational personnel and consultants as may be necessary for the performance of its responsibilities under this act. The council may employ operational and administrative personnel, including an administrator and coordinator, who shall serve at the pleasure of the council; provided, however, that no individual shall hold the position of administrator and coordinator for longer than two years without being reappointed by the council. Nothing contained in this section shall be construed as authorizing the council to employ an executive director, director, or any other employee, except as specifically provided by this section.

2. Section 11 of P.L.1996, c.24 (C.52:13H-11) is amended to read as follows:

C.52:13H-11 Conflicts law, code of ethics; public employment restricted.

11. The members and employees of the council shall be subject to the provisions of the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), except that in addition to the requirements of that act, a member of the council, while serving on the council, shall not hold any other State or local office or employment or hold any State or local elective public office and shall not, for a period of two years thereafter, hold any State or local elective public office or hold any office or employment with a county, municipality or school district which filed a complaint with the council, or with a State agency that promulgated a rule or regulation which was the subject of a complaint filed with the council, while the member

served on the council. The council shall adopt a code of ethics to govern the conduct of its members and employees. The Executive Commission on Ethical Standards shall have jurisdiction to consider complaints regarding violations of P.L.1971, c.182 (C.52:13D-12 et seq.) or of the code of ethics by any member or employee of the council.

Nothing contained in this section shall be construed as prohibiting a member of the council from serving as a member of a study commission or similar advisory body for which service no compensation is authorized or provided by law other than reimbursement of expenses.

3. This act shall take effect immediately.

Approved April 16, 1999.

CHAPTER 66

AN ACT establishing a program of services for persons with chronic fatigue syndrome, supplementing Title 26 of the Revised Statutes and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2U-1 Chronic Fatigue Syndrome resources network established.

1. The Commissioner of Health and Senior Services shall establish a Statewide network of resources to provide the following services to persons with chronic fatigue syndrome, also known as chronic fatigue immune dysfunction syndrome: physician training and patient education programs and a public awareness campaign.

C.26:2U-2 Informational manual; preparation, availability.

2. The Department of Health and Senior Services, in consultation with the New Jersey Chronic Fatigue Syndrome Association, Inc., the Academy of Medicine of New Jersey and the University of Medicine and Dentistry of New Jersey, shall prepare and make available to all health care providers in the State, upon request, a manual which provides information about the clinical significance, diagnosis and treatment of chronic fatigue syndrome. The manual may contain any other information which the Commissioner of Health and Senior Services deems necessary and may be revised by the department whenever new information about chronic fatigue syndrome becomes available. The department shall publicize and make available the manual to the maximum extent possible.

C.26:2U-3 Rules, regulations.

3. The Commissioner of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

4. There is appropriated $95,000 from the General Fund to the Department of Health and Senior Services to effectuate the purposes of this act.

5. This act shall take effect immediately.

Approved April 16, 1999.

CHAPTER 67

AN ACT extending the application deadline for the homestead property tax reimbursement program for tax year 1998.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding the provisions of section 3 of P.L.1997, c.348 (C.54:4-8.70) to the contrary, an application for a homestead property tax reimbursement pursuant to P.L.1997, c.348 (C.54:4-8.67 et al.) for the tax year 1998 shall be filed with the director on or before April 15, 1999.

2. This act shall take effect immediately and shall be retroactive to December 31, 1998.

Approved April 16, 1999.

CHAPTER 68

AN ACT concerning guarantees required in regard to the installation and maintenance of on-tract improvements and amending and supplementing P.L.1975, c.291.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:55D-53a Standardized form for performance guarantee, maintenance guarantee, letter of credit.

1. The Department of Community Affairs shall adopt by regulation a standardized form for a performance guarantee, maintenance guarantee and letter of credit required by an approving authority pursuant to section 41 of P.L.1975, c.291 (C.40:55D-53).

C.40:55D-53b Acceptance of standardized form.

2. Notwithstanding any ordinance to the contrary, an approving authority shall accept the standardized form for a performance guarantee, maintenance guarantee or letter of credit adopted by regulation by the Department of Community Affairs pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) as complying with the provisions of section 41 of P.L.1975, c.291 (C.40:55D-53).

3. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees required; surety; release.

41. Guarantees required; surety; release. a. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the approving authority may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for improvements which the approving authority may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost

estimate shall be appended to each performance guarantee posted by the obligor.

(2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4). In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all improvements covered by obligor's request and shall file a detailed list and report,

in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

f. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of improvements, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4). For those developments for which the inspection fees are less than $10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the

developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees are $10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees. The municipal engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

4. This act shall take effect immediately.

Approved April 22, 1999.

CHAPTER 69

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following language provisions are added to section 1 of P.L.1998, c.45 (on page 160) as follows:

STATE AID
GENERAL FUND
54 DEPARTMENT OF HUMAN SERVICES
50 Economic Planning, Development and Security
53 Economic Assistance and Security -- State Aid
7550 Division of Family Development
15-7550 Income Maintenance Management

From the amount hereinabove appropriated for the Income Maintenance Management program classification, the division shall reimburse counties for all documented administrative costs incurred on and after January 1, 1998 associated with the implementation of the New Jersey State Food Stamp Program, established pursuant to N.J.A.C.10:87-13.1 et seq.

From the amount hereinabove appropriated for the Income Maintenance Management program classification, the Commissioner of the Department of Human Services shall make available up to $7,500,000 to county welfare agencies to offset federal administrative funding reductions in the Food Stamps program authorized by the "Agricultural Research, Extension and Education Reform Act of 1998," Pub.L. 105-185.

2. This act shall take effect immediately

Approved April 22, 1999.

CHAPTER 70

AN ACT supplementing Title 2B of the New Jersey Statutes by enactment of an additional chapter 14, Surrogates, and repealing various sections of Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. An additional chapter, chapter 14, is added to Title 2B:

TITLE 2B
CHAPTER 14. SURROGATES

2B:14-1. Election of Surrogates.
2B:14-2. Bond of Surrogates.

2B:14-3. Salaries of Surrogates.
2B:14-4. Disqualification; referral to Assignment Judge.
2B:14-5. Filling vacancy in Surrogate's office.
2B:14-6. Recorded documents.
2B:14-7. Acknowledgment, proof.
2B:14-8. Recording.
2B:14-9. Filing.
2B:14-10. Deputy Surrogate; Special Deputy Surrogate.
2B:14-11. Special Probate Clerk.
2B:14-12. Executive secretary; Chief clerk.
2B:14-13. Other employees' appointment; compensation.

Election of surrogates.

2B:14-1. Election of Surrogates. A Surrogate shall be elected to serve in each county for a five-year term commencing January 1 after election. The Surrogate shall be both the Judge and Clerk of the Surrogate's Court.

Bond of surrogates.

2B:14-2. Bond of Surrogates. A county may require the Surrogate to enter into a faithful performance bond and may set the amount and terms of the bond. The bond, after approval by a judge of the Superior Court, shall be filed with the Secretary of State; a copy shall be filed with the clerk of the county governing body.

Salaries of surrogates.

2B:14-3. Salaries of Surrogates. Each county shall fix the Surrogate's salary which shall not be diminished during the term of office or during any consecutive terms served by the Surrogate.

Disqualification; referral to assignment judge.

2B:14-4. Disqualification; referral to Assignment Judge.

a. Neither the Surrogate nor any employee of the Surrogate's office may perform duties respecting a matter if the Surrogate is a fiduciary or has an interest in a matter.

b. When the Surrogate and employees are disqualified from performing their duties, the matter shall be referred to the Assignment Judge of the county for appropriate disposition.

Filling vacancy in surrogate's office.

2B:14-5. Filling vacancy in Surrogate's office. If a Surrogate does not take office within 30 days after the end of the preceding term or a vacancy occurs in the office of Surrogate, the Governor, with advice and consent of the Senate, shall fill the vacancy from the political party of the person last elected to the office. The person appointed shall serve until election and

qualification of a successor. Election of a successor for a five-year term shall occur at the next general election unless the vacancy occurs within 37 days before the election, in which case it shall occur at the second succeeding general election.

Recorded documents.

2B:14-6. Recorded documents. The Surrogate shall record:

a. Orders and judgments of the Superior Court, Chancery Division, Probate Part;

b. Fiduciary bonds required by law;

c. Accounts of fiduciaries, disclaimers, revocations, renunciations and requests;

d. Wills proved before the Surrogate or the Superior Court, together with proofs;

e. Letters testamentary, of administration, of guardianship or of trusteeship issued by the Surrogate and relevant documents;

f. Receipts and releases given to fiduciaries; and

g. Other documents which the Surrogate is required by law to record.

Acknowledgment, proof.

2B:14-7. Acknowledgment, proof. Receipts and releases shall be acknowledged or proved prior to recording. The acknowledgment or proof shall be recorded with the receipt or discharge by the Surrogate of:

a. The county which is issuing the relevant letters;

b. The county where the seller of real estate resides; or

c. The county where the trust-related property is located.

Recording.

2B:14-8. Recording. The Surrogate shall determine the means of recording instruments and the county shall furnish equipment and supplies for recording.

Filing.

2B:14-9. Filing. On the first Monday in January, April, July and October, annually, the Surrogate shall file with the Clerk of the Superior Court indexes of all wills proved before the Surrogate or the Superior Court and a report of all letters of administration granted in the previous three months.

Deputy surrogate; special deputy surrogate.

2B:14-10. Deputy Surrogate; Special Deputy Surrogate.

a. A Surrogate may appoint a Deputy Surrogate who shall serve at the pleasure of the Surrogate.

b. During the Surrogate's absence or disability or in the event of a vacancy in the office of Surrogate, the Deputy Surrogate shall exercise all powers and duties of the Surrogate's office.

c. A county may require that the Deputy Surrogate enter into a faithful performance bond and may set the amount and terms of the bond.

d. A Surrogate may appoint an employee to be Special Deputy Surrogate. The Special Deputy Surrogate shall serve at the pleasure of the Surrogate and, during absence or disability of the Surrogate and Deputy Surrogate or when there is both a vacancy in the Office of the Surrogate and no Deputy Surrogate, the Special Deputy Surrogate shall exercise all the powers and duties of the Surrogate.

Special probate clerk.

2B:14-11. Special Probate Clerk. A Surrogate may designate one or more employees to serve as Special Probate Clerk. A special probate clerk shall serve at the pleasure of the Surrogate and may exercise the same powers as the Surrogate in taking depositions of witnesses to wills, qualifications of executors and administrators, acceptance of trusteeships and guardianships, and oaths and affirmances.

Executive secretary; chief clerk.

2B:14-12. Executive Secretary; Chief Clerk.

A Surrogate may, in his discretion, appoint an Executive Secretary and a Chief Clerk, both of whom shall serve at the pleasure of the surrogate.

Other employees' appointment; compensation.

2B:14-13. Other Employees' Appointment; Compensation.

The Surrogate shall select and appoint the Deputy Surrogate, any special Deputy Surrogate, Executive Secretary, Chief Clerk and engage all other employees, who shall receive such compensation as shall be recommended by the Surrogate and approved by the county governing body.

Repealer.

2. The following sections are repealed:
N.J.S.2A:5-1 and N.J.S.2A:5-2;
Section 1 of P.L.1973, c.56 (C.2A:5-2.1);
Section 1 of P.L.1973, c.61 (C.2A:5-3.9);
N.J.S.2A:5-4 through N.J.S.2A:5-16;
Section 1 of P.L.1970, c.335 (C.2A:5-16.1);
N.J.S.2A:5-17 through N.J.S.2A:5-25.

3. This act shall take effect immediately.

Approved April 22, 1999.

CHAPTER 71

AN ACT increasing the annual amount deposited in the Shore Protection Fund from the realty transfer fee and amending P.L.1968, c.49.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1968, c.49 (C.46:15-8) is amended to read as follows:

C.46:15-8 County, State sharing of fee proceeds.

4. The proceeds of the fees collected by the county recording officer, as authorized by this act, shall be accounted for and remitted to the county treasurer. An amount equal to 28.6% of the proceeds from the first $1.75 for each $500.00 of consideration or fractional part thereof recited in the deed so collected shall be retained by the county treasurer for the use of the county and the balance shall be paid to the State Treasurer for the use of the State; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2), 100.0% of the proceeds from the first $0.50 for each $500.00 of consideration or fractional part thereof recited in the deed so collected shall be retained by the county treasurer for the use of the county and no amount shall be paid to the State Treasurer for the use of the State. Payments shall be made to the State Treasurer on the tenth day of each month following the month of collection. Amounts, not in excess of $25,000,000, paid during the State fiscal year to the State Treasurer from the payment of fees collected by the county recording officer other than the additional fee of $0.75 for each $500.00 of consideration or fractional part thereof recited in the deed in excess of $150,000.00 shall be credited to the "Shore Protection Fund" created pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1), in the manner established under that section. All amounts paid to the State Treasurer in payment of the additional fee of $0.75 for each $500.00 of consideration or fractional part thereof recited in the deed in excess of $150,000.00 shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), in the manner established under section 20 thereof (C.52:27D-320).

2. This act shall take effect immediately and shall apply only to fiscal years beginning after the enactment of this act.

Approved April 28, 1999.

CHAPTER 72

AN ACT establishing an arthritis initiative, supplementing Title 26 of the Revised Statutes, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2V-1 Short title.

1. This act shall be known and may be cited as the "Arthritis Quality of Life Initiative Act."

C.26:2V-2 Findings, declarations relative to arthritis quality of life initiative.

2. The Legislature finds and declares that:

a. Arthritis is the most common, crippling and costly chronic disease in the United States; it affects 14.5% of the population or more than 40 million Americans of all ages. One in every seven people and one in every three families are affected by the disease;

b. Arthritis is the nation's number one disabling disease and disables seven million Americans. It is one of the most common and disabling chronic conditions reported by women and far exceeds the reporting of hypertension, heart disease, diabetes, and breast, cervical and ovarian cancers;

c. With an aggregate cost of about 1.1% of the gross national product or an estimated $64.8 billion annually in medical expenses, lost wages and associated economic losses, arthritis and other rheumatic diseases have a significant economic impact on the nation;

d. As the leading cause of industrial absenteeism after the common cold, arthritis accounts nationally for 500 million days of restricted activity and 27 million days lost from work each year;

e. The federal Centers for Disease Control and Prevention project that by the year 2020, the incidence of arthritis will increase by 59% in the State and throughout the country, affecting 20% of the population;

f. Programs and services presently are available that can dramatically impact on early diagnosis and treatment as well as the quality of life of people with arthritis; and

g. A mechanism for broader dissemination of these programs and services aimed at prevention, information and education is needed to help reduce the physical and emotional impact of arthritis and its associated health care and related costs.

C.26:2V-3 Definitions relative to arthritis quality of life initiative.

3. As used in this act:

"Commissioner" means the Commissioner of Health and Senior Services.

"Department" means the Department of Health and Senior Services.

"Initiative" means the arthritis quality of life initiative established pursuant to this act.

"Arthritis" means any of the more than 130 types of arthritis and rheumatic diseases.

C.26:2V-4 Establishment of arthritis quality of life initiative.

4. a. The commissioner shall establish an arthritis quality of life initiative in the department. The purpose of the initiative is to promote: public awareness about arthritis, options for prevention, the value of early diagnosis and treatment, and the delivery of programs and services aimed at prevention of complications and improvement of quality of life. The department may accept, for the purpose of establishing the initiative, any special grant of money, services or property from the federal government or any of its agencies, or from any foundation, organization or medical school, in addition to monies provided by the State.

b. The initiative shall include the following:

(1) Development of a list of providers of specialized services for arthritis, including a cautionary statement about the current status of arthritis research, prevention and treatment;

(2) Development of two regionally-based pilot arthritis centers, one in the northern and one in the southern part of the State; and

(3) Under the auspices of the Advisory Council on Arthritis established pursuant to this act, development of a fact-finding and planning process that shall address the development of:

(a) a public information and outreach campaign including appropriate educational material to promote early diagnosis and treatment of arthritis and other rheumatic diseases;

(b) a professional education program to promote quality expertise in diagnosis, treatment and care;

(c) programs and services aimed at prevention of arthritis, reducing complications and improving quality of life;

(d) an information, referral and support network to advocate on behalf of people with arthritis; and

(e) outcome-based research for improvement of care and treatment of arthritis.

C.26:2V-5 Advisory Council on Arthritis.

5. There is established an Advisory Council on Arthritis in the department to advise the commissioner on the development and implementation of the initiative. The council shall include: two members of the Senate, to be appointed by the President of the Senate, who shall not be of the same political party; two members of the General Assembly, to be

appointed by the Speaker of the General Assembly, who shall not be of the same political party; the Senior Assistant Commissioner, Public Health Prevention and Protection and the Assistant Commissioner, Division of Senior Services in the department; the Director of the Division on Women in the Department of Community Affairs and a member of the Interagency Council on Osteoporosis, as ex officio members; and 15 public members to be appointed by the commissioner who may include representatives of persons with arthritis, arthritis health organizations, public health educators, experts in arthritis research, prevention and treatment and health care strategic planning, and health care providers including physicians and nurses. The public members of the council shall serve without compensation and may be reimbursed for any expenses incurred by them in the performance of their duties.

Legislative members shall serve during their terms of office. Public members shall serve for a term of three years from the date of their appointment and until their successors are appointed and qualified; except that of the first appointments made: five shall be for a term of one year, five for two years, and five for three years.

Vacancies shall be filled in the same manner as the original appointments were made.

The advisory council shall organize as soon as may be practicable after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the council.

C.26:2V-6 Report to Governor, legislature.

6. The commissioner shall report to the Governor and the Legislature no later than 18 months after the effective date of this act, and annually thereafter, on the activities and accomplishments of the initiative.

7. There is appropriated $634,000 from the General Fund to the department to effectuate the purposes of this act. The funds shall be allocated as follows: $232,000 for each of the two regionally-based pilot arthritis centers, and $170,000 for project development and administration.

C.26:2V-7 Rules, regulations.

8. The commissioner, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

9. This act shall take effect immediately.

Approved April 29, 1999.

CHAPTER 73

AN ACT concerning the duty to retreat regarding the use of deadly force and amending N.J.S.2C:3-4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:3-4 is amended to read as follows:

Use of force in self-protection.

2C:3-4. Use of Force in Self-Protection. a. Use of force justifiable for protection of the person. Subject to the provisions of this section and of section 2C:3-9, the use of force upon or toward another person is justifiable when the actor reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

b. Limitations on justifying necessity for use of force.

(1) The use of force is not justifiable under this section:

(a) To resist an arrest which the actor knows is being made by a peace officer in the performance of his duties, although the arrest is unlawful, unless the peace officer employs unlawful force to effect such arrest; or

(b) To resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(i) The actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(ii) The actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 2C:3-6; or

(iii) The actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm.

(2) The use of deadly force is not justifiable under this section unless the actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm; nor is it justifiable if:

(a) The actor, with the purpose of causing death or serious bodily harm, provoked the use of force against himself in the same encounter; or

(b) The actor knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(i) The actor is not obliged to retreat from his dwelling, unless he was the initial aggressor; and

(ii) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as required by paragraphs (1) and (2) of this subsection, a person employing protective force may estimate the necessity of using force when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

c. (1) Notwithstanding the provisions of N.J.S.2C:3-5, N.J.S.2C:3-9, or this section, the use of force or deadly force upon or toward an intruder who is unlawfully in a dwelling is justifiable when the actor reasonably believes that the force is immediately necessary for the purpose of protecting himself or other persons in the dwelling against the use of unlawful force by the intruder on the present occasion.

(2) A reasonable belief exists when the actor, to protect himself or a third person, was in his own dwelling at the time of the offense or was privileged to be thereon and the encounter between the actor and intruder was sudden and unexpected, compelling the actor to act instantly and:

(a) The actor reasonably believed that the intruder would inflict personal injury upon the actor or others in the dwelling; or

(b) The actor demanded that the intruder disarm, surrender or withdraw, and the intruder refused to do so.

(3) An actor employing protective force may estimate the necessity of using force when the force is used, without retreating, surrendering possession, withdrawing or doing any other act which he has no legal duty to do or abstaining from any lawful action.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 74

AN ACT permanently designating the first Sunday in May as "Loyal Heart Award Day" in New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that:

a. There are more than two million people in the State with disabilities whose civil rights are guaranteed under the "Americans with Disabilities Act of 1990"; and

b. A multitude of caregivers support persons with disabilities and assist them to achieve their fullest potential; and

c. An awareness of these caregivers should be included among the issues, expanded communications and awareness promotions that inform the public about the needs and concerns of persons with disabilities; and

d. Federal, state, county and local governments have implemented inclusionary programs for persons with disabilities that they could not or would not be able to attend without the loving care and assistance of those who aid them; and

e. The "Loyal Heart Award" was initiated in 1994 by Elayne Hyman Risley, chairwoman of the Middlesex County Chapter Coalition on Women and Disabilities, to recognize the contributions made by these selfless individuals who give their time and consideration to care for persons with disabilities; and

f. In order to promote a spirit of community and to ensure continued public recognition of the important role these Loyal Heart Award recipients and all caregivers, who are often family members, friends, neighbors, health care professionals or aides, play in the life of persons with disabilities, it is only fitting that an annual Loyal Heart Award Day be celebrated during Human Potential Week.

C.36:2-53 "Loyal Heart Award Day"; designated.

2. The first Sunday in May is permanently designated "Loyal Heart Award Day" in New Jersey to recognize and honor the loyal efforts of caregivers in helping persons with disabilities achieve their fullest potential.

3. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 75

AN ACT appropriating $4,532,000 from the Jobs, Education and Competitiveness Fund created under the "Jobs, Education and Competitiveness

Bond Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Commission on Higher Education, in but not of, the Department of State, from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of $4,532,000 for the purpose of constructing, reconstructing, developing, extending, improving and equipping classrooms, academic buildings, libraries, computer facilities and other higher education buildings. The sum shall be allocated to the following institutions of higher education which shall provide funds to projects which have been approved by the Commission on Higher Education as provided below:

PROJECT	INSTITUTIONAL FUNDS	P.L.1988, c.78 BOND FUNDS
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT NEW JERSEY COUNTY COLLEGES		
Reconfiguration of Instructional Space of Gymnasium at Essex County College	$226,000	$226,000
Improvement of Martin Luther King Library at Essex County College	$306,000	$306,000
Acquisition and Renovation of Culinary Arts Institute at Hudson County Community College	$2,000,000	$2,000,000
Addition to Academic Facility at Passaic County Community College	$1,000,000	$2,000,000
TOTAL		**$4,532,000**

2. The expenditure of the sums appropriated by this act are subject to the provisions and conditions of P.L.1988, c.78.

3. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 76

AN ACT concerning real estate brokers, broker-salespersons and salespersons and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.56:8-19.1 Exemptions from consumer fraud law, certain real estate licensees, circumstances.

1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1 et seq.) to the contrary, there shall be no right of recovery of punitive damages, attorney fees, or both, under section 7 of P.L.1971, c.247 (C.56:8-19), against a real estate broker, broker-salesperson or salesperson licensed under R.S.45:15-1 et seq. for the communication of any false, misleading or deceptive information provided to the real estate broker, broker-salesperson or salesperson, by or on behalf of the seller of real estate located in New Jersey, if the real estate broker, broker-salesperson or salesperson demonstrates that he:

a. Had no actual knowledge of the false, misleading or deceptive character of the information; and

b. Made a reasonable and diligent inquiry to ascertain whether the information is of a false, misleading or deceptive character. For purposes of this section, communications by a real estate broker, broker-salesperson or salesperson which shall be deemed to satisfy the requirements of a "reasonable and diligent inquiry" include, but shall not be limited to, communications which disclose information:

(1) provided in a report or upon a representation by a person, licensed or certified by the State of New Jersey, including, but not limited to, an appraiser, home inspector, plumber or electrical contractor, of a particular physical condition pertaining to the real estate derived from inspection of the real estate by that person;

(2) provided in a report or upon a representation by any governmental official or employee, if the particular information of a physical condition is likely to be within the knowledge of that governmental official or employee; or

(3) that the real estate broker, broker-salesperson or salesperson obtained from the seller in a property condition disclosure statement, which form shall comply with regulations promulgated by the director in

consultation with the New Jersey Real Estate Commission, provided that the real estate broker, broker-salesperson or salesperson informed the buyer that the seller is the source of the information and that, prior to making that communication to the buyer, the real estate broker, broker-salesperson or salesperson visually inspected the property with reasonable diligence to ascertain the accuracy of the information disclosed by the seller.

Nothing in this section shall be interpreted to affect the obligations of a real estate broker, broker-salesperson or salesperson pursuant to the "New Residential Construction Off-Site Conditions Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.), or any other law or regulation.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 77

AN ACT concerning firearms and amending N.J.S.2C:12-1.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:12-1 is amended to read as follows:

Assault.

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39-1f., at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in subsection a. (1), (2) or (3) of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member or school administrator, teacher or other employee of a school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a school board; or

(e) Any employee of the Division of Youth and Family Services while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of his status as a member of the judiciary; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this subsection upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person;

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury;

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or

explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this subsection, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S. 2C:17-1 which resulted in bodily injury to any emergency services personnel;

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose.

Aggravated assault under subsections b. (1) and b. (6) is a crime of the second degree; under subsections b. (2), b. (7), b. (9) and b. (10) is a crime of the third degree; under subsections b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under subsection b. (8) is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree.

c. A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

As used in this section, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. A person who commits a simple assault as defined in subsection a. of this section is guilty of a crime of the fourth degree if the person acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 78

AN ACT concerning the acceptance of certain funds by real estate brokers and amending P.L.1993, c.51.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 45 of P.L.1993, c.51 (C.45:15-12.8) is amended to read as follows:

C.45:15-12.8 Acceptance of monies.

45. Every real estate licensee who, in the performance of any of the activities described in R.S.45:15-3, receives any monies of others as a representative of a broker acting as an escrow agent or as the temporary custodian of the funds of others in a real estate transaction, shall only accept the monies if they are in the form of cash or a negotiable instrument payable to the broker through whom the individual is licensed, or such other form as the commission may prescribe by rule. The licensee shall, immediately upon receipt of the funds, account for and deliver the funds to the broker for deposit into the escrow or trust account maintained by the broker, or for such other disposition as is required by the escrow agreement under the terms of which the funds were provided to the licensee.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 79

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1998, c.45, there is appropriated out of the General Fund the following sum for the purpose specified:

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support

50-3610 Veterans' Outreach and Assistance $250,000
Special Purpose:
Korean Veterans' Memorial Fund ..... ($250,000)

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 80

AN ACT concerning writs of execution and amending N.J.S.2A:18-27.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2A:18-27 is amended to read as follows:

Life of execution and return.

2A:18-27. A writ of execution issued out of the Superior Court, Law Division, Special Civil Part shall remain valid and effective for the purpose of a levy, and shall be operative and effective against any goods and chattels levied upon, for two years from the date of its issuance, unless sooner satisfied. Thereafter it shall be void. The officer shall make a return to the clerk of the proceedings had by him on such writ forthwith after a satisfaction thereof, otherwise within two years.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 81

AN ACT concerning parity among New Jersey depository lenders and amending P.L.1981, c.4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1981, c.4 (C.17:13B-2) is amended to read as follows:

C.17:13B-2 Depository institutions, rate of interest, other charges, fees on loans, authorized.

2. Notwithstanding any provisions of R.S.31:1-1 or any other statute to the contrary, any bank, savings bank, savings and loan association or credit union may charge any periodic percentage rate on the outstanding balance and include any other charges or fees on any class or type of loan as permitted to any other lender by the laws of this State on that class or type of loan. Nothing in this act shall authorize any lender to make any loan it is not authorized by law to make, nor shall anything in this act apply to loans secured by a first lien on real estate on which there is erected or to be erected a structure containing one, two, three, four, five, or six dwelling units, a portion of which structure may also be used for nonresidential purposes.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 82

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1998 and regulating the disbursement thereof," approved June 27, 1997 (P.L.1997, c.131).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1997, c.131, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
80 SPECIAL GOVERNMENT SERVICES
83 Services to Veterans
3610 Veterans' Program Support

50-3610 Veterans' Outreach and Assistance $50,000
Special Purpose:
Veterans' Medical Transportation
Pilot Program ..... ($50,000)

The amount appropriated shall be used by the department to contract with a vehicle operator to transport homebound veterans to and from the Veterans Administration clinic sites in Hackensack, Trenton, Fort Dix, Cape May, Elizabeth and Vineland and from the clinics to Veterans Administration hospitals. The commissioner shall establish the routes and schedules and monitor system performance to assess the desirability and feasibility of operating a permanent transportation system. The commissioner shall prepare and submit a report assessing the program to the Legislature 180 days after commencement of the program operation.

2. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 83

AN ACT concerning zoning laws and child care in public schools, amending N.J.S.18A:20-34, and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.) and Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.18A:20-34 is amended to read as follows:

Schoolhouse, rooms; permitted usage.

18A:20-34. The board of education of any district may, pursuant to rules adopted by it, permit the use of any schoolhouse and rooms therein, and the grounds and other property of the district, when not in use for school purposes, for any of the following purposes:

a. The assembly of persons for the purpose of giving and receiving instruction in any branch of education, learning, or the arts, including the science of agriculture, horticulture, and floriculture;

b. Public library purposes or stations of public libraries;

c. The holding of such social, civic, and recreational meetings and entertainments and such other purposes as may be approved by the board;

d. Such meetings, entertainments, and occasions where admission fees are charged as may be approved by the board;

e. Polling places, holding elections, registration of voters, and holding political meetings;

f. Child care services provided by the board of education, or a board approved sponsor, or a child care program licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.), before or after regular school hours, for any school aged child who attends school within the school district.

C.40:55D-66.7a Child care programs, exemption from local zoning restrictions.

2. Any child care program approved by a local board of education and operated by the board or by an approved sponsor in a public school, before or after regular school hours, pursuant to N.J.S.18A:20-34, shall be deemed a permitted use in all residential and nonresidential districts of a municipality and shall be exempt from local zoning restrictions.

C.18A:20-34.1 Rules, regulations relative to child care services, programs.

3. The State Board of Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 84

AN ACT concerning clams, amending P.L.1995, c.335, and repealing parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1995, c.335 (C.58:24-13) is amended to read as follows:

C.58:24-13 "Monmouth County Clam Depuration and Relay Program Fund," established.

3. a. There is established in the Department of Environmental Protection a nonlapsing fund to be known as the "Monmouth County Clam

Depuration and Relay Program Fund," hereinafter referred to as "the fund." The fund shall be credited with all moneys appropriated thereto by law or otherwise deposited in the fund, and any interest earned on moneys in the fund shall be credited to the fund. All moneys in the fund shall be appropriated for the purposes specified in this section, and no moneys shall be expended for those purposes without the specific appropriation thereof by the Legislature. The Commissioner of Environmental Protection shall be the administrator of the fund, and all disbursements from the fund shall be made by the commissioner. The fund is established in addition to, and separate from, the "Shellfisheries Law Enforcement Fund" established pursuant to section 3 of P.L.1988, c.35 (C.50:2-3.1), and the moneys disbursed from the fund shall not replace, but shall be provided in addition to, any revenues appropriated from the General Fund and other sources for the purpose of maintaining and implementing depurated hard or soft clam or relayed hard clam programs in Monmouth County, or other shellfish programs of which these programs are a part.

b. (Deleted by amendment, P.L.1999, c.84).

c. All moneys in the fund shall be disbursed only for the purpose of funding depurated hard and soft clam or hard clam relay programs in Monmouth County, as provided in subsection d. of this section.

d. The Commissioner of Environmental Protection shall disburse annually the moneys in the fund for expenditures made by the Department of Environmental Protection and the Department of Health and Senior Services in the implementation of depurated hard or soft clam or hard clam relay programs in Monmouth County, but in no case in an amount that is greater than the following percentages of the fund available in any one year: the Department of Environmental Protection, 66.7%, of which amount half shall be used by the Division of Fish, Game and Wildlife exclusively for the purpose of enforcing the laws, rules and regulations that relate to the harvesting, transportation and marketing of clams that are part of the clam depuration or relay programs in Monmouth County, and half shall be used exclusively for water quality monitoring and classification programs in Monmouth County; and the Shellfish Program in the Department of Health and Senior Services, 33.3%.

e. On July 15, 1997, and every other year thereafter, the Commissioner of Environmental Protection shall submit in writing to each person participating in clam depuration and relay programs in Monmouth County and the organizations that represent them, an accounting of the fund and a determination of the adequacy of the moneys on deposit in the fund to support the purposes of this act. Prior to July 15, 1997, the persons participating in clam depuration and relay programs in Monmouth County and the organizations that represent them shall determine the method by

which they shall review the recommendations of the commissioner and submit a response to the commissioner. On August 15th following the receipt of the accounting of the program, and the determination and recommendations from the commissioner, the persons participating in clam depuration and relay programs in Monmouth County and the organizations that represent them, in accordance with the agreed-upon method of review and response, shall submit their recommendations concerning the determination and recommendations of the commissioner in writing to the commissioner. After reviewing the response, the commissioner shall submit recommendations based on the response to the Governor and the Legislature.

Repealer.

2. Section 1 of P.L.1995, c.335 (C.58:24-11) and section 2 of P.L.1995, c.335 (C.58:24-12) are repealed.

3. This act shall take effect immediately.

Approved April 30, 1999.

CHAPTER 85

AN ACT concerning advanced practice nurses, amending P.L.1947, c.262, amending the title and body of P.L.1991, c.377 and supplementing that act.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to read as follows:

C.45:11-23 Definitions.

1. As used in this act:

a. The words "the board" mean the New Jersey Board of Nursing created by this act.

b. The practice of nursing as a registered professional nurse is defined as diagnosing and treating human responses to actual or potential physical and emotional health problems, through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimens as prescribed by a licensed or otherwise legally authorized physician or dentist.

Diagnosing in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. Such diagnostic privilege is distinct from a medical diagnosis. Treating means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen. Human responses means those signs, symptoms, and processes which denote the individual's health need or reaction to an actual or potential health problem.

The practice of nursing as a licensed practical nurse is defined as performing tasks and responsibilities within the framework of casefinding; reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician or dentist.

The terms "nursing," "professional nursing," and "practical nursing" as used in this act shall not be construed to include nursing by students enrolled in a school of nursing accredited or approved by the board performed in the prescribed course of study and training, nor nursing performed in hospitals, institutions and agencies approved by the board for this purpose by graduates of such schools pending the results of the first licensing examination scheduled by the board following completion of a course of study and training and the attaining of age qualification for examination, or thereafter with the approval of the board in the case of each individual pending results of subsequent examinations; nor shall any of said terms be construed to include nursing performed for a period not exceeding 12 months unless the board shall approve a longer period, in hospitals, institutions or agencies by a nurse legally qualified under the laws of another state or country, pending results of an application for licensing under this act, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice under this act; nor shall any of said terms be construed to include the practice of nursing in this State by any legally qualified nurse of another state whose engagement made outside of this State requires such nurse to accompany and care for the patient while in this State during the period of such engagement, not to exceed six months in this State, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice in this State; nor shall any of said terms be construed to include nursing performed by employees or officers of the United States Government or any agency or service thereof while in the discharge of his or her official duties; nor shall any of said terms be construed to include services performed by nurses aides, attendants, orderlies and ward helpers in hospitals, institutions and agencies or by technicians, physiotherapists, or medical secretaries, and such duties performed by said persons aforementioned shall not be subject to rules or regulations which the board

may prescribe concerning nursing; nor shall any of said terms be construed to include first aid nursing assistance, or gratuitous care by friends or members of the family of a sick or infirm person, or incidental care of the sick by a person employed primarily as a domestic or housekeeper, notwithstanding that the occasion for such employment may be sickness, if such incidental care does not constitute professional nursing and such person does not claim or purport to be a licensed nurse; nor shall any of said terms be construed to include services rendered in accordance with the practice of the religious tenets of any well-recognized church or denomination which subscribes to the art of healing by prayer. A person who is otherwise qualified shall not be denied licensure as a professional nurse or practical nurse by reason of the circumstances that such person is in religious life and has taken a vow of poverty.

c. "Homemaker-home health aide" means a person who is employed by a home care services agency and who is performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed registered professional nurse. "Home care services agency" means home health agencies licensed by the Department of Health and Senior Services pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), nonprofit homemaker-home health aide agencies, and employment agencies and temporary help services firms regulated by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety and the Attorney General pursuant to P.L.1989, c.331 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.) respectively, which are engaged in the business of procuring or offering to procure employment for homemaker-home health aides, where a fee is exacted, charged or received directly or indirectly for procuring or offering to procure that employment.

d. "Advanced practice nurse" means a person who holds a certification in accordance with section 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

e. "Collaborating physician" means a person licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes who agrees to work with an advanced practice nurse.

Nothing in this act shall confer the authority to a person licensed to practice nursing to practice another health profession as currently defined in Title 45 of the Revised Statutes.

2. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to read as follows:

C.45:11-24 The board; appointment; terms; qualifications; duties; compensation.

2. a. The board; appointment; terms. In addition to the members appointed to represent the interests of the public pursuant to P.L.1971, c.60

as amended by P.L.1977, c.285 (C.45:1-2.2) the New Jersey Board of Nursing shall consist of 10 members, six of whom shall be registered professional nurses, two of whom shall be licensed practical nurses, one of whom shall be an advanced practice nurse, and one of whom shall be an additional public member, all to be appointed by the Governor. Appointments to the board shall be for terms of five years or for the unexpired portion of a term in the case of a vacancy for any cause within a term, and until a successor shall be appointed and qualified. In making appointments the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the various nurses' professional associations of this State. Upon notice and hearing, the Governor may remove from office any member of the board for neglect of duty, incompetency, unprofessional or dishonorable conduct.

b. Qualifications for appointment. The advanced practice nurse member shall be a resident of this State, shall be a graduate of an accredited advanced practice nurse program, shall have had at least five years' experience in professional nursing, shall at the time of appointment be actively working as an advanced practice nurse, and, except for the member first appointed, shall hold a certification as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-45 et al.). Each registered professional nurse member of the board shall be a citizen of the United States and a resident of this State; shall be a graduate of an accredited school of nursing within the United States; shall be a registered nurse in this State; shall have had at least five years' experience in professional nursing following graduation from an accredited school of nursing; and shall at the time of appointment be actively engaged in nursing or work relating thereto. The licensed practical nurse members of the board shall be citizens of the United States and residents of this State; shall hold a valid license to practice practical nursing in this State; shall have had at least three years' experience in practical nursing; and shall at the time of appointment be actively engaged in practical nursing or work related thereto.

c. Oath or affirmation of office. Within 30 days after receipt of the commission, each appointee shall take, subscribe and file in the office of the Secretary of State the oath or affirmation prescribed by law.

d. Duties and powers. The board shall have the following duties and powers: (1) It shall hold annual meetings and such other meetings as it may deem necessary at such times and places as the board shall prescribe and a majority of the board including one officer shall constitute a quorum. (2) It shall elect from its members and prescribe the duties of a president and secretary-treasurer, each of whom shall serve for one year and until a successor is elected. (3) It shall appoint and prescribe the duties of an executive secretary to the board who need not be a member thereof but who

shall be a citizen of the United States, a graduate of a college or university with a major in nursing education, a registered nurse of this State with at least five years' experience in teaching or administration or both in an accredited school of professional nursing, or have equivalent qualifications as determined by the board. The executive secretary shall hold office during the will and pleasure of the board. (4) It shall employ and prescribe the duties of such persons as in its judgment shall be necessary for the proper performance and execution of the duties and powers of the board. (5) It shall determine and pay reasonable compensation and necessary expenses of the executive secretary and all employees of the board. (6) It shall pay to each member of the board the compensation hereinafter provided. (7) It shall have a common seal, keep an official record of all its meetings, and through its secretary-treasurer report annually to the Governor the work of the board. (8) It shall examine applicants for a license or renewals thereof, issue, renew, revoke and suspend licenses, as hereinafter provided. (9) It shall in its discretion investigate and prosecute all violations of provisions of this act. (10) It shall keep an official record which shall show the name, age, nativity and permanent place of residence of each applicant and licensee and such further information concerning each applicant and licensee as the board shall deem advisable. The record shall show also whether the applicant was examined, licensed or rejected under this and any prior act. Copies of any of the entries of the record or of any certificate issued by the board may be authenticated by any member of the board under its seal and when so authenticated shall be evidence in all courts of this State of the same weight and force as the original thereof. For authenticating a copy of any entry or entries contained in its record the board shall be paid a fee of $3.00, but such authentication, if made at the request of any public agency of this or any other jurisdiction, may be without fee. (11) In its discretion it may publish at such times as it shall determine a list of nurses licensed under this act, a list of schools of nursing accredited or approved under this act, and such other information as it shall deem advisable. (12) It shall prescribe standards and curricula for schools of nursing and evaluate and approve courses for affiliation. (13) It shall hear and determine applications for accreditation of schools of professional nursing, conduct investigations before and after accreditation of such schools and institutions with which they are affiliated, and issue, suspend or revoke certificates of accreditation as hereinafter provided. (14) It shall approve schools of practical nursing which shall conform to the standards, curricula, and requirements prescribed by the board, and suspend or revoke approval for violations thereof; provided, that this power shall not extend to schools operated by any board of education in this State. (15) It may consult with the Medical Society of New Jersey and the New Jersey Hospital Association

with respect to any matter relating to the administration of this act and shall consult with those associations with respect to standards and curricula and any change thereof for schools of nursing. (16) It shall issue subpoenas for the attendance of witnesses and production of documents at any hearing before the board authorized by this act and any member of the board shall administer an oath or affirmation to persons appearing to give testimony at such hearings. (17) It may conduct any investigations, studies of nursing and nursing education and related matters, and prepare and issue such publications as in the judgment of the board will advance the profession of nursing and its service to the public. (18) It shall perform all other functions which are provided in this act to be performed by it or which in the judgment of the board are necessary or proper for the administration of this act. (19) It shall from time to time prescribe rules and regulations not inconsistent with this act. (20) It shall prescribe standards and curricula for homemaker-home health aide education and training programs which a homemaker-home health aide shall complete in order to work in this State. (21) It shall review applications to provide homemaker-home health aide training programs and shall issue, suspend or revoke program approval. (22) It shall establish and maintain a registry of all individuals who have successfully completed a homemaker-home health aide training and competency evaluation program. (23) It shall prescribe standards and requirements for a competency evaluation program resulting in certification of the homemaker-home health aide, and the renewal, revocation, and suspension of that certification. (24) It shall review applications for homemaker home-health aide certification and shall issue, suspend, revoke, or fail to renew certifications and conduct investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

e. Compensation. Each member of the board shall receive $15.00 per day for each day in which such member is actually engaged in the discharge of duties and traveling and other expenses necessarily incurred in the discharge of duties.

3. The Title of P.L.1991, c.377 is amended to read as follows:

AN ACT providing for the certification of advanced practice nurses and granting them prescriptive powers under certain circumstances, and revising parts of the statutory law.

4. Section 1 of P.L.1991, c.377 (C.45:11-45) is amended to read as follows:

C.45:11-45 Short title.

1. This act shall be known and may be cited as the "Advanced Practice Nurse Certification Act."

5. Section 7 of P.L.1991, c.377 (C.45:11-46) is amended to read as follows:

C.45:11-46 Certification required.

7. a. (1) No person shall practice as an advanced practice nurse or present, call or represent himself as an advanced practice nurse unless certified in accordance with section 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

(2) Nothing in this act shall be construed to limit, preclude, or otherwise interfere with the practices of other persons licensed by appropriate agencies of the State of New Jersey, provided that such duties are consistent with the accepted standards of the person's profession and the person does not represent himself as an advanced practice nurse.

b. No person shall assume, represent himself as, or use the title or designation advanced practice nurse or the abbreviation "A.P.N." or any other title or designation which indicates or implies that he is an advanced practice nurse unless certified pursuant to section 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

c. Whenever the titles or designations "nurse practitioner," "clinical nurse specialist" or "nurse practitioner/clinical nurse specialist" occur or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the title or designation "advanced practice nurse."

6. Section 8 of P.L.1991, c.377 (C.45:11-47) is amended to read as follows:

C.45:11-47 Certification requirements.

8. a. The New Jersey Board of Nursing may issue a certification as an advanced practice nurse to an applicant who fulfills the following requirements:

(1) Is at least 18 years of age;

(2) Is of good moral character;

(3) Is a registered professional nurse;

(4) Has successfully completed an educational program, including pharmacology, approved by the board; and

(5) Has passed a written examination approved by the board.

b. In addition to the requirements of subsection a. of this section, an applicant for renewal of a certification as an advanced practice nurse shall present satisfactory evidence that, in the period since the certification was issued or last renewed, all continuing education requirements have been completed as required by regulations adopted by the board.

c. The board may accept, in lieu of the written examination required by paragraph (5) of subsection a. of this section, proof that an applicant for certification holds a current certification in a state which has standards substantially equivalent to those of this State.

7. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to read as follows:

C.45:11-49 Permitted duties of advanced practice nurse.

10. a. In addition to all other tasks which a registered professional nurse may, by law, perform, an advanced practice nurse may manage specific common deviations from wellness and stabilized long-term illnesses by:

(1) initiating laboratory and other diagnostic tests; and

(2) prescribing or ordering medications and devices, as authorized by subsections b. and c. of this section.

b. An advanced practice nurse may order medications and devices in the inpatient setting, subject to the following conditions:

(1) Controlled dangerous substances may be ordered:

(a) to continue or reissue an order or prescription for a controlled dangerous substance originally ordered or prescribed by the collaborating physician or to otherwise adjust the dosage of that medication, provided there is prior consultation with the collaborating physician or a physician designated by the collaborating physician; or

(b) for a patient in an end-of-life situation or as part of a treatment plan for a patient with a terminal illness.

(2) the order is written in accordance with standing orders or joint protocols developed in agreement between a collaborating physician and the advanced practice nurse, or pursuant to the specific direction of a physician;

(3) the advanced practice nurse authorizes the order by signing his own name, printing the name and certification number, and printing the collaborating physician's name;

(4) the physician is present or readily available through electronic communications;

(5) the charts and records of the patients treated by the advanced practice nurse are reviewed by the collaborating physician and the advanced practice nurse within the period of time specified by rule adopted by the Commissioner of Health and Senior Services pursuant to section 13 of P.L.1991, c.377 (C.45:11-52); and

(6) the joint protocols developed by the collaborating physician and the advanced practice nurse are reviewed, updated and signed at least annually by both parties.

c. An advanced practice nurse may prescribe medications and devices in all other medically appropriate settings, subject to the following conditions:

(1) Controlled dangerous substances may be prescribed:

(a) to continue or reissue an order or prescription for a controlled dangerous substance originally ordered or prescribed by the collaborating physician or to otherwise adjust the dosage of that medication, provided there is prior consultation with the collaborating physician or a physician designated by the collaborating physician; or

(b) for a patient in an end-of-life situation or as part of a treatment plan for a patient with a terminal illness.

(2) the prescription is written in accordance with standing orders or joint protocols developed in agreement between a collaborating physician and the advanced practice nurse, or pursuant to the specific direction of a physician;

(3) the advanced practice nurse writes the prescription on the prescription blank of the collaborating physician, signs his name to the prescription and prints his name and certification number;

(4) the prescription is dated and includes the name of the patient and the name, address and telephone number of the collaborating physician;

(5) the physician is present or readily available through electronic communications;

(6) the charts and records of the patients treated by the advanced practice nurse are periodically reviewed by the collaborating physician and the advanced practice nurse; and

(7) the joint protocols developed by the collaborating physician and the advanced practice nurse are reviewed, updated and signed at least annually by both parties.

d. The joint protocols employed pursuant to subsections b. and c. of this section shall conform with standards adopted by the Director of the Division of Consumer Affairs pursuant to section 12 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999, c.85 (C.45:11-49.2)), as applicable.

e. As used in this section: "end-of-life situation" means having an incurable medical condition caused by injury, disease or illness which to a reasonable degree of medical certainty makes death imminent, and from which there can be no recovery despite the application of life-sustaining procedures; and "terminal illness" means a medical condition which results in a patient's life expectancy being 12 months or less.

8. Section 11 of P.L.1991, c.377 (C.45:11-50) is amended to read as follows:

C.45:11-50 New Jersey Board of Nursing; additional powers and duties.

11. In addition to such other powers as it may by law possess, the New Jersey Board of Nursing shall have the following powers and duties;

a. To promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act, except for those subjects of rule-making authority allocated to the Director of the Division of Consumer Affairs pursuant to section 12 of P.L.1991, c.377 (C.45:11-51) or to the Commissioner of Health and Senior Services pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

b. To evaluate and pass upon the qualifications of candidates for certification as advanced practice nurses;

c. To evaluate and pass upon national accreditation organizations and the holders of certificates from those organizations as necessary to award certificates pursuant to section 9 of P.L.1991, c.377 (C.45:11-48);

d. To establish specialty areas of practice for advanced practice nurses;

e. To take disciplinary action, in accordance with P.L.1978, c.73 (C.45:1-14 et seq.) against an advanced practice nurse who violates the provisions of this act, any regulation promulgated thereunder, or P.L.1978, c.73 (C.45:1-14 et seq.);

f. To approve the examination to be taken by candidates for certification;

g. To set standards of professional conduct for advanced practice nurses;

h. To set fees for examinations, certification and other services consistent with section 2 of P.L.1974, c.46 (C.45:1-3.2);

i. To set standards for and approve continuing education programs; and

j. To determine whether the requirements of another state with respect to certification as an advanced practice nurse are substantially equivalent to those of this State in accordance with subsection c. of section 8 of P.L.1991, c.377 (C.45:11-47).

9. Section 13 of P.L.1991, c.377 (C.45:11-52) is amended to read as follows:

C.45:11-52 Review of charts, records of patients treated by advanced practice nurse.

13. The Commissioner of Health and Senior Services shall, by rule adopted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establish the periods of time within which the charts and records of the patients treated by the advanced practice nurse in an inpatient setting shall be reviewed by the advanced practice nurse and the collaborating physician, as required by paragraph (5) of subsection b. of section 10 of P.L.1991, c.377 (C.45:11-49).

C.45:11-49.2 Standards for joint protocols applicable to ordering, prescription of controlled dangerous substances.

10. No later than the 180th day after the enactment of P.L.1999, c.85, the Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt standards for the joint protocols required by subsection d. of section 10 of P.L.1991, c.377 (C.45:11-49), which shall apply to the ordering or prescription of controlled dangerous substances by an advanced practice nurse pursuant to that section. The standards shall be adopted by regulation in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

11. This act shall take effect on the 180th day after enactment, except that section 10 shall take effect immediately.

Approved April 30, 1999.

CHAPTER 86

AN ACT establishing a "Fost-Adopt Demonstration Program for Boarder Babies and Children" and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that:

a. New Jersey is experiencing a serious problem regarding infants and young children living in hospitals beyond medical necessity, or "boarder babies" and "boarder children," many of whom are at risk of physiological, developmental and emotional problems because of prenatal exposure to drugs, alcohol or the HIV virus.

b. According to data from the Division of Youth and Family Services in the Department of Human Services, during the period from November 1, 1994 through December 31, 1995: a cumulative total of 795 boarder babies and children were medically cleared for discharge from hospitals and referred to the division; an average of 54 boarder babies and children were in hospital boarding status monthly; and approximately 60% of boarder babies and children who left the hospital went home, 30% were placed in foster care, while the remaining 10% were placed in other arrangements including group homes, adoptive homes and long-term pediatric facilities. The average hospital stay for boarder babies and children in the State is 29 days; those who went home stayed an average of 13 days, and those who

were placed in foster care stayed an average of almost 60 days. Approximately 83% were under three months of age and slightly less than five percent were over one year of age.

c. There is, therefore, a need to immediately address this serious problem and ensure that the "boarder babies" and "boarder children" in our State's hospitals are appropriately placed in homes as quickly as possible so that they can receive the care and nurturing that all infants and young children need for sound development and growth.

2. There is established a "Fost-Adopt Demonstration Program for Boarder Babies and Children" in the Division of Youth and Family Services in the Department of Human Services. This program shall: create more placement options for boarder babies and boarder children; enhance permanency services for those infants and children who are not likely to return home or be placed with a relative; reduce the need for interim placements by creating more stable placement options; and with the provision of intensive services to ensure a permanent plan for a boarder baby or boarder child, reduce the length of time in temporary foster care. The program shall be established in one county in the State with a significant number of boarder babies and boarder children awaiting placement out of the hospital.

3. The Director of the Division of Youth and Family Services shall develop the demonstration program which shall include, but not be limited to, the following:

a. Development of fost-adopt families from already approved foster or adoptive homes or recruited specifically for this program;

b. Commitment by a fost-adopt family to accept an infant or child on a foster care basis but agree to adopt the infant or child if the infant or child becomes available for adoption;

c. Establishment of criteria to determine which infants and children can be placed in fost-adopt homes;

d. Provision of intensified services to the biological parent to effect family reunification;

e. Provision of intensive services to the adoptive parents; and

f. Development of concurrence within the legal community, including family court judges, law guardians and deputy attorney generals regarding aggressive, time-limited permanency planning which would lead to guardianship litigation and adoption finalization.

4. Within six months of the expiration of this act, the Commissioner of Human Services shall report to the Governor and the Legislature on the

effectiveness of the program and present recommendations for expanding the program Statewide, as appropriate.

5. In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner shall promulgate rules and regulations necessary to effectuate the purposes of this act.

6. There is appropriated $90,000 to the Department of Human Services from the General Fund to effectuate the purposes of this act.

7. This act shall take effect immediately and expire two years after enactment.

Approved May 3, 1999.

CHAPTER 87

AN ACT concerning school athletic trainers and amending and supplementing various sections of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.18A:1-1 is amended to read as follows:

Definitions.

18A:1-1. As used in this title, unless the context requires another meaning, the following words and phrases shall have the following meaning:

"Academic year" means the period between the time school opens in any school district or under any board of education after the general summer vacation until the next succeeding summer vacation;

"All purpose regional district" shall have the meaning assigned to it in subsection a. of section 18A:13-2;

"Board" means the board of education;

"Commissioner" means the Commissioner of Education;

"County superintendent" means the County Superintendent of Schools;

"Department" means the State Department of Education;

"District" means a school district;

"Employee" includes the holder of any position or employment;

"Employment" includes employment in a position;

"Full membership" of any board or body means the number of members of the board or body when all the members' seats are filled and a "majority of the full membership" of any board or body means a majority of such number;

"Higher education" means that education which is provided by any or all of the public institutions of higher education as herein defined and any or all equivalent private institutions;

"Limited purpose regional district" shall have the meaning assigned to it in subsection b. of section 18A:13-2;

"Local school district" means any school district comprising within its territorial boundaries the territory comprised in one or more municipalities, except a regional school district;

"Private school" means a school, under college grade, which does not derive its support entirely or in part from public funds;

"Public institution of higher education" shall have the meaning assigned to it in section 18A:62-1;

"Public school" means a school, under college grade, which derives its support entirely or in part from public funds;

"Public school system" means the system of public schools of the State;

"Residence" means domicile, unless a temporary residence is indicated;

"School nurse" shall mean and include any school nurse, school nurse supervisor, head school nurse, chief school nurse, school nurse coordinator or any other nurse performing school nursing services in the public schools;

"State board" means the State Board of Education;

"Teaching staff member" means a member of the professional staff of any district or regional board of education, or any board of education of a county vocational school, holding office, position or employment of such character that the qualifications, for such office, position or employment, require him to hold a valid and effective standard, provisional or emergency certificate, appropriate to his office, position or employment, issued by the State Board of Examiners and includes a school nurse and a school athletic trainer.

2. N.J.S.18A:28-4 is amended to read as follows:

Certification required for certain school personnel to acquire tenure, exceptions.

18A:28-4. No teaching staff member shall acquire tenure in any position in the public schools in any school district or under any board of education, who is not the holder of an appropriate certificate for such position, issued by the State Board of Examiners, in full force and effect, except that no board of education shall terminate the employment or refuse to continue the employment or reemployment of

a. any school nurse appointed prior to May 9, 1947 for the reason that such nurse is not the holder of such a certificate and the State Board of

Examiners shall make no rule or regulation which will affect adversely the rights of any such nurse under any certificate issued prior to said date; or

b. a school athletic trainer appointed prior to the effective date of P.L.1999, c.87 (C.18A:26-2.4 et al.) for the reason that the school athletic trainer is not the holder of a certificate, provided that the person is registered with the New Jersey State Board of Medical Examiners as an athletic trainer. That person shall be issued the new certificate without being required to meet any additional qualifications, and any periods of employment as an athletic trainer prior to the effective date of that act shall count toward the acquisition of tenure to the same extent as employment after the effective date of that act.

3. N.J.S.18A:28-5 is amended to read as follows:

Requirements for tenure.

18A:28-5. The services of all teaching staff members employed in the positions of teacher, principal, other than administrative principal, assistant principal, vice-principal, assistant superintendent, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education, excepting those who are not the holders of proper certificates in full force and effect and school business administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, after employment in such district or by such board for:

(a) Three consecutive calendar years, or any shorter period which may be fixed by the employing board for such purpose; or

(b) Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or

(c) The equivalent of more than three academic years within a period of any four consecutive academic years.

For purposes of this chapter, tenure in any of the administrative or supervisory positions enumerated herein shall accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing herein shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.18A:28-6 in a position in which the individual actually served.

C.18A:26-2.4 Certification required for appointment as school athletic trainer; exceptions.

4. To be eligible for appointment by a board of education as a school athletic trainer in any public school, an applicant shall possess an educational services certificate issued by the State Board of Examiners.

Notwithstanding the provisions of this section, any person who is employed as a school athletic trainer in a public school prior to the effective date of P.L.1999, c.87 (C.18A:26-2.4 et al.) may continue to be so employed pursuant to the provisions of N.J.S.18A:28-4.

C.18A:26-2.5 Rules relative to athletic trainer certification.

5. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.) setting forth the certification and endorsement requirements of a school athletic trainer which shall include, but need not be limited to, the satisfactory completion of the requirements established by the State Board of Medical Examiners for registration as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-37.35 et seq.).

6. This act shall take effect on the 91st day after enactment but the State Board of Education shall take such anticipatory administrative action in advance as shall be necessary for the implementation of the act

Approved May 3, 1999.

CHAPTER 88

AN ACT concerning employees of the State Commission of Investigation and amending P.L.1968, c.266.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 9 of P.L.1968, c.266 (C.52:9M-9) is amended to read as follows:

C.52:9M-9 Commission employees; appointment removal, compensation, status.

9. The commission shall be authorized to appoint and employ and at pleasure remove an executive director, counsel, investigators, accountants, and such other persons as it may deem necessary, without regard to civil service; and to determine their duties and fix their salaries or compensation within the amounts appropriated therefor. All commission personnel shall

be deemed confidential employees for purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.). Investigators and accountants appointed by the commission shall be and have all the powers of peace officers.

2. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 89

AN ACT concerning financial assistance for petroleum underground storage tanks and amending P.L.1997, c.235.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 5 of P.L.1997, c.235 (C.58:10A-37.5) is amended to read as follows:

C.58:10A-37.5 Awarding of financial assistance.

5. a. The authority may award financial assistance from the fund to an eligible owner or operator in the form of a loan or a conditional hardship grant as provided in this section. An award of financial assistance, either as a loan or a grant, or a combination of both, may, upon application therefor, be for 100% of the eligible project costs. However, a loan that any applicant may receive from the fund for an upgrade, remediation, or closure, or any combination thereof, for any one facility, may not exceed $1,000,000 and a grant that any applicant may receive from the fund for any one facility, may not exceed $250,000. The total amount of financial assistance awarded as grants in any one year may not exceed one third of the total amount of financial assistance awarded in that year except that this limitation upon the award of grants shall not apply to financial assistance awarded between January 1, 1999 and March 31, 2000.

b. A public entity applying for financial assistance from the fund may only be awarded financial assistance in the form of an interest free loan.

c. An applicant, other than a public entity, may apply for and receive a conditional hardship grant as provided in paragraph (1) of this subsection, or a loan for an upgrade, closure, or remediation as provided in paragraph (2) of this subsection. Financial assistance awarded an applicant pursuant to this subsection may consist entirely of a conditional hardship grant, a loan

for an upgrade, or loan for a closure, or a loan for a remediation, or any combination thereof, except that the total amount of the award of financial assistance shall be subject to the per facility dollar limitation enumerated in subsection a. of this section. Notwithstanding any other provision of this subsection to the contrary, no tax exempt, nonprofit organization, corporation, or association shall be awarded a conditional hardship grant pursuant to paragraph (1) of this subsection.

(1) A conditional hardship grant for eligible project costs of an upgrade, closure or remediation shall be awarded by the authority based upon a finding of eligibility and financial hardship and upon a finding that the applicant meets the criteria set forth in this act.

In order to be eligible for a conditional hardship grant, the applicant shall have owned or operated the subject petroleum underground storage tank as of December 1, 1996 and continually thereafter or shall have inherited the property from a person who owned the petroleum underground storage tank as of that date. No applicant shall be eligible for a conditional hardship grant if the applicant has a taxable income of more than $100,000 or a net worth, exclusive of the applicant's primary residence, of over $100,000.

A finding of financial hardship by the authority shall be based upon a determination that an applicant cannot reasonably be expected to repay all or a portion of the eligible project costs if the financial assistance were to be awarded as a loan. The amount of an award of a conditional hardship grant shall be the amount of that portion of the eligible project costs the authority determines the applicant cannot reasonably be expected to repay.

In making a finding of financial hardship for an application for the upgrade, closure, or remediation of a petroleum underground storage tank, where the petroleum underground storage tank is a part of the business property of the owner, the authority shall base its finding upon the cash flow of the applicant's business, whether or not any part of the applicant's business is related to the ownership or operation of that petroleum underground storage tank. In making a finding of financial hardship for an application for the upgrade or remediation of a petroleum underground storage tank, where the petroleum underground storage tank is not a part of the business property of the owner, the authority shall base its finding upon the applicant's taxable income in the year prior to the date of the application being submitted.

If the authority awards a conditional hardship grant in combination with a loan pursuant to this subsection, the authority shall release to the applicant the loan monies prior to the release of the conditional hardship grant monies.

Conditional hardship grants awarded to an applicant shall be subject to the lien provisions enumerated in section 16 of P.L.1997, c.235 (C.58:10A-37.16).

(2) A loan to an eligible owner or operator for the eligible project costs of an upgrade, closure, or remediation shall be awarded by the authority only upon a finding that the applicant other than a public entity is able to repay the amount of the loan.

In making a finding of an applicant's ability to repay a loan for the upgrade, closure, and remediation of a regulated tank, or for the remediation of a discharge from a petroleum underground storage tank, the authority shall base its finding, as applicable, upon the cash flow of the applicant's business, the applicant's taxable income and the applicant's personal and business assets, except that the authority may not consider the applicant's primary residence as collateral, except that the authority may consider the applicant's primary residence as collateral with the permission of the applicant or where the subject petroleum underground storage tank or regulated tank is located at the primary residence.

d. The authority shall, where applicable, require an applicant applying for financial assistance from the fund to submit to the authority the financial statements of the applicant's business for three years prior to the date of the application, the most recent interim financial statement for the year of the application, the applicant's federal income tax returns, or other relevant documentation.

e. Nothing in this section is intended to alter the priority or criteria for awarding financial assistance established pursuant to section 4 of P.L.1997, c.235 (C.58:10A-37.4).

f. An eligible owner or operator may only be awarded that amount of financial assistance issued as a loan for which the applicant demonstrates he could not qualify for and obtain as a commercial loan. The provisions of this subsection shall not apply to an owner or operator or petroleum underground storage tank used to store heating oil for onsite consumption in a residential building.

2. Section 6 of P.L.1997, c.235 (C.58:10A-37.6) is amended to read as follows:

C.58:10A-37.6 Application for financial assistance; fee.

6. An eligible owner or operator seeking financial assistance from the fund shall file an application on a form to be developed by the authority. The application form shall be submitted with the application fee. The application fee per facility for residential petroleum underground storage tanks shall be $250. The authority may establish the application fee per facility for nonresidential petroleum underground storage tanks.

The authority shall adopt rules and regulations listing the filing requirements for a complete application for financial assistance. If a financial assistance application is determined to be incomplete by the authority, an applicant shall have 30 days from the date of receipt of written notification of incompleteness to file such additional information as may be required by the authority for a completed application. If an applicant fails to file the additional information within the 30 days, the filing date for that application shall be the date that such additional information is received by the authority. If the additional information is filed within the 30 days and is satisfactory to the authority, the filing date for that application shall be the initial date of application with the authority. Notwithstanding the above, if a completed application has been submitted and the applicant fails to submit the filing fee, then the filing date for the application shall not be established until the date on which the authority receives the application fee. A change in the filing date resulting from failure to submit a completed application or from failure to submit the application fee in a timely fashion for applications filed for financial assistance for a regulated tank to meet the upgrade or closure requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.) or for the remediation of a discharge from any such regulated tank shall not render the application ineligible for financial assistance as long as the initial date of application is prior to January 1, 1999, or prior to August 31, 1999, as applicable.

An applicant shall have 120 days from receipt of notice of approval of a financial assistance award to submit to the authority an executed contract for the upgrade, closure, or remediation, or all three, as the case may be, that is consistent with the terms and conditions of the financial assistance approval. Failure to submit an executed contract within the allotted time, without good cause, may result in an alteration of an applicant's priority ranking.

3. Section 7 of P.L.1997, c.235 (C.58:10A-37.7) is amended to read as follows:

C.58:10A-37.7 Conditions for awarding financial assistance.

7. a. The authority shall award financial assistance to an owner or operator of a facility only if the facility is properly registered with the department pursuant to section 3 of P.L.1986, c.102 (C.58:10A-23), where applicable, and if all fees or penalties due and payable on the facility to the department pursuant to P.L.1986, c.102 have either been paid or the nature or the amount of the fee or penalty is being contested in accordance with law.

b. The authority may deny an application for financial assistance, and any award of financial assistance may be recoverable by the authority, upon a finding that:

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(1) in the case of financial assistance awarded for a remediation, the discharge was proximately caused by the applicant's knowing conduct;

(2) in the case of financial assistance awarded for a remediation, the discharge was proximately caused or exacerbated by knowing conduct by the applicant with regard to any lawful requirement applicable to petroleum underground storage tanks intended to prevent, or to facilitate the early detection of, the discharge;

(3) the applicant failed to commence or complete a remediation, closure, or an upgrade for which an award of financial assistance was made within the time required by the department in accordance with the applicable rules and regulations, within the time prescribed in an administrative order, an administrative consent agreement, a memorandum of agreement, or a court order; or

(4) the applicant provided false information or withheld information on a loan or grant application, or other relevant information required to be submitted to the authority, on any matter that would otherwise render the applicant ineligible for financial assistance from the fund, that would alter the priority of the applicant to receive financial assistance from the fund, that resulted in the applicant receiving a larger grant or loan award than the applicant would otherwise be eligible, or that resulted in payments from the fund in excess of the actual eligible project costs incurred by the applicant or the amount to which the applicant is legally eligible.

Nothing in this subsection shall be construed to require the authority to undertake an investigation or make any findings concerning the conduct described in this subsection.

c. An application for financial assistance from the fund for an upgrade or closure of a regulated tank shall include all regulated tanks at the facility for which the applicant is seeking financial assistance. Once financial assistance for an upgrade, closure or a remediation is awarded for a facility, no additional award of financial assistance may be made for that facility. However, if an applicant discovers while performing upgrade or closure activities that a remediation is necessary at the site of a facility, and if financial assistance was previously awarded for that site only for an upgrade or closure of a regulated tank, the applicant may amend his application and apply for financial assistance for the required remediation subject to the limitations enumerated in section 5 of this act. An application for financial assistance for an upgrade or closure of a regulated tank shall be conditioned upon the applicant agreeing to perform, at the time of the upgrade or closure, any remediation necessary as a result of a discharge from the regulated tank and commencement of the remediation within the time prescribed and in accordance with the rules and regulations of the department.

d. Except as provided below, no financial assistance for upgrade or closure shall be awarded for any regulated tank required to meet the upgrade or closure requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.), or for the remediation of a discharge from any such regulated tank except as provided in subsection c. of this section, unless the application is filed with the authority prior to January 1, 1999 and the application is complete and the application fee is received by August 1, 1999. No financial assistance for upgrade or closure shall be awarded for any underground storage tank with a capacity of over 2,000 gallons used to store heating oil for onsite consumption in a nonresidential building required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.) but not pursuant to 42 U.S.C. s.6991 et seq. or for the remediation of a discharge from any such regulated tank except as provided in subsection c. of this section, unless the application is filed with the authority prior to August 31, 1999 and the application is complete and the application fee is received by March 31, 2000.

e. The date of occurrence of a discharge shall not affect eligibility for financial assistance from the fund. Except for a preliminary assessment or a site investigation performed after the effective date of P.L.1997, c.235 (C.58:10A-37.1 et seq.), and except as provided in subsection g. of this section, no award of financial assistance shall be made from the fund for the otherwise eligible project costs of a remediation, closure, or an upgrade, or parts thereof, completed prior to an award of financial assistance from the fund.

f. No financial assistance may be awarded from the fund for the remediation of a discharge from a petroleum underground storage tank if financial assistance from the Hazardous Discharge Site Remediation Fund established pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4) has previously been made for a remediation at that site as a result of a discharge from that petroleum underground storage tank. No financial assistance may be awarded from the fund for the remediation of a discharge from a petroleum underground storage tank if the discharge began subsequent to the completion of an upgrade of that petroleum underground storage tank, which upgrade was intended to meet all applicable upgrade regulations of the department, no matter when the upgrade was performed.

g. Notwithstanding any provision of P.L.1997, c.235 (C.58:10A-37.1 et seq.), where an eligible owner or operator has filed an application for financial assistance from the fund, and there are either insufficient monies in the fund or the authority has not yet acted upon the application or awarded the financial assistance, the eligible owner or operator may expend its own funds for the upgrade, closure, or remediation, and upon approval of the application, the authority shall award the financial assistance as a reimbursement of the monies expended for eligible project costs.

4. Section 10 of P.L.1997, c.235 (C.58:10A-37.10) is amended to read as follows:

C.58:10A-37.10 Terms of loans.

10. a. All loans awarded from the fund shall be for a term not to exceed ten years. Except as provided in subsection b. of section 5 of P.L.1997, c.235 (C.58:10A-37.5), all loans shall be at a rate between two percent and the prime rate at the time of approval, or at the time of loan closing if the prime rate is lower at that time. The authority shall determine the interest rate to be imposed based on the applicant's ability to repay the loan.

b. Upon the sale of the facility for which the loan was made, the unpaid balance of the loan shall become immediately payable in full. Upon the sale of a facility for which a conditional hardship grant was made pursuant to section 5 of P.L.1997, c.235 (C.58:10A-37.5), that amount of the conditional hardship grant that must be repaid, as calculated pursuant to section 16 of P.L.1997, c.235 (C.58:10A-37.16), shall become immediately payable in full. No repayment of a conditional hardship grant awarded pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5) for a remediation necessitated by a discharge from a petroleum underground storage tank used to store heating oil at the applicant's primary residence shall be required.

5. Section 16 of P.L.1997, c.235 (C.58:10A-37.16) is amended to read as follows:

C.58:10A-37.16 Liens for financial assistance.

16. a. In addition to any other financial assistance requirements imposed by the authority pursuant to P.L.1997, c.235 (C.58:10A-37.1 et seq.), any award of financial assistance from the fund except for any grant awarded pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5) for a remediation necessitated by a discharge from a petroleum underground storage tank used to store heating oil at the applicant's primary residence, shall constitute, in each instance, a debt of the applicant to the fund. The debt shall constitute a lien on the real property at which the subject facility is located. The lien shall be in the amount of the financial assistance awarded the applicant. The lien shall attach when a notice of lien, incorporating the name of the property owner, a description of the real property on which the subject facility is located and an identification of the amount of the financial assurance awarded, is duly filed with the county recording officer in the county in which the property is located.

Where financial assistance from the fund is awarded as a combination of a loan and a grant, separate liens for the loan and the grant shall be filed. No lien shall be placed on any real property of an applicant based on a

conditional hardship grant awarded pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5), for a remediation necessitated by a discharge from a petroleum underground storage tank used to store heating oil at the applicant's primary residence.

b. A lien that is filed on real property pursuant to a loan shall be removed upon repayment of the loan.

c. The lien that is filed on real property pursuant to a conditional hardship grant shall be removed upon repayment of the amount of the grant that is unsatisfied or upon the end of a 15- year period in which the site for which the financial assistance was awarded continued to be operated in substantially the same manner as it was operated at the time of the award of financial assistance. The period of operation need not run consecutively. Beginning with the 11th year of operating in substantially the same manner, 20% of the conditional hardship grant shall be deemed satisfied with an additional 20% to be satisfied each year until the entire amount of the conditional hardship grant is satisfied at the end of the 15-year period. The owner or operator of the facility claiming to have satisfied a conditional hardship grant due to the 15-year period of operation, shall submit a certification of this fact to the authority. Upon repayment of the unsatisfied grant award or upon submittal of this certification, unless the authority has made a finding that the certification is not correct, the authority shall remove the lien from the property.

Where real property for which a conditional hardship grant was awarded is not being operated in substantially the same manner, the 15-year period to satisfy the lien shall be tolled. If at any time prior to the satisfaction of the lien the property is developed or operated for a purpose that is not substantially the same as its operation at the time of the award of the conditional hardship grant, the grant recipient shall so certify to the authority upon the change in operation. Upon receipt of this certification, the authority shall determine, based upon the new operation of the property if the financial assistance shall continue as a conditional hardship grant or if it shall be converted into a loan. In making this determination, the authority shall base its decision on the financial hardship factors used in determining the original eligibility for the conditional hardship grant.

The authority may take whatever enforcement actions it deems necessary to verify the operation of any property for which a conditional hardship grant was made. The terms and conditions of any loan converted from a grant pursuant to this subsection shall be the same as those authorized pursuant to this act.

d. The provisions of this section do not apply to any real property of an applicant who is a public entity.

6. This act shall take effect immediately and shall be retroactive to August 30, 1997.

Approved May 3, 1999.

CHAPTER 90

AN ACT concerning various criminal offenses and revising and repealing various sections of the statutory laws.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:35-2 is amended to read as follows:

Definitions.

2C:35-2. Definitions.

As used in this chapter:

"Administer" means the direct application of a controlled dangerous substance or controlled substance analog, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1052 (21 U.S.C.s.355).

"Counterfeit substance" means a controlled dangerous substance or controlled substance analog which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance or controlled substance analog, whether or not there is an agency relationship.

"Dispense" means to deliver a controlled dangerous substance or controlled substance analog to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. "Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance or controlled substance analog. "Distributor" means a person who distributes.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include evices or their components, parts or accessories.

"Drug dependent person" means a person who is using a controlled dangerous substance or controlled substance analog and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

"Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance

or controlled substance analog, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance or controlled substance analog by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance or controlled substance analog in the course of his professional practice, or (2) by a practitioner (or under his supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

"Marijuana" means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecogine.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled pursuant to the provisions of section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.

"Plant" means an organism having leaves and a readily observable root information, including, but not limited to, a cutting having roots, a rootball or root hairs.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state and any other person authorized by law to treat sick and injured human beings in this or any other state and

(b) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(d) "Hospital" means any federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances or controlled substance analogs.

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health and Senior Services.

"Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance or controlled substance analog.

"Immediate precursor" means a substance which the State Department of Health and Senior Services has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance or controlled substance analog, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Residential treatment facility" means any facility approved by any county probation department for the inpatient treatment and rehabilitation of drug dependent persons.

"Schedules I, II, III, IV, and V" are the schedules set forth in sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as modified by any regulations issued by the Commissioner of Health and Senior Services pursuant to his authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance or controlled substance analog for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

"Prescription legend drug" means any drug which under federal or State law requires dispensing by prescription or order of a licensed physician, veterinarian or dentist and is required to bear the statement "Caution: Federal law prohibits dispensing without a prescription" and is not a controlled dangerous substance or stramonium preparation.

"Stramonium preparation" means a substance prepared from any part of the stramonium plant in the form of a powder, pipe mixture, cigarette, or any other form with or without other ingredients.

"Stramonium plant" means the plant Datura Stramonium Linne, including Datura Tatula Linne.

2. N.J.S.2C:36-6 is amended to read as follows:

Possession or distribution of hypodermic syringe or needle.

2C:36-6. a. Except as authorized by subsection b., c. or other law, it shall be unlawful for a person to have under his control or possess with intent to use a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog as defined in chapter 35 of Title 2C of the New Jersey Statutes or to sell, furnish or give to any person such syringe, needle or instrument. Any person who violates this section is guilty of a disorderly persons offense.

b. A person is authorized to possess and use a hypodermic needle or hypodermic syringe if the person obtains the hypodermic syringe or hypodermic needle by a valid prescription issued by a licensed physician, dentist or veterinarian and uses it for its authorized purpose.

No prescription for a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of controlled dangerous substances by subcutaneous injections shall be valid for more than one year from the date of issuance.

c. Subsection a. does not apply to a duly licensed physician, dentist, veterinarian, undertaker, nurse, podiatrist, registered pharmacist, or a

hospital, sanitarium, clinical laboratory or any other medical institution, or a state or a governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern of a hospital, sanitarium or other medical institution.

C.2C:33-13.1 Sale of cigarettes to minors.

3. Sale of cigarettes to minors.

A person who sells or gives to a person under the age of 18 tobacco in any form, including smokeless tobacco, or cigarette papers shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

C.2C:33-26 Sale of motor vehicle on Sunday.

4. Sale of motor vehicle on Sunday.

A person who engages in the business of buying, selling or exchanging motor vehicles or who opens a place of business and attempts to engage in such conduct on a Sunday commits a disorderly persons offense. The first offense is punishable by a fine not to exceed $100.00 or imprisonment for a period of not more than 10 days or both; the second offense is punishable by a fine not to exceed $500 or imprisonment for a period of not more than 30 days or both; the third or each subsequent offense is punishable by a fine of $750.00 or imprisonment for a period of six months or both. If the person is a licensed dealer in new or used motor vehicles in this State, under the provisions of chapter 10, Title 39 of the Revised Statutes, the person shall also be subject to suspension or revocation of his dealer's license to engage in the business of buying, selling or exchanging in motor vehicles in this State as provided in Title 39, chapter 10, section 10, section 20, for violation of this statute.

C.2C:33-27 Consumption of alcohol in restaurants.

5. Consumption of alcohol in restaurants.

a. No person who owns or operates a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public, and for which premises a license or permit authorizing the sale of alcoholic beverages for on-premises consumption has not been issued:

(1) Shall allow the consumption of alcoholic beverages, other than wine or a malt alcoholic beverage, in a portion of the premises which is open to the public; or

(2) Shall charge any admission fee or cover, corkage or service charge or advertise inside or outside of such premises that patrons may bring and

consume their own wine or malt alcoholic beverages in a portion of the premises which is open to the public.

(3) Shall allow the consumption of wine or malt alcoholic beverages at times or by persons to whom the service or consumption or alcoholic beverages on licensed premises is prohibited by State or municipal law or regulation.

b. Nothing in this act shall restrict the right of a municipality or an owner or operator of a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public from prohibiting the consumption of alcoholic beverages on those premises.

c. A person who violates any provision of this act is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this act.

C.2C:36-6.1 Discarding hypodermic needle or syringe.

6. Discarding hypodermiç needle or syringe.

a. A person commits a petty disorderly persons offense if:

(1) the person discards, in a place accessible to other persons, a hypodermic needle or syringe without destroying the hypodermic needle or syringe; or

(2) he is the owner, lessee or person in control of real property and, knowing that needles and syringes in an intact condition have been discarded or abandoned on his real property, allows them to remain.

b. A hypodermic needle is destroyed if the needle is broken from the hub or mangled. A syringe is destroyed if the nipple of the barrel is broken from the barrel, or the plunger and barrel are melted. Alternatively, a hypodermic needle or syringe is destroyed if it is discarded as a single unit, without recapping, into a rigid container and the container is destroyed by grinding or crushing in a compactor, or by burning in an incinerator approved by the Department of Environmental Protection, or by another method approved by the Department of Health and Senior Services.

C.2C:35-10.4 Toxic chemicals.

7. Toxic chemicals.

a. As used in this section the term "toxic chemical" means any chemical having the property of releasing toxic fumes and includes the following chemicals: acetone, acetate, benzine, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluol, or toluene.

b. A person commits a disorderly persons offense if the person:

(1) inhales the fumes of any toxic chemical for the purpose of causing a condition of intoxication; or

(2) possesses any toxic chemical for the purpose of causing a condition of intoxication.

c. A person commits a fourth degree offense if the persons sells, or offers to sell, any substance containing a toxic chemical knowing that the intended use of the product is to cause a condition of intoxication, or knowing that the product does not include an additive required by the Commissioner of the State Department of Health and Senior Sevices to discourage the inhalation of vapors of toxic chemicals for the purpose of causing a condition of intoxication. This subsection does not apply to adhesives manufactured only for industrial application.

C.2C:35-10.5 Prescription legend drugs.

8. Prescription legend drugs.

a. Except as authorized by sections 9 through 15 of P.L.1970, c.226 (C.24:21-9 through 24:21-15) a person who knowingly distributes a prescription legend drug or stramonium preparation unless lawfully prescribed or administered by a licensed physician, veterinarian or dentist is a disorderly person.

b. A person who uses any prescription legend drug or stramonium preparation for a purpose other than treatment of sickness or injury as lawfully prescribed or administered by a licensed physician is a disorderly person.

c. A defendant may be convicted for a violation of subsection b. if the State proves that the defendant manifested symptoms or reactions caused by the use of prescription legend drugs or stramonium preparation. The State need not prove which specific prescription legend drug or stramonium preparation defendant used.

d. A person who obtains or attempts to obtain possession of a prescription legend drug or stramonium preparation by forgery or deception is a disorderly person. Nothing in this section shall be deemed to preclude or limit a prosecution for theft as defined in chapter 20 of Title 2C of the New Jersey Statutes.

C.2C:35-24 Possession of certain prescription drugs.

9. Possession of certain prescription drugs.

A person who possesses a controlled dangerous substance that was prescribed or dispensed lawfully may possess it only in the container in which it was dispensed; except that the person may possess no more than a 10-day supply in other than the original container if the person produces, upon the request of a law enforcement officer, the name and address of the practitioner who prescribed the substance or the pharmacist who dispensed it. A person who violates this section is a disorderly person.

C.2C:40A-2 Violation of contract to pay employees.

10. Violation of contract to pay employees.

a. An employer who has agreed with an employee or with a bargaining agent for employees to pay wages, compensation or benefits to or for the benefit of employees commits a disorderly persons offense if the employer:

(1) fails to pay wages when due; or

(2) fails to pay compensation or benefits within 30 days after due.

b. If a corporate employer violates subsection a., any officer or employee of the corporation who is responsible for the violation commits a disorderly persons offense.

C.2C:40A-3 Wrongful discharge of employee.

11. Wrongful discharge of employee.

a. An employer who discharges an employee or takes any other disciplinary action against the employee because the employee's earnings have been subjected to garnishment commits a disorderly persons offense.

b. An employer who discharges an employee or takes any other disciplinary action in violation of this section shall re-employ any employee discharged, and shall compensate any employee for any damages resulting from the discharge or disciplinary action.

c. The term "earnings" means any form of compensation payable for personal services, regardless of whether the payment is denominated as wages, salary, commission, bonus, income from trust funds, profits, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

C.18A:2-3 Preparation, offering for sale of certain documents; penalty.

12. a. No person shall, for any fee, or other remuneration, prepare, offer to prepare, cause to be prepared, sell or offer for sale any term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under a student's name in fulfillment of the requirements for a degree, diploma, certificate, course or courses of study at any university, college, academy, school or other educational institution.

b. Nothing contained in this section shall prevent any person from providing tutorial assistance, research material, information or other assistance to persons enrolled in a university, college, academy, school or other educational institution, which is not intended for submission directly or in substantial part as an assignment under the student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study. Nor shall any person be prevented

by this act from rendering services for a fee which include the typing, research, assembling, transcription, reproduction or editing of a manuscript or other assignment which he has not prepared at the request of or on behalf of the purchaser.

c. Anyone convicted of violating any provision of this act shall be subject to a civil penalty of up to $1,000.00 which shall be collected in a summary manner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) in the Superior Court or any municipal court. The Superior Court may also grant further relief necessary to enforce the provisions of this section, including the issuance of an injunction.

d. Actions for injunction under the provisions of this act may be brought in the name of the people of this State upon their own complaint or upon the complaint of any person, or any public or private college, university, academy, school or other educational institution which is charted, incorporated, licensed, registered or supervised by this State, acting for the interest of itself, its students, or the general public.

C.34:11-4.14 Unlawful diverting of wages.

13. a. It shall be unlawful for any person to purchase or have assigned to him, other than by order of court, any salary, wages, commissions, pay or other compensation for services, or any part thereof, due or to become due to any employee and any purchase or assignment, whenever executed, shall be void. It shall also be unlawful for any person to withhold or to pay to any other person on the basis of any assignment or purchase prohibited by this section any salary, wages, commissions, pay or other compensation due to any employee.

b. Any person who violates this section, or attempts to do so, shall be liable to the employee for the amount of the salary, wages, commissions, or other compensation for services withheld from the employee.

c. Nothing contained in this section shall be construed to make unlawful the withholding or diverting of wages by any employer in accordance with section 4 of P.L.1965, c.173 (C.34:11-4.4).

C.40A:64-1 Certain Sunday sales prohibited.

14. a. On Sunday, it shall be unlawful for any person whether it be at retail, wholesale or by auction, to sell, attempt to sell or offer to sell or to engage in the business of selling clothing or wearing apparel, building and lumber supply materials, furniture, home or business or office furnishings, household, business or office appliances, except as works of necessity and charity or as isolated transactions not in the usual course of the business of the participants.

b. Any person who violates any provision of this section is a disorderly person and upon conviction for the first offense, shall pay a fine of $250.00; and for the second offense, shall pay a fine of not less than $250.00 or more

than $1,000.00 to be fixed by the court; and for the third offense, shall pay a fine of not less than $1,000.00 or more than $2,000.00 to be fixed by the court or, in the discretion of the court, may be imprisoned for a period of not more than 30 days, or both; and for the fourth or each subsequent offense, shall pay a fine of not less than $2,000.00 or more than $5,000.00 to be fixed by the court, or, in the discretion of the court, may be imprisoned for a period of not less than 30 days or more than six months, or both. A single sale of an article of merchandise of the character prohibited to any one customer, or a single offer to sell an article of such merchandise to any one prospective customer, shall be a distinct violation of this act. The directors, officers, managers, agents or employees of corporations shall be personally liable for these penalties.

c. In addition to the penalties provided for conviction under this section, upon any four convictions for violations of this section, the premises in or upon which the violation occurred shall be deemed a nuisance.

d. As used in this section:

(1) "Clothing and wearing apparel" includes any article or articles to be worn on the person by man, woman, or child as bodily covering or protection, including garments of all types, headwear and footwear.

(2) "Furniture" includes all articles of furniture used inside or outside a house or office, including chairs, tables, beds, desks, wardrobes, dressers, bureaus, cupboards, cabinets, bookcases, sofas, couches, and related items; and materials especially designed and prepared for assembly into furniture; and all such furniture, whether finished or unfinished, painted or unpainted.

(3) "Home furnishings" includes items of equipment and furnishings used in a home or office, such as floor coverings, lamps and lighting fixtures, household linens, drapes, blinds, curtains, mattresses, bed coverings, mirrors, china, kitchenware and kitchen utensils, silverware, cutlery.

(4) "Household appliances" includes stoves, heating devices, cooking equipment, refrigerators, air conditioning equipment, electric fans, clocks, radios, toasters, television sets, washing machines, dryers, and all such electrical and gas appliances used in the home.

(5) "Building and lumber supply materials" includes all items used in the construction of buildings, whether residential or industrial, and particularly, but not limited to lumber, cement, building blocks, sashes, frames, windows, doors and related items.

(6) "Sell" means to enter into an agreement whereby the seller transfers ownership of property in the goods or an interest in the goods to the purchaser for a consideration, whether or not the transfer is for immediate or future delivery, and whether or not the transaction is regarded as absolute, conditional or secured, and whether or not immediate consideration is paid therefor. The acceptance of a deposit for future delivery of any such

merchandise, or an agreement for future delivery of any such merchandise, whether or not immediate consideration is paid therefor, shall also be deemed a sale for purposes of this act.

(7) "Offer to sell" means the acceptance of bids or proposals for the purchase of goods at a future date or the attempt to induce a sale as hereinabove defined, or the attempt to induce an immediate transfer of any such merchandise, but not to include advertising or display of any such merchandise, which merchandise is not available for purchase on Sunday.

(8) "Engage in selling" means the attempt to sell or to induce an immediate or future transfer of any such merchandise by describing, explaining, extolling or identifying any such merchandise while the seller is in personal contact with the potential purchaser.

C.40A:64-2 Referendum prohibiting Sunday sales in county.

15. a. Section 14 of P.L.1999, c.90 (C.40A:64-1) prohibiting Sunday sales shall not become operative in any county unless the voters of the county have determined by referendum held pursuant to this section or its predecessor that Sunday sales shall not be permitted in the county.

b. A public question as to whether Sunday sales shall be permitted in a county shall be submitted to the voters of the county at a general election if a petition signed by not less than 2,500 registered voters of the county requesting that the question be submitted is filed with the county clerk prior to the 45th day preceding the general election.

c. There shall be printed on each official ballot to be used at such election, the following:

If you favor the proposition printed below make a cross (X), plus (+) or check (√) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (√) in the square opposite the word "No."

	YES.	Shall Sunday sales be permitted in this county?
	NO.	

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the instructions and shall be voted upon by the use of such machines.

d. If at the election at which the question is submitted, the majority of all the votes cast are cast against the question, the provisions of section 14 of P.L.1999, c.90 (C.40A:64-1) shall be operative in the county on the first

Sunday after the election. If a majority of votes is cast in favor of the question, the provisions of this act shall remain inoperative in the county.

e. In a county in which there has been a referendum on Sunday sales provided in this section, a public question as to whether Sunday sales shall be permitted shall be submitted again to the voters of the county if three years has elapsed since the last referendum on the subject and a petition signed by at least 10% of the registered voters of the county requesting that the question again be submitted is filed with the county clerk. The election shall be held at the next general election after the 45th day following the date of the filing of the petition in the same manner as provided in subsection c.

C.40A:64-3 Referendum prohibiting Sunday sales in city.

16. a. If in any city of the first class located within any county in which, by referendum of the voters Sunday sales are prohibited, a petition is filed with the city clerk signed by not less than 2,500 registered voters of the city requesting that there shall be submitted to the voters of the city the question of whether the provisions of section 17 of P.L.1999, c.90 (C.40A:64-4) prohibiting Sunday sales shall apply within the city, the question shall be submitted to the voters of the city at the next general election after the 30th day following the date of the filing of the petition.

b. There shall be printed on each official ballot to be used at the election authorized by this section the following:

If you favor the proposition printed below make a cross (X), plus (+) or check (√) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (√) in the square opposite the word "No."

	YES.	Shall Sunday sales be permitted in this city?
	NO.	

In any city in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the instructions and shall be voted upon by the use of such machines.

c. If at the election at which the question is submitted, the majority of all the votes cast are cast in favor of the question, the provisions of section 14 of P.L.1999, c.90 (C.40A:64-1) prohibiting Sunday sales shall be inoperative in the city; if a majority of votes is cast against the question, the provisions shall remain operative in the city.

C.40A:64-4 Municipality may prohibit Sunday sales by referendum.

17. In a county that has approved Sunday sales by referendum, any municipality in that county which voted to prohibit Sunday sales at that

referendum may by municipal referendum and pursuant to R.S.40:45-3 submit to the voters of the municipality for their approval the question of whether Sunday sales shall be permitted in that municipality.

C.40A:64-5 Definitions relative to Sunday sales.

18. a. As used in this section:

(1) "Fundraising event" means a planned, scheduled activity which has as its main purpose the generating of money to be used for any educational purposes benefiting students including, but not limited to, use for scholarships or educational or athletic equipment. The money generated as a result of the sponsorship of a fundraising event, the leasing of space to vendors, and any actual sales by the educational organization itself must be used in their entirety for educational purposes. These events shall be conducted on the premises of the school with which the educational organization is affiliated and may include, but are not limited to, flea markets, auctions, and bazaars.

(2) "Educational organizations" means associations of parents of public or private, nonprofit school students and faculty members of the public or private, nonprofit school where those students are enrolled, including teachers and administrators, or student groups consisting of present or former enrollees of the school or organizations consisting of some members of both these associations or groups who have joined together to conduct activities relating to the improvement of the quality of education. These activities include, meetings devoted to issues concerning administration or curriculum matters or volunteer efforts concerning any extracurricular activities or athletic events.

b. Notwithstanding any other provisions of law to the contrary, in a county in which the provisions of section 14 of P.L.1999, c.90 (C.40A:64-1) prohibiting Sunday sales apply, an educational organization may be authorized by the appropriate school board of a public school or the appropriate chief administrative officer of a private, nonprofit school, as the case may be, in that county to conduct, on the appropriate school premises, no more than 10 fundraising events on any 10 Sundays in a calendar year. Each event shall be subject to separate approval by the board or chief administrative officer, as the case may be. The 10-day limitation provided for herein shall apply to all educational organizations for which a fundraising event would be subject to the approval of a single school district or chief administrative officer, as the case may be.

c. The governing body of a municipality may, by ordinance or resolution, provide that the provisions of this section will not be applicable in that municipality or may regulate or otherwise limit the fundraising events permitted by this act.

Repealer.

19. The following sections are repealed:

R.S.34:11-25;

R.S.34:11-26;
N.J.S.2A:170-51;
N.J.S.2A:170-77;
N.J.S.2A:170-91;
P.L.1952, c.95 (C.2A:108-9);
P.L.1971, c.412 (C.2A:150A-1 through 2A:150A-5);
P.L.1973, c.354 (C.2A:150A-6);
P.L.1952, c.106 (C.2A:170-25.1);
P.L.1965, c.41 (C.2A:170-25.9 through 2A:170-25.13);
P.L.1972, c.143 (C.2A:170-25.17);
Sections 1 through 4 of P.L.1977, c.244 (C.2A:170-25.21 through 2A:170-25.23);
P.L.1955, c.48 (C.2A:170-77.2);
P.L.1962, c.174 (C.2A:170-77.2a and 2A:170-77.2b);
P.L.1962, c.113 (C.2A:170-77.8 through 2A:170-77.11);
P.L.1964, c.230 (C.2A:170-77.12 through 2A:170-77.14);
Section 7 of P.L.1966, c.314 (C.2A:170-77.15);
P.L.1977, c.215 (C.2A:170-77.16 through 2A:170-77.18);
P.L.1966, c.121 (C.2A:170-90.2);
P.L.1975, c.182 (C.2A:170-90.3 through 2A:170-90.5);
P.L.1955, c.254 (C.2A:171-1.1 and 2A:171-1.2);
P.L.1959, c.119 (C.2A:171-5.8 through 2A:171-5.18);
P.L.1984, c.160 (C.2A:171-5.19 through 2A:171-5.21);
Sections 6 and 7 of P.L.1985, c.271 (C.2A:171-5.22 and 2A:171-5.23);
P.L.1985, c.417 (C.2A:171-5.24 and 2A:171-5.25);
P.L.1988, c.162 (C.2A:171-5.26 through 2A:171-5.28);
Section 6 of P.L.1980, c.133 (C.24:21-51);
Section 18 of P.L.1970, c.226 (C.24:21-18).

20. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 91

AN ACT establishing the Office of Disability Services in the Department of Human Services and revising parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:6E-1 Findings, declarations relative to establishment of Office of Disability Services.

1. The Legislature finds and declares that:

a. New Jersey citizens with disabilities want the same things in life as the other residents of this State: to be productive citizens who contribute to the communities in which they live, to be good family members and good neighbors, and to work hard at jobs that provide satisfaction and independence.

b. These individuals deserve the recognition and support of State, county and local governments to protect their rights and to reach their full potential.

c. To fulfill this responsibility, State government should establish a designated agency, to work cooperatively with appropriate agencies in each county, which is empowered to serve citizens with disabilities effectively so that comprehensive programs can be developed and coordinated on a Statewide basis to support the efforts of these citizens to overcome those barriers which their disabilities may pose to reaching their goals.

C.30:6E-2 Definitions relative to Office of Disability Services.

2. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Director" means the Director of the Office of Disability Services in the Department of Human Services.

"Office" means the Office of Disability Services in the Department of Human Services.

C.30:6E-3 Office of Disability Services.

3. a. There is established an Office of Disability Services in the Department of Human Services.

b. The office shall not subsume within it any other office, commission or other agency of State government, nor shall funds appropriated for the operation of any other office, commission or other agency of State government be expended for the establishment or operation of the Office of Disability Services.

C.30:6E-4 Director; appointment, removal of officers, employees.

4. The administrator and head of the office shall be a director who shall be known as the Director of the Office of Disability Services. The director shall be a person qualified by training and experience to perform the duties of the office and shall devote his entire time to the performance of those duties. The director shall be appointed by the commissioner.

The commissioner shall appoint and remove officers and employees of the office subject to the provisions of Title 11A of the New Jersey Statutes and other applicable statutes as are necessary to enable the office to perform its duties pursuant to this act and he shall fix their compensation within the limits of available appropriations and as is provided by law. In order to

utilize the State's disabled citizens in the work of the Office of Disability Services to the maximum extent possible, the commissioner or director, as appropriate, also may appoint, retain or employ officers or consultants on a contract basis or otherwise, as deemed necessary, and employ other qualified personnel who shall be in the noncompetitive division of the career service of the Civil Service.

C.30:6E-5 Functions, duties of office.

5. a. The office shall serve as the single point of entry within State government for persons with disabilities who are seeking assistance and who do not meet the requirements for disability-specific programs currently located in the department or another agency of State government. The office shall operate a toll-free telephone service to provide a comprehensive information and referral system for persons with disabilities and their families and those who serve and advocate for them, as well as members of the general public, and shall periodically publish a Statewide directory of disability services.

b. The office shall operate as the State-level coordinating body between all agencies of State government providing services to persons with disabilities and shall serve as a locus within State government for the interests of persons with disabilities and their families.

c. The office shall serve as the primary liaison within State government to the county offices for the disabled and shall provide technical assistance to the county offices and seek to establish an electronic network which connects it to each of the county offices. In addition, the director shall work with those counties which do not maintain an office for the disabled to establish such an office and shall seek federal, foundation and other grant funding to establish or enhance county offices for the disabled.

d. The office shall administer the personal assistance services program established pursuant to the "Personal Assistance Services Act," P.L.1987, c.350 (C.30:4G-13 et seq.) and seek to coordinate all other publicly funded programs which provide personal assistance or other home-based services to persons with disabilities. The office shall also operate such State, federal or foundation-funded demonstration programs as may be determined by the commissioner.

e. The commissioner shall establish an advisory and policy development board to make recommendations to the director on policy and operations of the office. The membership of the board shall reflect a broad spectrum of disabilities and shall include representation from among the following: persons with disabilities, family members of persons with disabilities, service providers and organizations or agencies which advocate for persons with disabilities. The members of the board shall serve without

compensation but shall be entitled to reimbursement for reasonable expenses incurred in the performance of their duties.

C.30:6E-6 Annual report to Governor, Legislature.

6. The commissioner shall report annually to the Governor and the Legislature, which report, at a minimum, shall: summarize the activities of the office for the preceding fiscal year; document significant problems affecting persons with disabilities when accessing public services; indicate and analyze trends in the systems of care and services for persons with disabilities; and present any recommendations to further the State's capacity to provide services to, and advocate for the rights of, persons with disabilities, including such recommendations for legislative or administrative action as the commissioner desires to present.

7. Section 3 of P.L.1987, c.350 (C.30:4G-15) is amended to read as follows:

C.30:4G-15 Personal assistance services program.

3. There is established a personal assistance services program in the Office of Disability Services in the Department of Human Services, to be administered by county designated agencies in each of the 21 counties. The program, within the limits of funds appropriated or otherwise made available to it, shall assist adults with chronic physical disabilities in the performance of routine, nonmedical tasks that are directly related to maintaining their health and independence, in order to enable these persons to be employed or receive training or education related to employment or to support community-based independent living. The program shall seek to promote the greatest possible degree of self-control and self-direction on the part of each recipient of services.

8. Section 8 of P.L.1987, c.350 (C.30:4G-20) is amended to read as follows:

C.30:4G-20 State Consumer Advisory Council on Personal Assistance Services.

8. a. There is established the State Consumer Advisory Council on Personal Assistance Services in the Office of Disability Services in the department, which shall consist of 21 members appointed by the commissioner, one from each county, at least 75 percent of whom are consumers of personal assistance services.

Vacancies in the membership of the advisory council shall be filled in the same manner provided for the original appointments. The members of the advisory council shall serve without compensation but shall be

reimbursed for the reasonable expenses necessarily incurred in the performance of their duties

b. The advisory council shall organize no later than 30 days after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the advisory council.

c. The department shall provide such stenographic, clerical and other administrative assistants, and such professional staff, as the advisory council requires to carry out its work.

d. It shall be the responsibility of the advisory council to:

(1) Advise the commissioner on matters pertaining to personal assistance services and the development of the personal assistance services program, upon the commissioner's request;

(2) Review the rules adopted for the personal assistance services program and make recommendations to the commissioner thereon;

(3) Evaluate the effectiveness of the personal assistance services program in meeting its objectives and share that evaluation with the commissioner; and

(4) Actively explore innovative service delivery models to enhance the consumer-driven nature of the personal assistance services program.

C.30:6E-7 Duties relative to voter registration in the office.

9. The director or other chief administrative officer of any public office of the Office of Disability Services shall:

a. cause copies of the voter registration forms and instructions provided for under subsections e. and f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) and the declination form provided for in subsection b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be distributed at each such office to each person appearing in person thereat to apply for services or assistance provided thereby or to seek a recertification, renewal or change of address relative to the assistance provided at such office. An employee of the office shall inquire of every such person whether the person, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the person that whether or not the applicant chooses to register will not affect the person's eligibility for those services. The employee shall subsequently review the forms to determine whether or not the person wishes to register to vote. If the person does not wish to register, the employee shall provide the person with any assistance necessary to complete the declination form and then inform the person that the form shall be retained by the employee. If the person wishes to register, the employee shall provide the person with any assistance necessary in completing the voter registration form; shall inform the applicant that the applicant may leave the completed form with the

employee or mail it personally to the Secretary of State; and if the applicant chooses to leave the form, shall accept the completed form, stamp or otherwise mark the lower right hand corner of the document with the date on which it was so received, and forward it to the Secretary of State. The employee shall provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the voter registration form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to every office which provides assistance to persons with disabilities pursuant to P.L.1999, c.91 (C.30:6E-1 et al.);

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to the offices which are located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4);

d. provide for the collection of completed voter registration forms by any employee of the office for the transmittal of the forms to the Secretary of State;

e. provide that the forms, instructions and assistance specified in subsection a. of this section shall be provided to any person with a disability who receives assistance or services at that person's home from an employee of the office;

f. inform each employee of the office who assists in registering a person to vote that that employee shall not:

(1) seek to influence an applicant's political preference or party registration;

(2) display any such political preference or party allegiance;

(3) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; and

g. make certain that no information relating to a declination to register to vote by an individual in connection with any type of application for service made by that individual at any office is used for any purpose other than voter registration.

10. Section 26 of P.L.1994, c.182 (C.19:31-6.11) is amended to read as follows:

C.19:31-6.11 Voter registration agency defined; declination forms, contents.

26. a. As used in this section, "voter registration agency" means:

Any agency or office serving as a food stamp issuer, pursuant to P.L.1988, c.79 (C.44:8-153 et seq.) and the "Food Stamp Act of 1977," Pub.L.95-113 (7 U.S.C. s.2011 et seq.);

Any agency or office providing or administering assistance under the "New Jersey Medical Assistance and Health Services Program," pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and 42 U.S.C. s.1395 et seq.;

Any agency or office distributing food pursuant to the special supplemental food program for women, infants and children (WIC), established pursuant to P.L.1987, c.261 (C.26:1A-36.1 et seq.) and Pub.L. 95-267 (42 U.S.C. s.1786);

Any agency or office administering assistance under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.);

Any public office of the Division of Developmental Disabilities, established pursuant to section 2 of P.L.1985, c.145 (C.30:6D-24), in the Department of Human Services;

Any public office of the Office of Disability Services, established pursuant to section 3 of P.L.1999, c.91 (C.30:6E-3), in the Department of Human Services;

Any recruitment office of the Armed Forces of the United States, subject to any agreement between this State and the Secretary of Defense of the United States for the joint development and implementation, as provided under subsection (c) of section 7 of Pub.L.103-31 (42 U.S.C. s. 1973gg-6), of procedures for applying at those offices to register to vote;

Any office of the Division of Vocational Rehabilitation Services of the New Jersey Department of Labor;

Any office of the Commission for the Blind and Visually Impaired of the New Jersey Department of Human Services;

Any county welfare agency or county board of social services established pursuant to the provisions of chapter 1 or chapter 4 of Title 44 of the Revised Statutes;

The office of the commissioner of registration in the several counties of this State; and

Any office of the municipal clerk in the several municipalities of this State.

b. With each voter registration form and instructions provided to the chief administrative officer at each voter registration agency under subsections e. and f. of section 16 of P.L.1974, c.30 (C.19:31-6.4), the Secretary of State shall provide at the same time a declination form that includes:

(1) the question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(2) the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(3) boxes for the applicant to check to indicate whether the applicant would or would not like to register to vote, together with the statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(4) the statement: "If you would like help in filling out the voter registration application form, we will help you. The decision to seek or accept help is yours. You may fill out the application form in private.";

(5) the statement: "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State." (insert address and current telephone number); and

(6) the statement: IF YOU DECLINE TO REGISTER TO VOTE AT THIS TIME, YOUR DECISION WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES. IF YOU DO REGISTER TO VOTE, THE WAY IN WHICH YOU DO SO WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.

c. The Secretary of State shall cause to be prepared declination forms in the form provided for by subsection b. of this section in both the English and Spanish languages and shall provide such forms to the chief administrative officer of each voter registration agency which has an office in any county in which there is at least one election district in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

d. The Secretary of State shall adopt, pursuant to consultation with the chief administrative officers at voter registration agencies, regulations for the prompt return of the completed voter registration forms, but in no case shall the forms be returned later than the fifth day following the date on which the completed forms are received by the voter registration agencies.

e. All registration forms received by the Secretary of State in the mail or forwarded to the Secretary of State by employees or agents of the voter registration agencies shall be forwarded to the commissioner of registration in the county of the registrant.

f. Each completed declination form received by a voter registration agency shall be kept confidential for a period of at least two years. The Secretary of State shall determine, pursuant to consultation with the chief

administrative officers at voter registration agencies, which office or agency shall retain the declination forms.

11. Section 2 of P.L.1995, c.318 (C.26:2B-37) is amended to read as follows:

C.26:2B-37 "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" established.

2. The Commissioner of Health and Senior Services shall establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in consultation with the program advisory committee established pursuant to this section and in consultation with and after review by the Governor's Council on Alcoholism and Drug Abuse.

There is established a program advisory committee to advise the commissioner on the establishment and operation of the "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled." The members of the advisory committee shall be appointed by the commissioner and shall consist of five members who are either deaf, hard of hearing, or disabled, two members of the public with an interest in issues relating to alcohol and drug abuse and one representative each from the Governor's Council on Alcoholism and Drug Abuse, the Developmental Disabilities Council, the Division of Vocational Rehabilitation Services in the Department of Labor, and the Division of the Deaf and Hard of Hearing and the Office of Disability Services in the Department of Human Services. The commissioner shall serve as an ex officio member of the committee.

12. Section 3 of P.L.1981, c.488 (C.30:6-25) is amended to read as follows:

C.30:6-25 Commodities and Services Council established.

3. There is established in the Department of Human Services, the Commodities and Services Council for blind and other severely handicapped persons. The council shall consist of the Director of the Division of Vocational Rehabilitation Services; the Director of the Office of Purchase and Property; the Chief of the Bureau of State Use Industries; the Director of the Office of Development for Small Businesses and Women's and Minority Businesses in the Department of Commerce and Economic Development; the Director of the Division of Developmental Disabilities and the Director of the Office of Disability Services in the Department of Human Services; the Executive Director of the Commission for the Blind and Visually Impaired; the President of the New Jersey Association of Rehabilitation Facilities; or their designees; three citizens as at-large members, at least one of whom shall be a blind person, and at least one of

whom shall represent the private business sector. The at-large members shall be appointed by the Governor, with the advice and consent of the Senate, for terms of three years, except that of the first at-large members appointed, one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year.

13. Section 3 of P.L.1949, c.280 (C.39:4-206) is amended to read as follows:

C.39:4-206 Vehicle identification card.

3. The director shall issue to such applicant, also, a placard of such size and design as shall be determined by the director in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor and the Office of Disability Services in the Department of Human Services, indicating that a handicapped person identification card has been issued to the person designated therein, which shall be displayed in such manner as the director shall determine on the motor vehicle used to transport the handicapped person, when the vehicle is parked overtime or in special parking places established for use by handicapped persons.

Notwithstanding any provision of this act P.L.1949, c.280 (C.39:4-204 et seq.) to the contrary, the chief of police of each municipality in this State shall issue to any person who has temporarily lost the use of one or more limbs or is temporarily disabled as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise temporarily limited, as certified by a physician with a plenary license to practice medicine and surgery or a podiatrist licensed to practice in this State or a bordering state, or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, a temporary placard of not more than six months' duration. Each temporary handicapped placard issued under the provisions of this section shall set forth the date on which it shall become invalid.

The temporary placard shall be granted upon written certification by a physician with a plenary license to practice medicine and surgery or a podiatrist licensed to practice in this State or a bordering state or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state that the person meets the conditions constituting temporary disability as provided in this section. This certification shall be provided on a standard form to be developed by the director in consultation with local chiefs of police and representatives of the handicapped. The form shall contain only those conditions constituting temporary disability as are provided in this section. The physical presence

of the handicapped person shall not be required for the issuance of a temporary handicapped placard.

The placard may be renewed one time at the discretion of the issuing authority for a period of not more than six months' duration. The placard shall be displayed on the motor vehicle used by the temporarily handicapped person and shall give the person the right to park overtime or to use special parking places established for use by handicapped persons in any municipality of this State.

The fee for the issuance of such temporary or permanent placard issued pursuant to this section shall be $4.00 and payable to the Director of the Division of Motor Vehicles.

The director may, in addition, issue license plates bearing the national wheelchair symbol for:

a. Not more than two motor vehicles owned, operated or leased by a handicapped person or by any person furnishing transportation on his behalf; or

b. Any two motorcycles owned, operated or leased by a handicapped person.

The fee for the issuance of such plates shall be $10.00 for each vehicle.

14. Section 2 of P.L.1975, c.224 (C.52:32-15) is amended to read as follows:

C.52:32-15 Standards established for accommodation of disabled persons.

2. To carry out the purpose of section 1 of P.L.1975, c.224 (C.52:32-14) the Department of Transportation shall, within 30 days of the enactment of P.L.1975, c.224 (C.52:32-14 et seq.), and periodically thereafter as necessary, after consultation with the Director of the Division of Vocational Rehabilitation Services of the Department of Labor and the Director of the Office of Disability Services and the chairman of the State Commission for the Blind and Visually Impaired of the Department of Human Services, prescribe standards, which shall include, but not be limited to, standards of drainage, slope gradient, width, and slip-resistant qualities which will assure that a sidewalk will accommodate a person in a wheelchair or other handicapped persons. All agencies and instrumentalities of State and local government, and every other person, firm, corporation or association shall comply with these standards and the provisions of P.L.1975, c.224 (C.52:32-14 et seq.) when undertaking construction or reconstruction of streets, curbs or sidewalks.

C.30:6E-8 Rules, regulations.

15. The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

16. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 92

AN ACT concerning voluntary contributions through gross income tax returns to the Korean Veterans' Memorial Fund, supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.15 Option to contribute portion of tax refund to Korean Veterans' Memorial Fund.

1. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the "Korean Veterans' Memorial Fund," established pursuant to section 4 of P.L.1996, c.72 (C.52:18A-218).

Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "Korean Veterans' Memorial Fund."

C.54A:9-25.16 Appropriation of funds deposited.

2. The Legislature shall annually appropriate all funds deposited in the "Korean Veterans' Memorial Fund" to the Korean Veterans' Memorial Committee in the Department of Military and Veterans' Affairs.

3. This act shall take effect immediately but shall remain inoperative until enactment of P.L.1999, c.21 (C.54A:9-25.14) and apply to taxable years commencing on or after January 1 next following enactment of P.L.1999, c.21 (C.54A:9-25.14).

Approved May 3, 1999.

CHAPTER 93

AN ACT concerning farmers and hunting licenses and amending P.L.1959, c.37.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1959, c.37 (C.23:3-56.1) is amended to read as follows:

C.23:3-56.1 Limited deer license, fee.

1. a. When the Fish and Game Council has established a season for deer of either sex and has fixed a certain number of permits to be issued for that harvest, the division is authorized to charge a fee of $18.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), for each permit so issued, which fee shall be in addition to any other fees authorized by law.

b. (1) No such fee charged pursuant to subsection a. of this section shall be required of a qualified farmer or the spouse or children of that farmer who reside in the farmer's household, provided that the person or persons are otherwise authorized to participate in the limited harvest.

The exemption provided under this subsection:

(a) shall not apply to a person residing on the farm or in a tenant house thereon who is not the spouse or a child of the qualified farmer, nor to an employee of the qualified farmer;

(b) shall be limited to one permit each for the qualified farmer who owns or leases a farm on which the farmer resides as described in subparagraph (a) of paragraph (3) of this subsection, and the spouse and children of that farmer; and

(c) shall be limited to one permit each for the qualified farmer or farmers who owns or leases a farm or farms on which that farmer or farmers does not reside as described in subparagraph (b) of paragraph (3) of this subsection, and their spouses and children, but in no case shall more than five permits in total be issued for such property pursuant to this subparagraph.

(2) An application for a permit issued to a qualified farmer or the spouse or a child of that farmer pursuant to this subsection shall be made on a form supplied by the division and shall include, in the case of leased land, a copy of all leases authorizing the agricultural and hunting uses of the land.

(3) For purposes of this subsection, "qualified farmer" means a person who:

(a) owns or leases a farm on which that person resides that is valued, assessed and taxed as land actively devoted to agricultural or horticultural

use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.); or

(b) owns or leases a farm on which that person does not reside, provided that: (i) the person actively farms at least 30 tilled, non-woodland acres, which may be noncontiguous; and (ii) the farm, or each parcel in the case of noncontiguous parcels, is valued, assessed and taxed as land actively devoted to agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

c. The division may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement the provisions of this section.

2. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 94

AN ACT providing for the simplification of wage taxes and withholding for household workers, supplementing chapter 9 of Title 54A of the New Jersey Statutes and chapter 21 of Title 43 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-17.2 Filing of tax returns for domestic service workers.

1. a. Notwithstanding the provisions of subsection (a) of N.J.S.54A:7-4 to the contrary, except for an employer also liable for withholding taxes with respect to remuneration for services rendered other than for domestic service, tax returns filed with respect to domestic service shall be filed on a calendar year basis. Such a return shall be filed on or before January 31 following the close of the calendar year and the amount of tax withheld shall be paid over to the Director of the Division of Revenue at that time, together with those contributions treated as taxes pursuant to the provisions of section 2 of P.L.1999, c.94 (C.43:21-11.3).

b. The director shall prescribe such regulations as the director deems necessary to carry out the purpose of allowing employers to convert from a quarterly system of payments and filing to annual filing, and to simplify employer filing by allowing the combination of unemployment compensation, disability benefits and gross income tax remittance for reporting and payment purposes for employees providing domestic services by treating the

taxes payable pursuant to subsection a. of this section and those contributions treated as taxes pursuant to the provisions of section 2 of P.L.1999, c.94 (C.43:21-11.3) as taxes subject to the remittance requirements of N.J.S.54A:7-1 et seq. These regulations shall include:

(1) Provisions for the forwarding of contributions treated as taxes pursuant to the provisions of subsection b. of section 2 of P.L.1999, c.94 (C.43:21-11.3), together with such information as may be necessary, to the Office of the Assistant Commissioner for Administration and Finance of the Department of Labor for deposit in the proper funds and accounts established pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., and the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.);

(2) Provisions for the apportionment of interest and penalties imposed between liabilities pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. and those contributions treated as liabilities pursuant to the "New Jersey Gross Income Tax Act" pursuant to the provisions of subsection b. of section 2 of P.L.1999, c.94 (C.43:21-11.3), and forwarding the latter to the Office of the Assistant Commissioner for Administration and Finance and the Director of the Division of Accounting in the Department of Labor for deposit in the proper funds established pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., and the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.).

c. Notwithstanding the provisions of subsection a. of this section, an employer subject to the provisions of this section shall, within 10 days of the separation from employment of an employee in domestic service whose contributions are treated as taxes pursuant to the provisions of section 2 of P.L.1999, c.94 (C.43:21-11.3), report to the Commissioner of the Department of Labor, on a form determined by the commissioner, wage information for all completed calendar quarters of employment not previously reported and such other separation information as may be required to properly process an unemployment compensation claim.

d. For the purposes of this section, "domestic service" means domestic service as an employee in a private home of the employer, such as service as a babysitter, nanny, health aide, private nurse, maid, caretaker, yard worker or similar domestic employee.

C.43:21-11.3 Returns for domestic service filed on calendar year basis; exceptions.

2. a. Notwithstanding the provisions of subsection (a) of R.S.43:21-14 and subparagraph (E) of paragraph (1) of subsection (d) of R.S.43:21-7 to the contrary, except for an employer also liable for making or withholding contributions with respect to remuneration for services rendered other than for domestic service, returns reporting employer and employee contributions with respect to

domestic service shall be filed on a calendar year basis. Such a return shall be filed on or before January 31 following the close of the calendar year, and the amount of contributions shall be paid over to the Director of the Division of Revenue in the Department of the Treasury at that time.

b. Notwithstanding the provisions of R.S.43:21-16 or any other law to the contrary, the contributions due pursuant to subsection a. of this section shall be treated as taxes due pursuant to N.J.S.54A:1-1 et seq., subject to the provisions of section 1 of P.L.1999, c.94 (C.54A:9-17.2).

c. The Commissioner of the Department of Labor, in consultation with Director of the Division of Revenue in the Department of the Treasury, shall prescribe such regulations as the commissioner deems necessary to carry out the purpose of allowing employers to convert from a quarterly system of payments and filing to annual filing, and to simplify employer filing by allowing the combination of unemployment compensation, disability benefits and gross income tax remittance for reporting and payment purposes for employees providing domestic services.

d. Notwithstanding the provisions of subsection a. of this section, an employer subject to the provisions of this section shall, within 10 days of the separation from employment of an employee in domestic service whose contributions are treated as taxes pursuant to the provisions of this section, report to the Commissioner of the Department of Labor, on a form determined by the commissioner, wage information for all completed calendar quarters of employment not previously reported and such other separation information as may be required to properly process an unemployment compensation claim.

e. For the purposes of this section, "domestic service" means domestic service as an employee in a private home of the employer, such as service as a babysitter, nanny, health aide, private nurse, maid, caretaker, yard worker or similar domestic employee.

C.43:21-11.4 Establishment of system of annual filings.

3. a. The Commissioner of Labor shall establish a system of annual filings to meet the alternative system requirements of paragraph (3) of subsection (a) of 42 U.S.C. s.1320b-7 on or before the 30th day after enactment of P.L.1999, c.94 (C.54A:9-17.2 et al.), and shall seek waiver from the United States Secretary of Labor in conformance with paragraph (3) of subsection (a) of 42 U.S.C. s.1320b-7.

b. Notwithstanding any other provisions of this act to the contrary, the powers of the commissioner pursuant to the provisions of subsection (g) of R.S.43:21-11 to require quarterly reports of wages paid are reserved to the commissioner, to be exercised after compliance with subsection a. of this section if necessary to maintain a State income and eligibility verification

system in compliance with the requirements of paragraph (3) of subsection (a) of 42 U.S.C. s.1320b-7.

4. This act shall take effect immediately and apply to all wages paid on and after January 1 next following enactment.

Approved May 3, 1999.

CHAPTER 95

AN ACT concerning grave robbing and amending N.J.S.2C:17-3 and N.J.S.2C:20-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:17-3 is amended to read as follows:

Criminal mischief.

2C:17-3. Criminal Mischief. a. Offense defined. A person is guilty of criminal mischief if he:

(1) Purposely or knowingly damages tangible property of another or damages tangible property of another recklessly or negligently in the employment of fire, explosives or other dangerous means listed in subsection a. of N.J.S.2C:17-2; or

(2) Purposely, knowingly or recklessly tampers with tangible property of another so as to endanger person or property.

b. Grading. (1) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of $2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.

(2) Criminal mischief is a crime of the fourth degree if the actor causes pecuniary loss in excess of $500.00. It is a disorderly persons offense if the actor causes pecuniary loss of $500.00 or less.

(3) Criminal mischief is a crime of the third degree if the actor damages, defaces, eradicates, alters, receives, releases or causes the loss of any research property used by the research facility, or otherwise causes physical disruption to the functioning of the research facility. The term "physical disruption" does not include any lawful activity that results from public, governmental, or research facility employee reaction to the disclosure of information about the research facility.

(4) Criminal mischief is a crime of the fourth degree if the actor damages, removes or impairs the operation of any device, including, but not limited to, a sign, signal, light or other equipment, which serves to regulate or ensure the safety of air traffic at any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however, if the damage, removal or impediment of the device recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

(5) Criminal mischief is a crime of the fourth degree if the actor interferes or tampers with any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however if the interference or tampering with the airport, landing field, landing strip, heliport, helistop or other aviation facility recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

(6) Criminal mischief is a crime of the third degree if the actor tampers with a grave, crypt, mausoleum or other site where human remains are stored or interred, with the purpose to desecrate, destroy or steal such human remains or any part thereof.

c. A person convicted of an offense of criminal mischief that involves an act of graffiti may, in addition to any other penalty imposed by the court, be required to pay to the owner of the damaged property monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which shall include removing the graffiti from the property, if appropriate. If community service is ordered, it shall be for either not less than 20 days or not less than the number of days necessary to remove the graffiti from the property.

d. As used in this section:

(1) "Act of graffiti" means the drawing, painting or making of any mark or inscription on public or private real or personal property without the permission of the owner.

(2) "Spray paint" means any paint or pigmented substance that is in an aerosol or similar spray container.

2. N.J.S.2C:20-2 is amended to read as follows:

Consolidation of theft offenses; grading; provisions applicable to theft generally.

2C:20-2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally. a. Consolidation of Theft Offenses. Conduct denominated theft in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of theft may be supported by evidence that it was

committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if:

(a) The amount involved is $75,000.00 or more;

(b) The property is taken by extortion;

(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S.2C:35-2 and the quantity is in excess of one kilogram;

(d) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is $75,000 or more;or

(e) The property stolen is human remains or any part thereof.

(2) Theft constitutes a crime of the third degree if:

(a) The amount involved exceeds $500.00 but is less than $75,000.00;

(b) The property stolen is a firearm, motor vehicle, vessel, boat, horse, domestic companion animal or airplane;

(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S.2C:35-2 and the amount involved is less than $75,000.00 or is undetermined and the quantity is one kilogram or less;

(d) It is from the person of the victim;

(e) It is in breach of an obligation by a person in his capacity as a fiduciary;

(f) It is by threat not amounting to extortion;

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant;

(h) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is less than $75,000;

(i) The property stolen is any real or personal property related to, necessary for, or derived from research, regardless of value, including, but not limited to, any sample, specimens and components thereof, research subject, including any warm-blooded or cold-blooded animals being used for research or intended for use in research, supplies, records, data or test

results, prototypes or equipment, as well as any proprietary information or other type of information related to research;

(j) The property stolen is a New Jersey Prescription Blank as referred to in R.S.45:14-14; or

(k) The property stolen consists of an access device or a defaced access device.

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least $200.00 but does not exceed $500.00. If the amount involved was less than $200.00 the offense constitutes a disorderly persons offense.

(4) The amount involved in a theft shall be determined by the trier of fact. The amount shall include, but shall not be limited to, the amount of any State tax avoided, evaded or otherwise unpaid, improperly retained or disposed of. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft only if it occurs after the parties have ceased living together.

3. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 96

AN ACT concerning the retirement of certain elected public officials who are members of the Police and Firemen's Retirement System of New Jersey and supplementing P.L.1944, c.255 (C.43:16A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.43:16A-5.1 PFRS members serving as elected public official; retirement under certain cirumstances; permitted.

1. Notwithstanding any contrary provision of P.L.1944, c.255 (C.43:16A-1 et seq.), a member of the retirement system shall be eligible to retire while holding public office to which the member was elected and receiving the full salary for that office if the member's retirement allowance is not based solely on service in the public office to which the member was elected, and no contributions shall be required of the member covering that service.

2. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 97

AN ACT authorizing the State Treasurer to sell certain surplus property owned by the State and to grant easements across certain State real property.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. The Department of the Treasury, on behalf of The Richard Stockton College of New Jersey, is authorized to sell and convey, as surplus real property, all of the State's interest in land and improvements used for the potable water supply, treatment, storage and distribution system of The Richard Stockton College of New Jersey and located on the grounds of the college campus in the Township of Galloway in Atlantic County, such land and improvements to specifically include:

(1) 5+ acres of land designated as Block 875.04, part of Lot 1.01 of the Township of Galloway tax map;

(2) two existing water wells, known as well no.1 and well no.2, that are 150 and 145 feet deep, respectively, screened in the Cohansey formation in the Township of Galloway;

(3) the potable water treatment and pumping plant commonly known as building 75;

(4) the 300,000 gallon storage tank; and

(5) the water distribution system of a length of 2.5+ miles.

b. The Department of the Treasury, on behalf of The Richard Stockton College of New Jersey, is authorized to grant permanent easements to certain lands located on the grounds of The Richard Stockton College of New Jersey in the Township of Galloway in Atlantic County, as such easements may be necessary to: (1) operate, maintain and repair the land and improvements sold and conveyed as surplus property pursuant to subsection

a. of this section; (2) provide for the future expansion of the potable water supply, treatment, storage and distribution system to accommodate the needs of the college; or (3) connect that system into the existing or future regional water distribution system located in the vicinity of the grounds of the college campus.

c. The Department of the Treasury, on behalf of The Richard Stockton College of New Jersey, is authorized to provide for the transfer of water allocation diversion permit no. 2157P issued to the college by the Department of Environmental Protection for the diversion of water from the wells to be sold and conveyed pursuant to authorization given by subsection a. of this section. The transfer of the water allocation diversion permit shall be through permit modification in accordance with the procedures, requirements and conditions imposed by the Department of Environmental Protection.

d. The sale and conveyance authorized by subsection a. of this section, the granting of easements authorized by subsection b. of this section and the permit transfer authorized under subsection c. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission.

e. The proceeds from the sale and conveyance authorized by subsection a. of this section, the granting of easements authorized by subsection b. of this section, and the permit transfer authorized by subsection c. of this section shall be deposited in the General Fund of the State and retained in a special account for allocation to The Richard Stockton College of New Jersey.

2. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 98

AN ACT permitting the display of summaries of appropriations for informational purposes only within the annual appropriations act, amending R.S.1:3-1 and P.L.1954, c.28, and supplementing Title 1 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.1:2-3.2 Display of summaries of appropriations.

1. Unless it is otherwise expressly provided, the following display, or a substantially similar display, of summaries of appropriations as may appear within an annual appropriations act shall not be deemed to be part of

that act but shall be for the purpose of displaying summaries of the items of appropriations made elsewhere within that act:

(For Display Purposes Only) *Summary of Appropriations - Department of [Name of Department]*	
Appropriations by Category:	
Direct State Services.....	$(subtotal)
Grants-in-Aid.....	$(subtotal)
State Aid.....	$(subtotal)
Appropriations by Fund:	
General Fund.....	$(subtotal)
Property Tax Relief Fund.....	$(subtotal)
Casino Revenue Fund.....	$(subtotal)

2. Section 1 of P.L.1954, c.28 (C.1:2-3.1) is amended to read as follows:

C.1:2-3.1 Format of bills, joint resolutions for Governor's signature.

1. Every bill and every joint resolution which has passed the Legislature shall be presented to the Governor in the same text as that in which it passed the Legislature and it shall be acted upon by the Governor accordingly but any bill or joint resolution in which material enclosed in bold-faced brackets is included shall, if it becomes law, be construed as though the material so included was omitted therefrom and no material so included shall be or constitute any part of the statute so enacted but a legend shall be affixed to the bottom of the first page of the bill or joint resolution indicating that material so included is intended to be omitted from the bill or joint resolution, when it becomes law. In addition, every annual appropriations bill which has passed the Legislature that may include one or more displays of summaries of items of appropriations as may appear within the bill shall not, if the bill becomes law, be construed as though the

material so included within any display of summaries of items of appropriations constitutes any part of the act and a legend shall be affixed to the bottom of the first page of the bill indicating that material included within any display is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere within that act and, while included within the text of the law, is not intended to be part of the law.

3. R.S.1:3-1 is amended to read as follows:

Preparation of laws for printing.

1:3-1. The Legislative Services Commission shall direct the Office of Legislative Services that, as soon as practicable after any law is enacted, it shall prepare the same for printing and in so doing, it shall make such corrections in the text thereof, as shall be directed by the Legislative Services Commission, and shall omit from the text thereof all material inserted therein, which is enclosed in bold-faced brackets, together with the brackets and all footnotes relating thereto, and shall cause material, appearing in the text underlined or printed in italics, to be printed in the same manner as other material is printed. In preparing the annual appropriations act for printing, the Office of Legislative Services shall include all displays of summaries of appropriations as may appear within the act and include a legend affixed to the bottom of the first page of the law indicating that material included within the displays is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere within that law and, while included within the text of the law, is not intended to be part of the law. The office shall cause the several acts of each year to be designated as chapters, numbered in Arabic according to the order of time when they respectively became laws; and shall cause headnotes, descriptive of the contents, to be printed at the beginning of such sections as it shall deem appropriate, and shall cause such sections of the several acts of each year to be marked with such compilation numbers as shall be appropriate in its judgment; and it shall, in like manner, cause the joint resolutions of the Senate and General Assembly and the concurrent resolutions of the Senate and General Assembly agreeing to any proposed amendment or amendments of the Constitution or providing for the publication and submission to the people of any such proposed amendment or amendments to be prepared for printing.

The Office of Legislative Services, through its Legislative Counsel, is authorized to correct in the text, but not in the title, of any law, such errors in references to other laws and in punctuation and spelling, and other obvious errors in form, which will not affect the substance of the law, as

shall be concurred in by the Attorney General and shall make such corrections in preparing the law for printing.

The Office of Legislative Services, through its Legislative Counsel, is further authorized to correct errors caused when two or more amendments to the same section of law are enacted, at the same or different sessions of the Legislature, but such amendments inadvertently omit provisions of, and fail to refer to, one another. Only amendments that may be put into simultaneous operation may be reconciled. Corrections shall be concurred in by the Attorney General and, thereafter, the office shall prepare the law for printing.

The Office of Legislative Services shall also cause the proclamations of the Governor made during the previous year, which the Governor shall direct to be printed, to be copied and prepared for printing.

The Office of Legislative Services shall prepare but one index, alphabetically arranged, to all the acts and joint resolutions of the year and the proclamations of the previous year.

4. This act shall take effect immediately.

Approved May 3, 1999.

CHAPTER 99

AN ACT appropriating moneys from the "1996 Economic Development Site Fund," established pursuant to section 20 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, for loans and grants for projects approved by the Economic Development Site Task Force pursuant to section 7 of P.L.1997, c.97 (C.34:1B-141).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the "New Jersey Commerce and Economic Growth Commission," established pursuant to section 3 of P.L.1998, c.44 (C.52:27C-63), from the "1996 Economic Development Site Fund," established pursuant to section 20 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, the sum of $20,000,000 for loans and grants for economic development sites in the Delaware River and Bay Region. The sum shall be allocated as follows:

a. A loan of $515,000 for the Coriel Institute for Medical Research located in Camden County;

b. A grant of $5,000,000 to the County of Burlington to capitalize a revolving loan fund, to be established and administered by the county, that shall only be used to provide loans for economic development site projects that are eligible for funding pursuant to section 8 of P.L.1997, c.97 (C.34:1B-142) and located along the Route 130 corridor. The county may not charge any costs that it may incur to establish or administer the revolving loan fund to the revolving loan fund. The forms and terms of loans authorized by this subsection shall be established by the county in conjunction with the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission and approved by the State Treasurer;

c. A loan of $1,250,000 and a grant of $250,000 for the Barnegat Bay Decoy and Baymen's Museum located in Ocean County;

d. A loan of $2,500,000 and a grant of $1,000,000 to Rutgers, the State University, and the Cooper's Ferry Development Association, Incorporated, for capital improvements to the Nipper Building that would enable the Nutraceuticals Institute to be located in Camden County;

e. A loan of $485,000 and a grant of $500,000 for Wheaton Village, Incorporated located in Cumberland County;

f. A grant of $5,000,000 to the County of Salem for projects eligible for funding pursuant to section 8 of P.L.1997, c.97 (C.34:1B-142); and

g. A loan of $1,000,000 for Del Line L.L.C. located in Camden County.

2. The loans authorized by subsections a., c., d., e., g., and h. of section 1 of this act shall be zero-interest loans, their maximum repayment terms shall be 20 years, and the forms and other terms of the loans shall be established by the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission and approved by the State Treasurer. Loan repayments shall be deposited to the "1996 Economic Development Site Fund," established pursuant to section 20 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, for the purposes of the fund.

3. This act shall take effect immediately.

Approved May 6, 1999.

CHAPTER 100

AN ACT concerning the control of air pollution from certain sources and amending P.L.1954, c.212.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1954, c.212 (C.26:2C-2) is amended to read as follows:

C.26:2C-2 Definitions.

2. As used in this act:

"Air contaminant" means any substance, other than water or distillates of air, present in the atmosphere as solid particles, liquid particles, vapors, or gases;

"Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property throughout the State and in those areas of the State as shall be affected thereby, and excludes all aspects of an employer-employee relationship as to health and safety hazards;

"Antimicrobial pesticide" means a product that destroys or repels, or prevents or mitigates the growth of, any bacteria, fungus, virus or other micro-organism that is defined as a pest pursuant to 7 U.S.C. s.136w (c)(1), and includes any product required to be registered as an antimicrobial pesticide pursuant to the "Federal Insecticide, Fungicide and Rodenticide Act," 7 U.S.C. s.136 et seq.;

"Commissioner" means the Commissioner of Environmental Protection;

"Construct" or "construction" means to fabricate or erect equipment or control apparatus at a facility where it is intended to be used, but shall not include the dismantling of existing equipment or control apparatus, site preparation, or the ordering, receiving, temporary storage, or installation of equipment or control apparatus. Unless otherwise prohibited by federal law, "construct" or "construction" shall also not include the pouring of footings or placement of a foundation where equipment or control apparatus is intended to be used;

"Consumer Price Index" or "CPI" means the annual Consumer Price Index for a calendar year as determined year to year using the decimal increase in the September through August, 12-month average for the

previous year of the Consumer Price Index for All Urban Consumers (CPI-U), as published by the United States Department of Labor;

"Control apparatus" means any device that prevents or controls the emission of any air contaminant;

"Council" means the Clean Air Council created pursuant to section 3 of P.L.1967, c.106 (C.26:2C-3.2);

"Department" means the Department of Environmental Protection;

"Emission fee" means an annual fee that is based on the emission of any regulated air contaminant;

"Emission statement" means an annual reporting of actual emissions of air contaminants as prescribed by rules and regulations therefor that shall be adopted by the department pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

"EPA" means the United States Environmental Protection Agency;

"Equipment" means any device capable of causing the emission of an air contaminant either directly or indirectly into the outdoor atmosphere, and any stack, chimney, conduit, flue, duct, vent, or similar device connected or attached to, or serving, the equipment, and shall include, but need not be limited to, any equipment in which the preponderance of the air contaminants emitted is caused by a manufacturing process;

"Facility" means the combination of all structures, buildings, equipment, control apparatus, storage tanks, source operations, and other operations that are located on a single site or on contiguous or adjacent sites and that are under common control of the same person or persons. Research and development facilities that are located with other facilities shall be considered separate and independent entities for the purposes of complying with the operating permit requirements of P.L.1954, c.212 (C.26:2C-1 et seq.) or any codes, rules, or regulations adopted pursuant thereto;

"Federal Clean Air Act" means the federal "Clean Air Act" (42 U.S.C.s.7401 et seq.) and any subsequent amendments or supplements to that act;

"Grandfathered" means construction, reconstruction, or modification of equipment or control apparatus prior to the date of enactment of section 13 of P.L.1967, c.106 (C.26:2C-9.2) on June 15, 1967, or prior to the subsequent applicable revisions to rules and regulations codified at N.J.A.C.7:27-8.1 et seq. that occurred March 5, 1973, June 1, 1976, April 5, 1985, and October 31, 1994;

"HAP" or hazardous air pollutant" means any air pollutant listed in or pursuant to subsection (b) of section 112 of the federal Clean Air Act (42 U.S.C. s.7412);

"Hospital or medical disinfectant" means an antimicrobial product registered with the United States Environmental Protection Agency that

qualifies to bear the name or claim to be a "hospital or medical environment disinfectant" pursuant to United States Environmental Protection Agency guidelines published pursuant to 7 U.S.C. s.136a (c)(2)(A), and shall include, but shall not be limited to, antimicrobial pesticides used in hospitals, doctor and dentist offices, and other medical environments;

"Install" or "installation" means to carry out final setup activities necessary to provide equipment or control apparatus with the capacity for use or service, and shall include, but need not be limited to, connection of equipment or control apparatus, associated utilities, piping, duct work, or conveyor systems, but shall not include construction or reconfiguration of equipment or control apparatus to an alternate configuration specified in a permit application and approved by the department;

"Major facility" means a major source, as that term is defined by the EPA in rules and regulations adopted pursuant to the federal Clean Air Act at 40 CFR 70.2 or any subsequent amendments thereto, that has the potential to emit any of the air contaminants listed below in an amount that is equal to or exceeds the applicable major facility threshold levels as follows:

Air Contaminant	Threshold level
Carbon monoxide	100 tons per year
Particulate matter (PM-10)	100 tons per year
Total suspended particulates	100 tons per year
Sulfur dioxide	100 tons per year
Oxides of nitrogen	25 tons per year
VOC	25 tons per year
Lead	10 tons per year
Any HAP	10 tons per year
All HAPs collectively	25 tons per year
Any other air contaminant	100 tons per year;

"Modify" or "modification" means any physical change in, or change in the method of operation of, existing equipment or control apparatus that increases the amount of any air contaminant emitted by that equipment or control apparatus or that results in the emission of any air contaminant not previously emitted, but shall not include normal repair and maintenance;

"Operating permit" means the permit described in Title V of the federal Clean Air Act (42 U.S.C. s.7661 et seq.);

"Person" means an individual, public or private corporation, company, partnership, firm, association, society, joint stock company, international entity, institution, county, municipality, state, interstate body, the United States of America, or any agency, board, commission, employee, agent,

officer, or political subdivision of a state, an interstate body, or the United States of America;

"Potential to emit" means the same as that term is defined by the EPA in rules and regulations adopted pursuant to the federal Clean Air Act at 40 CFR 70.2 or any subsequent amendments thereto;

"Process unit" means equipment assembled to produce intermediate or final products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. The storage and transfer of product or raw materials to and from the process unit shall be considered separate from the process unit for the purposes of making reconstruction determinations. Product recovery equipment shall be considered to be part of the process unit, not part of the control apparatus;

"Reconstruct" or "reconstruction" means the replacement of parts of equipment included in a process unit, or the replacement of control apparatus, if the fixed capital cost of replacing the parts exceeds both of the following amounts: (1) Fifty percent of the fixed capital cost that would be required to construct a comparable new process unit or control apparatus; and (2) $80,000 (in 1995 dollars) adjusted by the Consumer Price Index;

"Regulated air contaminant" means the same as the term "regulated air pollutant" as defined by the EPA in rules and regulations adopted pursuant to the federal Clean Air Act at 40 CFR 70.2 or any subsequent amendments thereto;

"Research and development facility" means any facility the primary purpose of which is to conduct research and development into new processes and products, including academic and technological research and development, provided that such a facility is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale, except in a de minimis manner; and

"VOC" or "volatile organic compound" means the same as that term is defined by the EPA in rules and regulations adopted pursuant to the federal Clean Air Act at 40 CFR 51.100 or any subsequent amendments thereto.

2. Section 8 of P.L.1954, c.212 (C.26:2C-8) is amended to read as follows:

C.26:2C-8 Powers of department relative to air pollution.

8. a. The department shall have power to formulate and promulgate, amend and repeal codes and rules and regulations preventing, controlling and prohibiting air pollution throughout the State or in such territories of the State as shall be affected thereby, except as provided in subsection b. of this section; provided, however, that no such code, rule or regulation and no such amendment or repeal shall be adopted except after public hearing to be

held after 30 days' prior notice thereof by public advertisement of the date, time and place of such hearing, at which opportunity to be heard by the department with respect thereto shall be given to the public; and provided, further, that no such code, rule or regulation and no such amendment or repeal shall be or become effective until 60 days after the adoption thereof as aforesaid. Any person heard at such public hearing shall be given written notice of the determination of the department.

All codes, rules and regulations heretofore adopted by the Air Pollution Control Commission shall continue in full force and effect subject to the power of the department to amend and repeal such codes, rules and regulations as provided by this act.

b. Unless otherwise required by federal law, rule or regulation, no code, regulation, rule or standard may be adopted by the department that diminishes the efficacy of a hospital or medical disinfectant in killing or inactivating agents of infectious diseases, including, but not limited to, restrictions on the volatile organic compound content or emissions caused by the use of such products. No federal requirement to reduce volatile organic compound content or emissions in general may be construed to permit the department to regulate the volatile organic compounds found in, or released in the use of, a hospital or medical disinfectant, unless the federal law, rule or regulation establishing the federal requirement specifically requires the reduction of volatile organic compounds found in, or released in the use of, hospital or medical disinfectants.

3. This act shall take effect immediately.

Approved May, 6, 1999.

CHAPTER 101

AN ACT concerning homemaker-home health aides and amending P.L.1947, c.262.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to read as follows:

C.45:11-23 Definitions.

1. As used in this act:

a. The words "the board" mean the New Jersey Board of Nursing created by this act.

b. The practice of nursing as a registered professional nurse is defined as diagnosing and treating human responses to actual or potential physical and emotional health problems, through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimens as prescribed by a licensed or otherwise legally authorized physician or dentist. Diagnosing in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. Such diagnostic privilege is distinct from a medical diagnosis. Treating means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen. Human responses means those signs, symptoms, and processes which denote the individual's health need or reaction to an actual or potential health problem.

The practice of nursing as a licensed practical nurse is defined as performing tasks and responsibilities within the framework of casefinding; reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician or dentist.

The terms "nursing," "professional nursing," and "practical nursing" as used in this act shall not be construed to include nursing by students enrolled in a school of nursing accredited or approved by the board performed in the prescribed course of study and training, nor nursing performed in hospitals, institutions and agencies approved by the board for this purpose by graduates of such schools pending the results of the first licensing examination scheduled by the board following completion of a course of study and training and the attaining of age qualification for examination, or thereafter with the approval of the board in the case of each individual pending results of subsequent examinations; nor shall any of said terms be construed to include nursing performed for a period not exceeding 12 months unless the board shall approve a longer period, in hospitals, institutions or agencies by a nurse legally qualified under the laws of another state or country, pending results of an application for licensing under this act, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice under this act; nor shall any of said terms be construed to include the practice of nursing in this State by any legally qualified nurse of another state whose engagement made outside of this State requires such nurse to accompany and care for the patient while in this State during the period of such engagement, not to exceed six months in

this State, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice in this State; nor shall any of said terms be construed to include nursing performed by employees or officers of the United States Government or any agency or service thereof while in the discharge of his or her official duties; nor shall any of said terms be construed to include services performed by nurses aides, attendants, orderlies and ward helpers in hospitals, institutions and agencies or by technicians, physiotherapists, or medical secretaries, and such duties performed by said persons aforementioned shall not be subject to rules or regulations which the board may prescribe concerning nursing; nor shall any of said terms be construed to include first aid nursing assistance, or gratuitous care by friends or members of the family of a sick or infirm person, or incidental care of the sick by a person employed primarily as a domestic or housekeeper, notwithstanding that the occasion for such employment may be sickness, if such incidental care does not constitute professional nursing and such person does not claim or purport to be a licensed nurse; nor shall any of said terms be construed to include services rendered in accordance with the practice of the religious tenets of any well-recognized church or denomination which subscribes to the art of healing by prayer. A person who is otherwise qualified shall not be denied licensure as a professional nurse or practical nurse by reason of the circumstances that such person is in religious life and has taken a vow of poverty.

c. "Homemaker-home health aide" means a person who is employed by a home care services agency and who is performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed registered professional nurse. "Home care services agency" means home health agencies, assisted living residences, comprehensive personal care homes, assisted living programs or alternate family care sponsor agencies licensed by the Department of Health and Senior Services pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), nonprofit homemaker-home health aide agencies, and health care service firms regulated by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety and the Attorney General pursuant to P.L.1989, c.331 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.) respectively, which are engaged in the business of procuring or offering to procure employment for home-maker-home health aides, where a fee may be exacted, charged or received directly or indirectly for procuring or offering to procure that employment.

d. "Advanced practice nurse" means a person who holds a certification in accordance with section 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

e. "Collaborating physician" means a person licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes who agrees to work with an advanced practice nurse.

Nothing in this act shall confer the authority to a person licensed to practice nursing to practice another health profession as currently defined in Title 45 of the Revised Statutes.

2. This act shall take effect immediately.

Approved May 6, 1999.

CHAPTER 102

AN ACT providing a Neighborhood and Business Child Care Tax Incentive Program.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. A taxpayer that is a member of a small-medium business child care consortium designated pursuant to section 4 of P.L.1999, c.108 for the three-year demonstration program established pursuant to P.L.1999, c.245 shall be allowed a credit, subject to the provisions of subsection c. of this section, against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 15% of the taxpayer consortium member's expenditures for the privilege period for child care center physical plant or facilities, whether that expenditure is for a child care center owned and operated by the consortium or by a contracted sponsoring organization, incurred on or after the designation of the consortium and before the expiration of that demonstration program.

b. A taxpayer shall be allowed a credit, subject to the provisions of subsection c. of this section, against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 10% of the taxpayer's contribution for the privilege period, in cash or in kind, accepted by the sponsor as suitable for utilization in the sponsor's child care center, to a sponsor of a neighborhood-based child care center awarded a grant pursuant to section 3 of P.L.1999, c.245 for the three-year demonstration program established pursuant to P.L.1999, c.245, made on or after the awarding of the grant but before the expiration of that demonstration program.

c. The tax imposed for a fiscal or calendar accounting year pursuant to section 5 of P.L.1945, c.162, shall first be reduced by the amount of any credits allowed pursuant to section 19 of P.L.1983, c.303 (C.52:27H-78), section 12 of P.L.1985, c.227 (C.55:19-13), section 42 of P.L.1987, c.102 (C.54:10A-5.3), section 3 of P.L.1993, c.170 (C.54:10A-5.6), section 3 or 4 of P.L.1993, c.171 (C.54:10A-5.18 or C.54:10A-5.19), and section 1 of P.L.1993, c.175 (C.54:10A-5.24), prior to applying any credits allowable pursuant to this section. Credits allowable pursuant to this section shall be applied in the order of the credits' tax years. The amount of the credits applied under those sections and this section against the tax imposed pursuant to section 5 of P.L.1945, c.162, for an accounting year shall not exceed 50% of the tax liability otherwise due and shall not reduce the tax liability to an amount less than the statutory minimum provided in subsection (e) of section 5 of P.L.1945, c.162.

2. a. In addition to any other deduction for the same expenditure allowed under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. a taxpayer that is a member of a small-medium business child care consortium designated pursuant to section 4 of P.L.1999, c. 108 for the three-year demonstration program established pursuant to P.L.1999, c.245, shall be allowed a deduction in an amount equal to the taxpayer consortium member's expenditures for the taxable year for child care center physical plant or facilities, whether that expenditure is for a child care center owned and operated by the consortium or by a contracted sponsoring organization, incurred on or after the designation of the consortium and before the expiration of that demonstration program.

b. In addition to any other deduction for the same expenditure allowed under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., a taxpayer shall be allowed a deduction in an amount equal to the taxpayer's contribution for the taxable year, in cash or in kind, accepted by the sponsor as suitable for utilization in the sponsor's child care center, to a sponsor of a neighborhood-based child care center awarded a grant pursuant to section 3 of P.L.1999, c.245 for the three-year demonstration program established pursuant to P.L.1999, c.245 made on or after the awarding of the grant but before the expiration of that demonstration program.

c. A partnership shall not be allowed a deduction under this section directly, but a member of a partnership or association shall be allowed a deduction in an amount equal to that portion of the partnership's or association's expenditure or contribution that is the partner's or member's share, whether or not distributed, of the income or gain received by the partnership or association for its taxable year ending within or with the partner's or member's taxable year.

3. This act shall take effect immediately; and section 1 shall apply to privilege periods ending on or after July 31, 1999 and before July 1, 2002 and section 2 shall apply to taxable years beginning on or after January 1, 1999 and before January 1, 2002.

Approved May 6, 1999.

CHAPTER 103

AN ACT canceling various appropriations from the "Jobs, Education and Competitiveness Fund" established pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, and reappropriating $645,000 for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following amounts previously appropriated from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, and totaling $645,000 for the construction of child day care facilities are canceled:

Cumberland Community College	$72,500
Hudson Community College	$97,500
Ocean Community College	$166,500
Union Community College	$276,000
Warren Community College	$32,500
Total	$645,000

2. a. There is appropriated to the Commission on Higher Education, in, but not of, the Department of State, from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of P.L. 1988, c. 78, the sum of $645,000, representing the amounts canceled pursuant to section 1 of this act, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's

public and private institutions of higher education. The following project is eligible for funding from this appropriation:

Regional Project
Community College Services for Cape May County $645,000

b. The unexpended balances remaining from completed projects authorized for funding pursuant to section 2 of P.L.1990, c.127, are appropriated to provide community college services for Cape May county.

c. The expenditure of the funds reappropriated by this section is subject to the provisions and conditions of P.L.1988, c.78.

3. This act shall take effect immediately.

Approved May 6, 1999.

CHAPTER 104

AN ACT creating twelve additional Superior Court judgeships, amending and supplementing Title 2B of the New Jersey Statutes and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2B:2-1 is amended to read as follows:

Number of judges.

2B:2-1. Number of Judges. a. The Superior Court shall consist of 428 judges.

b. (1) The Superior Court shall at all times consist of the following number of judges, who at the time of their appointment and reappointment were resident of each county:

Atlantic	11
Bergen	27
Burlington	10
Camden	16
Cape May	4
Cumberland	7
Essex	34
Gloucester	10
Hudson	24

Hunterdon	3
Mercer	9
Middlesex	24
Monmouth	17
Morris	15
Ocean	15
Passaic	17
Salem	3
Somerset	6
Sussex	4
Union	20
Warren	3

(2) Additionally, the following number of those judges of the Superior Court satisfying the residency requirements set forth above shall at all times sit in the county in which they reside:

Atlantic	4
Bergen	12
Burlington	4
Camden	8
Cape May	2
Cumberland	4
Essex	14
Gloucester	6
Hudson	6
Hunterdon	2
Mercer	6
Middlesex	8
Monmouth	4
Morris	6
Ocean	8
Passaic	6
Salem	2
Somerset	4
Sussex	2
Union	6
Warren	2

C.2B:2-1.1 Information relative to Superior Court nominees.

2. Each nomination to the Superior Court shall specifically indicate the name of the former judge whose vacancy the nomination is filling and if the judgeship must be filled by a resident of a specific county.

C.2B:2-1.2 Notification to Legislature of Superior Court judges fulfilling requirements of N.J.S.2B:2-1.

3. Not more than 10 days after the enactment of this act, and annually on September 1 thereafter, the Administrative Office of the Courts shall notify the Legislature of all the names of those Superior Court judges fulfilling the requirements set forth in N.J.S.2B:2-1, including notification of all those Superior Court judges serving in these positions who are sitting out of their county of residence and the county in which these Superior Court judges are sitting. Thereafter, the Administrative Office of the Courts shall notify the Legislature as vacancies occur.

4. There is appropriated to the Administrative Office of the Courts from the General Fund $3,300,000.00 for costs associated with the additional judgeships created by this act.

5. This act shall take effect immediately.

Approved May 10, 1999.

CHAPTER 105

AN ACT concerning autism, supplementing Title 30 of the Revised Statutes and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:6D-56 Short title.

1. This act shall be known and may be cited as the "New Jersey Infantile Autism Biomedical Research Act."

C.30:6D-57 Findings, declarations relative to autism.

2. The Legislature finds and declares that:

a. Infantile autism and autism spectrum disorders are biologically-based developmental disorders which cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life, and the devastation caused by autism lasts a lifetime due to the emotional and financial distress that families experience from the intense support which most individuals with autism require throughout their lives;

b. With three quarters of those with infantile autism spending their adult lives in institutions or group homes, and usually entering institutions by the age of 13, the cost of caring for individuals with autism and autism spectrum disorder is great, and is estimated to be $.5 billion per year in the State, solely for direct costs;

c. Best estimates indicate that one in 500 children born in the State will be diagnosed with an autism spectrum disorder and that 12,000 individuals in the State have autism or an autism spectrum disorder, but these numbers may be understated because current diagnostic procedures lack accuracy and sensitivity for those with atypical symptoms and because there is a need for epidemiological data on incidence and prevalence of this disorder in the State;

d. While infantile autism is the third most common developmental disorder and is more prevalent than Down's syndrome, childhood cancer or cystic fibrosis, autism research receives less than 5% of the funding of these other diseases from the federal government and to date little biomedical research has been done on this disorder, despite the fact that scientists consider autism to be one of the most heritable of all the developmental disorders and the most likely to yield to the latest scientific advancements in genetics and neurology;

e. The lack of research was due to 40 years of neglect of autism by the scientific community, arising from the formerly widespread but now discredited belief that autism was an emotional disorder caused by faulty parenting, and thus, few dollars were allocated to researchers, leaving an entire generation of children to be overlooked; however, the rapid advancements in biomedical science suggest that effective treatment and a cure for autism are attainable, if sufficient dollars are allocated to research so that another generation of children in the State is not lost to this disorder;

f. While promising findings in the field of autism research have been made in recent years, the diverse symptoms and etiology of autism require a high level of activity in the widest variety of scientific fields, from genetics and neurology to neuroimaging, immunology and gastroenterology, if effective treatments and a cure are to be found quickly;

g. Other states such as New York, Connecticut and Maryland have nationally recognized centers for researching and treating autism that attract significant funding from private sources and the National Institutes of Health, but since New Jersey lacks such centers, the State is unable to attract comparable funding, despite the presence of highly regarded medical facilities in the State such as Robert Wood Johnson University Hospital and Hackensack University Medical Center, as well as a higher education medical institution such as the University of Medicine and Dentistry of New Jersey;

h. The State's substantial pharmaceutical industry would benefit from having medical centers dedicated to autism research and treatment by gaining access to families for clinical trials and by enabling easy collaboration between public and private scientists; and

i. Legislation has been introduced in the United States Congress which, if passed, will increase the level of federal funding for biomedical research on autism; however, in order for State researchers to be eligible for these dollars, funding must be made available for State researchers to carry out preliminary pilot studies.

C.30:6D-58 Definitions relative to autism.

3. As used in this act:

"Autism" includes autism spectrum disorders to the extent determined by the council to be appropriate.

"Center" means the Center of Excellence for Autism established pursuant to this act.

"Council" means the "Governor's Council for Medical Research and Treatment of Infantile Autism" established pursuant to this act.

"President" means the President of the University of Medicine and Dentistry of New Jersey.

C.30:6D-59 "Governor's Council for Medical Research and Treatment of Infantile Autism."

4. a. There is established in the University of Medicine and Dentistry of New Jersey, the "Governor's Council for Medical Research and Treatment of Infantile Autism." The council shall be composed of seven members as follows: the President of the University of Medicine and Dentistry of New Jersey, or his designee, the director of the center, and the director of one other treatment center at the University of Medicine and Dentistry of New Jersey that is devoted to biomedical research on autism, to be appointed by the president, all of whom shall serve as ex officio members; and four public members from autism organizations in New Jersey as follows: one representative designated by New Jersey Cure Autism Now, one representative designated by the National Alliance for Autism Research, one representative designated by the Center for Outreach and Services for the Autism Community, Inc., and one representative designated by the Autism Autoimmunity Project, Inc.

b. The president or his designee shall serve as chairman of the council. Public members of the council shall serve for three-year terms. Each member shall hold office for the term of appointment and until a successor is appointed and qualified. All vacancies shall be filled in the same manner as the original appointment. Members appointed to fill a vacancy occurring for any reason other than the expiration of the term shall serve for the

unexpired term only. A public member of the council shall be eligible for reappointment.

c. Public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

d. A majority of the members of the council shall constitute a quorum, but a lesser number may hold hearings.

e. The council shall meet periodically at the call of the chairman, but not less than four times in the first year in which the center is established and not less than twice in each subsequent year.

f. The president shall appoint a salaried administrator for the council and shall provide the council with additional administrative staff and support as may be necessary to enable the council to carry out its functions.

C.30:6D-60 Center of Excellence for Autism.

5. a. The University of Medicine and Dentistry of New Jersey, upon the recommendation of the council, shall make awards of grants and contracts to public and nonprofit private entities to pay all or part of the cost of planning, establishing, improving and providing basic operating support for a Center of Excellence for Autism in the State where basic and applied biomedical research, diagnosis and treatment for autism shall take place.

b. The council shall define the scope of the programs to be undertaken at the center with the understanding that the center shall conduct:

(1) basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of autism, including research in the fields of developmental neurobiology, genetics, psychopharmocology, neuroimaging, immunology, infectious diseases, gastroenterology and endocrinology;

(2) training programs on biomedical treatments, diagnosis and prevention for autism for physicians, scientists and other health care and allied health care professionals in the State; and

(3) information and continuing educational programs on the latest advances in biomedical research on autism for physicians and other health care and allied health care professionals who provide care for patients with autism in the State.

c. The center may carry out programs to make individuals in the State aware of opportunities to participate as subjects in research conducted by the center. The program may provide fees to these subjects. The program may, in accordance with guidelines established by the council, provide to these subjects health care, referrals for health and other services and such incidental services as will facilitate the participation of individuals as subjects.

d. The center may provide stipends for health care professionals enrolled in training programs established under paragraph (2) of subsection b. of this section.

e. The council may require the periodic preparation of reports on the activities of the center and the submission of the reports to the council.

f. The center shall use the facilities of a single medical facility or higher education medical institution, or be formed from a consortium of cooperating facilities or institutions, and shall meet any requirements as may be prescribed by the council, with the understanding that the work carried out at the center shall be comprehensive and fully collaborative.

C.30:6D-61 Duties of council.

6. The council shall:

a. Carry out a program to provide information and education on advances in the diagnosis and biomedical treatment of autism to families in the State with autistic members and to the general public.

b. Establish a five-member Scientific Advisory Committee whose members shall serve at the pleasure of the council. The members of the committee shall include: three biomedical research scientists with demonstrated achievements in biomedical research relating to autism; and two medical clinicians whose practice is primarily devoted to the treatment of individuals with autism. The committee shall identify and make recommendations to the council regarding grants for the most promising pilot studies for biomedical research, diagnosis and treatment for autism and autism spectrum disorders and establish the procedures for soliciting research proposals and applying for grants for pilot studies.

c. Select the final grants for pilot studies based on recommendations of the Scientific Advisory Committee.

d. Establish mechanisms to use the results of biomedical research on autism and autism spectrum disorders, conducted at the center and through the pilot studies in the development of policies and programs to improve the outcomes of individuals in the State with these disorders.

e. Establish a mechanism for the sharing of information among researchers and clinicians in the State conducting biomedical research on autism and autism spectrum disorders.

f. Provide for a mechanism that would permit the public to obtain information on the existing and planned programs and activities being conducted through the center and the pilot studies, and the council to receive comments from the public regarding these programs and activities.

7. a. There is appropriated to the Department of State $1,500,000 from the General Fund for a grant to the University of Medicine and Dentistry of New Jersey for the Governor's Council for Medical Research and Treatment of Infantile Autism.

b. Of the amount appropriated under subsection a. of this section, the council shall make available: $600,000 to the Center of Excellence for Autism for the purpose of conducting basic and clinical research; $600,000 to the center for the purpose of providing the training, information and continuing education programs, the participant research and the stipends for health care professionals; $200,000 for the purpose of carrying out the research pilot studies; $50,000 for the council administrator's salary; and $50,000 for carrying out the initiatives established under subsections a., d. and e. of section 6 of this act.

C.30:6D-62 Authorizations for appropriations for purposes of the act.

8. Authorizations for appropriations under this act are in addition to any other authorization of appropriations that is available for the purposes of this act, and shall not supplant any existing or future funding from the State for the provision of housing, training, education and general support of individuals with autism and autism spectrum disorders.

9. This act shall take effect immediately.

Approved May 11, 1999.

CHAPTER 106

AN ACT concerning health insurance benefits for mental health and supplementing various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:48-6v Hospital service corporation to provide coverage for biologically-based mental illness.

1. a. Every individual and group hospital service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide coverage for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the contract. "Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to,

schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the hospital service corporation cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which a hospital service corporation determines:

(1) whether a mental health care service meets the medical necessity standard as established by the hospital service corporation; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the contract.

c. The provisions of this section shall apply to all contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7u Medical service corporation to provide coverage for biologically-based mental illness.

2. a. Every individual and group medical service corporation contract that provides hospital or medical expense benefits that is delivered, issued, executed or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide coverage for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the contract. "Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the medical service corporation cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which a medical service corporation determines:

(1) whether a mental health care service meets the medical necessity standard as established by the medical service corporation; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the contract.

c. The provisions of this section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.20 Health service corporation to provide coverage for biologically-based mental illness.

3. a. Every individual and group health service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide coverage for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the contract. "Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the health service corporation cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which the health service corporation determines:

(1) whether a mental health care service meets the medical necessity standard as established by the health service corporation; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the contract.

c. The provisions of this section shall apply to all contracts in which the health service corporation has reserved the right to change the premium.

C.17B:26-2.1s Individual health insurers to provide coverage for biologically-based mental illness.

4. a. Every individual health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to chapter 26 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide coverage for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the contract.

"Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the insurer cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which the insurer determines:

(1) whether a mental health care service meets the medical necessity standard as established by the insurer; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the policy.

c. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

C.17B:27-46.1v Group health insurers to provide coverage for biologically-based mental illness.

5. a. Every group health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to chapter 27 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide benefits for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the policy. "Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the insurer cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which the insurer determines:

(1) whether a mental health care service meets the medical necessity standard as established by the insurer; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the policy.

c. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

C.17B:27A-7.5 Individual health benefits plan to provide coverage for biologically-based mental illness.

6. a. Every individual health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.) or approved for issuance or renewal in this State on or after the effective date of this act shall provide benefits for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the health benefits plan. "Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the plan cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which the carrier determines:

(1) whether a mental health care service meets the medical necessity standard as established by the carrier; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the plan.

c. The provisions of this section shall apply to all health benefits plans in which the carrier has reserved the right to change the premium.

C.17B:27A-19.7 Small employer health benefits plan to provide coverage for biologically-based mental illness.

7. a. Every small employer health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal in this State on or after the effective date of this act shall provide benefits for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the health benefits plan. " Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially

limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the plan cannot apply different copayments, deductibles or benefit limits to biologically-based mental health benefits than those applied to other medical or surgical benefits.

b. Nothing in this section shall be construed to change the manner in which the carrier determines:

(1) whether a mental health care service meets the medical necessity standard as established by the carrier; or

(2) which providers shall be entitled to reimbursement for providing services for mental illness under the health benefits plan.

c. The provisions of this section shall apply to all health benefits plans in which the carrier has reserved the right to change the premium.

C.26:2J-4.20 Health maintenance organization to provide coverage for biologically-based mental illness.

8. a. Every enrollee agreement delivered, issued, executed or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) or approved for issuance or renewal in this State by the Commissioner of Health and Senior Services, on or after the effective date of this act shall provide health care services for biologically-based mental illness under the same terms and conditions as provided for any other sickness under the agreement. "Biologically-based mental illness" means a mental or nervous condition that is caused by a biological disorder of the brain and results in a clinically significant or psychological syndrome or pattern that substantially limits the functioning of the person with the illness, including but not limited to, schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder and pervasive developmental disorder or autism. "Same terms and conditions" means that the health maintenance organization cannot apply different copayments, deductibles or health care services limits to biologically-based mental health care services than those applied to other medical or surgical health care services.

b. Nothing in this section shall be construed to change the manner in which a health maintenance organization determines:

(1) whether a mental health care service meets the medical necessity standard as established by the health maintenance organization; or

(2) which providers shall be entitled to reimbursement or to be participating providers, as appropriate, for mental health services under the enrollee agreement.

c. The provisions of this section shall apply to enrollee agreements in which the health maintenance organization has reserved the right to change the premium.

C.34:11A-15 Notification to employees of coverage for biologically-based mental illness.

9. An employer in this State who provides health benefits coverage to his employees or their dependents for treatment of biologically-based mental illness shall annually, and upon request of an employee at other times during the year, notify his employees whether the employees' coverage for treatment of biologically-based mental illness is subject to the requirements of this act.

10. This act shall take effect on the 90th day after enactment and shall apply to contracts, policies and enrollee agreements issued or renewed on or after that date.

Approved May 13, 1999.

CHAPTER 107

AN ACT establishing a State Council for Adult Literacy Education Services and supplementing Title 34 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:15C-17 Findings, declarations relative to adult literacy.

1. The Legislature finds and declares that:

a. Education affects an individual's employability, wages, productivity, ability to function effectively in the family and community, and ultimately, it affects the State's economic well-being;

b. Low literacy skills rob individuals of their future and undermine the economy of the State;

c. Almost one-half of New Jersey's adults function at the lowest levels of literacy as defined by the National Adult Literacy Survey;

d. Low literacy levels are related to crime, unemployment and underemployment, public assistance, and many other social problems on which the State invests hundreds of millions of dollars each year;

e. A literate population is a precondition for solving many of society's ills; and

f. Developing a solid, well-coordinated literacy delivery system will enhance the chances of adults' success in the labor market and in society as a whole.

C.34:15C-18 State Council for Adult Literacy Education Services.

2. a. There is created within the State Employment and Training Commission, established pursuant to section 5 of P.L.1989, c.293 (C.34:15C-2) in the Department of Labor, a State Council for Adult Literacy Education Services.

b. The 27-member council shall consist of the following ex officio members: the Commissioners of Labor, Human Services, Education, Community Affairs, Corrections, Commerce and Economic Development, the Executive Director of the Commission on Higher Education, and the Executive Director of the State Employment and Training Commission. The council shall also include one member of the Senate appointed by the President thereof and one member of the General Assembly appointed by the Speaker thereof, who shall serve during the two-year legislative session in which the appointment is made and who shall not be of the same political party; and 17 public members as follows: five public members appointed by the Governor including a member of a Workforce Investment Board literacy committee, a State or national adult education expert and three representatives of the business community, at least one of whom shall represent a small business; six public members appointed by the President of the Senate including a student or former student who received adult literacy services and a representative from each of the following: a county college, a four-year institution of higher education, the State Library or a local library, a Department of Education-funded adult education provider of adult basic education programs, general educational development programs or English as a second language programs and a community-based organization which is an adult education provider; and six public members appointed by the Speaker of the General Assembly including a representative from each of the following: a vocational school providing adult academic education programs, a trade union, the New Jersey Network, the New Jersey Association of Lifelong Learning, the Literacy Volunteers of America and the New Jersey Education Association.

c. The public members shall serve for terms of three years, but of the public members first appointed, six shall serve a term of three years, six shall serve a term of two years and five shall serve a term of one year. Each member shall hold office for the term of appointment and until his successor is appointed and qualified. A member appointed to fill a vacancy occurring in the membership of the board for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. All

vacancies shall be filled in the same manner as the original appointment. A member may be appointed for any number of successive terms. A member may be removed from office by the Governor, for cause, after a hearing and may be suspended by the Governor pending the completion of the hearing.

d. The members shall select annually a chairperson and a vice-chairperson, who shall be nongovernmental members of the council, and shall appoint an executive director. The executive director shall report to the chairperson of the council and be responsible for administering the daily operations of the council. The executive director shall serve in the State unclassified service. The council may call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

e. Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members, within the limits of funds appropriated or otherwise made available to the council for its purposes. Actions may be taken and motions and resolutions may be adopted by the council by an affirmative vote of a majority of the members.

C.34:15C-19 Purpose of council.

3. The purpose of the council shall be to facilitate Statewide and local policy development, planning and oversight in consultation with the stakeholders in the area of adult literacy education. The responsibilities of the council shall include, but not be limited to:

a. developing a broad-based Statewide master plan, which integrates and coordinates all adult literacy programs. At a minimum, the plan shall address service delivery, consolidation and coordination, funding and accountability, staff development and training, technology and advocacy. The plan shall include a proposal to consolidate the State supported literacy programs;

b. facilitating State planning and local planning through Workforce Investment Boards and among service providers to assure concurrence with the State master plan for adult literacy education, developed by the council pursuant to subsection a. of this section;

c. reviewing federal and State legislation, and developing and modifying literacy plans accordingly;

d. developing appropriate performance standards and impact measures and Statewide benchmarks to measure the entire system and programs of adult literacy services;

e. developing a Statewide strategy to facilitate and improve professional development and information sharing for practitioners and policy

makers and to promote the availability of services to learners, employers, and service providers;

f. improving communication among federal, State, and local literacy initiatives;

g. recommending strategies to broaden adult literacy efforts so that literacy levels of the entire family are improved; and

h. working with public and private sector organizations to develop strategies to publicize the problem of low-literate populations as well as the services available to address this problem.

C.34:15C-20 Annual report to Governor, Legislature.

4. The council shall report annually to the Governor and the Legislature. The annual report shall include, but not be limited to, the accomplishments and initiatives of the reporting period. The first annual report shall also include the State master plan developed pursuant to subsection a. of section 3 of this act.

5. This act shall take effect immediately.

Approved May 14, 1999.

CHAPTER 108

AN ACT establishing the Small-Medium Business Child Care Consortium Incentive Demonstration Program.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that: the need for quality child care is of vital importance due to the growing number of single-parent households and two-career families; small and medium-sized businesses generally lack adequate resources to provide child care services to their employees; the State can play a useful and important role in the promotion of quality and adequate child care services which will benefit the well-being of children and families; the availability of quality child care allows parents the peace of mind to pursue their careers and lead active, productive, professional lives; and it is, therefore, in the public interest to establish a Small-Medium Business Child Care Consortium Incentive Demonstration Program to assist small and medium-sized businesses in providing child care to the children of their employees, and to expand the family day care model.

2. As used in this act:

"Authority" means the New Jersey Economic Development Authority, established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4);

"Consortium" means a cooperative arrangement between two or more small or medium-sized businesses to provide child care for the children of the employees of those businesses entering into the cooperative arrangement;

"Director" means the Director of the Division of Family Development in the Department of Human Services;

"Division" means the Division of Family Development in the Department of Human Services;

"Program" means the three-year Small-Medium Business Child Care Consortium Incentive Demonstration Program created by this act; and

"Small or medium-sized business" means a business enterprise, which has its principal place of business in this State, with a level of gross income from operations defined by the authority as a small or medium-sized business.

3. a. The authority shall establish a three-year Small-Medium Business Child Care Consortium Incentive Demonstration Program, hereinafter, the "program," in conjunction with the division.

b. The program shall be designed to involve to the greatest extent possible: small or medium-sized businesses interested in establishing cooperative partnerships to develop child care centers; volunteer networks of college students, retired teachers, nurses and other persons qualified to participate in the child care program; neighborhood resources such as religious organizations and schools; community leaders; and active, involved parents of children needing child care services.

4. a. Within six months of the effective date of this act, the director, in consultation with the authority, shall designate three consortia for the program. The director, in consultation with the authority, shall review child care center proposals submitted by consortia interested in participating in the program. Only consortia submitting proposals for child care centers sited in existing premises requiring no or minor modification, or renovation, or in premises, the construction, modification, or renovation of which is incidental to construction, modification or renovation of other facilities related to the general purposes of the commercial, community or nonprofit enterprise at which the consortium is located, shall be eligible for such designation. Priority consideration for the selection of the participating consortia shall be given to those proposals which: increase the number of children for whom child care is available in the region; use a partnership approach; use a large network of volunteers that have social, educational or professional qualifications that will further the goal of expanding child care

services; and leverage moneys and in-kind contributions, including, but not limited to, physical space and equipment for the child care centers, from other public or private sources. In selecting the consortia, the director shall select one consortium located in the southern region, one consortium located in the central region, and one consortium located in the northern region of the State.

b. The director, in consultation with the authority, shall actively inform small and medium-sized businesses about the program. The director shall work, in this regard, with the New Jersey Business and Industry Association, the New Jersey Chamber of Commerce, the National Federation of Independent Businesses, and any other nonprofit groups or any local, State or federal programs that provide advice or services to small and medium-sized businesses.

c. A consortium may enter into contracts for child care services with sponsoring organizations including, but not limited to, nonprofit or community-based groups, licensed, for profit child care centers, community colleges, and religious organizations, in order to locate the child care center at a mutually agreed upon site in existing premises requiring no or minor modification or renovation, or in premises, the construction, modification, or renovation of which is incidental to construction, modification, or renovation of other facilities related to the general purposes of the commercial, community or nonprofit enterprise at which the consortium is located; and to assist with obtaining space, personnel, facilities and resources therefor, provided that such entities demonstrate that they have the professional staff with the expertise and skills to provide quality child care services.

d. Any staff member, including full-time, part-time and voluntary staff, whether compensated or not, directly involved in the delivery of child care services at a center participating in the program shall undergo a background check in a manner determined to be appropriate by the director to ensure the highest quality and safety of child care.

5. a. To implement the demonstration program, the authority may make available up to $300,000 in assistance to qualified consortia participating in the "Small-Medium Business Child Care Consortium Incentive Demonstration Program," which shall be funded with moneys from any sources of funds or programs administered by the authority which the authority determines is necessary to effectively implement the program.

b. The director shall use the moneys from the program, within 60 days of the selection of the participating consortia pursuant to section 4 of this act, to award low-interest loans in amounts not to exceed $100,000 per consortium for child care center physical plant or facilities for the children of employees of the businesses in the consortia.

6. a. The Department of Human Services shall give priority consideration for the awarding of moneys for Mini Child Care Center Project Grants to consortia participating in the program who use a volunteer network in addition to the required professional child care personnel as determined by the director to be necessary in the delivery of quality child care services and demonstrate a need for training of volunteer child care staff.

b. The division shall establish a training program for volunteers who shall provide services to the consortia participating in the program.

c. The volunteers trained under the training program established pursuant to subsection b. of this section shall supplement, but not supplant, current full and part-time staff employed by the consortia participating in the program.

7. No later than six months before the expiration of this act, the director, in consultation with the authority, shall report to the Legislature and the Governor on the effectiveness of the program and present recommendations regarding the advisability and feasibility of expanding the program Statewide, as appropriate. Specific recommendations pertaining to expanding financing opportunities for the program shall be provided in the report.

8. The director, in consultation with the authority, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to effectuate the purposes of this act and as deemed appropriate by the director to promote the quality and safety of child care and the success of the demonstration program.

9. This act shall take effect immediately and shall expire on the first day of the 37th month following enactment.

Approved May 14, 1999.

CHAPTER 109

AN ACT concerning liquefied petroleum gases and amending and supplementing chapter 1B of Title 21 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.21:1B-12 Liquified Petroleum Gas Education and Safety Board.

1. a. There is created within the Department of Community Affairs the Liquefied Petroleum Gas Education and Safety Board. This board shall be advisory in nature to the Commissioner of Community Affairs. The board

shall be composed of 11 members: three public members appointed by the Governor on a nonpartisan basis, two of whom shall be professional firefighters or other fire safety professionals; one representative from the environmental community and one representative from a consumer group, appointed by the Governor; five members who are representatives of the liquefied petroleum gas industry appointed by the Governor upon recommendation by the Board of Directors of the New Jersey Propane Gas Association; and one representative of a gas public utility involved in the storage and distribution of liquefied petroleum gas, appointed by the Governor. Members of the board who are representatives of the liquefied petroleum gas industry and the gas public utility shall have been legal residents of the State for at least the five years prior to their appointment and have been actively engaged in the liquefied petroleum gas industry for at least five years. Members of the board shall be appointed within 90 days after the effective date of this act.

Of the members first appointed as public members, one shall serve for one year, one shall serve for two years, and one shall serve for three years. Of the members representing the liquefied petroleum gas industry, the first appointed shall serve for one year, the next appointed shall serve for two years, and the remainder shall serve for three years. The representative from the environmental community, the representative of the gas public utility and the representative from a consumer group shall each serve for three years.

Upon expiration of the terms of the members first appointed, the terms of all members shall be three years. Members may be reappointed. Members shall serve until a replacement is appointed. Vacancies shall be filled in the same manner as the original appointment. In the case of a vacancy occurring otherwise than by expiration of term, that vacancy shall be filled only for the unexpired term.

b. The board shall elect a chairman and vice-chairman from among its members at its first regular meeting each calendar year. All meetings of the board shall be held on a prescribed date, at least quarterly, and also at any time a majority of the board members requests a meeting in writing to the board chairman. Any six members shall constitute a quorum for the transaction of business. The board may adopt bylaws governing its procedures and method of operation.

c. The members of the board shall not receive compensation, but may receive an allowance for travel expenses as determined by the commissioner to the extent such funds are made available.

C.21:1B-13 Powers of board.

2. a. The Liquefied Petroleum Gas Education and Safety Board is empowered to:

(1) recommend to the Commissioner of Community Affairs for proposal and adoption rules and regulations:

(a) setting forth minimum general standards for the design, construction, location, installation, and operation of equipment for storing and handling of liquefied petroleum gas, and

(b) governing liquefied petroleum gas distributors and installers and the installation of liquefied petroleum gas systems, carburetion systems and fueling systems;

(2) make recommendations to the Commissioner of Community Affairs concerning:

(a) civil penalties for violation of any rule or order made under chapter 1B of Title 21 of the Revised Statutes;

(b) the method and form of application for a liquefied petroleum gas license or certification; the investigation of the experience, reputation and background of applicants; the issuance, suspension, revocation or denial of licenses; and the procedures for conducting hearings in connection with the applications for, or revocation of, licenses and certifications, including, but not limited to, compelling the attendance of witnesses by subpoena, requiring the production of any records or documents determined by it to be pertinent to the subject matter of the hearing, and applying to the Superior Court for an order citing any applicant or witness for contempt, and for failure to attend, testify or produce required documents;

(c) procedures for the suspension or revocation of licenses or certifications and the denial of license or certification renewals when the applicant or licensee has been guilty of acts of conduct harmful to either the safety or protection of the public;

(d) the content of and procedures for administering examinations of every license applicant to determine the responsibility, ability, knowledge, experience or other qualification of the applicant for a license;

(e) competency testing for all employees and subcontractors of licensees engaged in transporting or dispensing liquefied petroleum gas or installing, servicing, or repairing a liquefied petroleum gas system, fueling system or carburetion system, as set forth in this chapter;

(f) procedures for the granting of exemptions from department rules and regulations to accommodate local needs as it determines to be in the best interest of the safety of the public or the persons using liquefied petroleum gas systems or services;

(g) the development of programs and projects, including educational programs for public safety officials and consumers, concerning safety and environmental advantages of liquefied petroleum gas, and safety and educational programs for the public and for industrial and emergency response personnel;

(h) procedures for entering into contracts or agreements to implement the provisions of this act; and

(i) a schedule of the fees and charges to cover all costs of administration of the provisions of this act as provided in this act.

b. (1) The board shall keep accurate records and minutes of all meetings, which shall be open to public inspection at all reasonable times, and keep a public record of all applications for licenses, and licenses issued by it.

(2) The board shall periodically report to the Commissioner of Community Affairs concerning its transactions and recommendations and the Commissioner of Community Affairs shall submit to the Governor a biennial report before September 1 of each even numbered year, covering its transactions during the biennium ending June 30 of that year, including a complete statement of the receipts and expenditures of the board during that period.

C.21:1B-14 Areas over which board has no authority.

3. The board shall have no authority governing:

a. The production, refining or manufacture of liquefied petroleum gas;

b. The storage, sale, or transportation of liquefied petroleum gas by pipeline or railroad tank car by a pipeline company, producer, refiner or manufacturer;

c. The equipment used by a pipeline company, producer, refiner or manufacturer in a producing, refining or manufacturing process, or in the storage, sale or transportation by pipeline or railroad tank car;

d. Any deliveries of liquefied petroleum gas to another person at the place of production, refining, or manufacturing;

e. Regulations and requirements of liquefied petroleum gas transporters as covered by the Code of Federal Regulations, Title 49, as administered pursuant to P.L.1983, c.401 (C.39:5B-25 et seq.); or

f. Those portions of the liquefied petroleum gas system operated by a gas public utility that are under the regulation and requirements of Title 49 of the Code of Federal Regulations, as administered by the New Jersey Board of Public Utilities.

C.21:1B-15 Recommendations to commissioner of assessments; disbursement; "Liquified Petroleum Gas Education and Safety Board Fund."

4. a. The board may recommend to the Commissioner of Community Affairs the level of an assessment to be levied on liquefied petroleum gas and the commissioner shall determine the level and may levy the assessment. The initial assessment shall be no greater than one-fifteenth of one cent per gallon. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the board and approved by the commissioner, and the cost of administering the responsibilities of

the department established pursuant to this act. The assessment shall not exceed one-half cent per gallon of odorized propane. The assessment may not be raised by more than one-tenth of one cent per gallon annually.

The owner of liquefied petroleum gas immediately prior to odorization shall be responsible for the payment of the assessment on the volume of liquefied petroleum gas at the time of import or odorization, whichever is earlier.

The commissioner may by regulation establish an alternative means for the department to collect the assessment if another means is found to be more efficient and effective. The commissioner may by regulation establish a late payment charge and rate of interest to be imposed on any person who fails to remit to the department any amount due.

b. Pending disbursement pursuant to a program, plan or project, the State Treasurer may invest funds collected through assessments and any other funds received by the department, only in obligations of the United States or any agency thereof, in general obligations of any state or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

c. There is established a "Liquefied Petroleum Gas Education and Safety Board Fund" as a non-lapsing revolving fund within the Department of Community Affairs. All assessments, fees and penalties collected by the department under this chapter shall be deposited in the fund. The fund shall be administered by the Commissioner of Community Affairs and shall be used exclusively to defray all expenses incurred by the department in operation of the board and the administration of the department's responsibilities under this act.

5. Section 1 of P.L.1950, c.139 (C.21:1B-1) is amended to read as follows:

C.21:1B-1 Definitions.

1. As used in this chapter:

"Board" means the Liquefied Petroleum Gas Education and Safety Board;

"Bulk plant" means intermediate establishments or points of storage and distribution, as distinguished from terminals and refineries, from which liquefied petroleum gas is distributed to retail dealers and consumers;

"Commissioner" means the Commissioner of Community Affairs;

"Department" means the Department of Community Affairs; and

"Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes.

6. Section 2 of P.L.1950, c.139 (C.21:1B-2) is amended to read as follows:

C.21:1B-2 Regulations concerning transporting of liquified petroleum gases.

2. (a) The Superintendent of State Police shall coordinate the implementation and enforcement of regulations adopted pursuant to P.L.1983, c.401 (C.39:5B-25 et seq.) concerning the transporting of liquefied petroleum gases as required for compliance with the Code of Federal Regulations, Title 49.

(b) The Commissioner of Community Affairs shall make, promulgate and enforce regulations setting forth minimum standards covering the design, construction, location, installation and operation of equipment for storing, handling or utilizing liquefied petroleum gases at public utility establishments operated by public utilities as defined in section 48:2-13 of the Revised Statutes and at marine terminals, pipeline terminals, refineries and manufacturing establishments, which shall not be deemed to include bulk plants, and specifying the odorization of said gases and the degree thereof prior to sale by the manufacturer.

(c) All regulations promulgated under subsection (a) or (b) of this section shall be adopted only after a public hearing thereon and shall be such as are reasonably necessary for the protection of the health, welfare and safety of all persons and shall be in substantial conformity with the generally accepted and applicable standards of safety concerning the same subject matter.

7. Section 3 of P.L.1950, c.139 (C.21:1B-3) is amended to read as follows:

C.21:1B-3 Installation, maintenance of equipment.

3. All equipment shall be installed and maintained in a safe operating condition and in conformity with the rules and regulations adopted under section 2 of this act; however, the inspection of propane gas equipment installations inside of predominantly residential buildings and those above ground installations which are on the outside of predominantly residential buildings may be made and approved or disapproved by the Construction Code official of the respective municipality pursuant to the standards promulgated by the Commissioner of Community Affairs. For purposes of this act "predominantly residential" means and includes buildings in which people reside or dwell as distinguished from buildings which are used entirely for commercial or business purposes. The term shall also include any building having 51% or more of its total floor space devoted to dwelling purposes.

8. Section 5 of P.L.1950, c.139 (C.21:1B-5) is amended to read as follows:

C.21:1B-5 Violations, penalties.

5. It shall be unlawful for any person, firm, association, or corporation, on and after the effective date of this act to violate any of the provisions hereof or of the regulations made pursuant hereto. Any person, firm, association, or corporation violating any of the provisions of this act, or said regulations made hereunder shall be liable to a penalty of not less than $50.00 nor more than $500.00 to be collected in a summary proceeding in any municipal court or in the Superior Court. Each day during which any violation of this act or of said regulations continues shall constitute a separate and distinct offense.

The Superintendent of State Police and the Commissioner of Community Affairs, according to the jurisdiction granted under section 2 of P.L.1950, c.139 (C.21:1B-2), are hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount, in the discretion of the Superintendent of State Police and the Commissioner of Community Affairs, respectively, as may appear appropriate and equitable under all of the circumstances.

9. Section 6 of P.L.1950, c.139 (C.21:1B-6) is amended to read as follows:

C.21:1B-6 Additional penalties.

6. In addition to the penalties provided in section 5 of P.L.1950, c.139 (C.21:1B-5), any person, firm or corporation who shall violate or remain in violation of any of the provisions hereof, or of any rule or regulation promulgated hereunder, may be directed and ordered by the Superintendent of State Police or the Commissioner of Community Affairs, according to their respective jurisdiction under section 2 of P.L.1950, c.139 (C.21:1B-2), by notice in writing setting forth the facts relating to such violation to correct said violation. Such notice in writing shall be served personally upon said person or mailed by registered or certified mail to the principal office of said person, firm or corporation or if an individual or individuals, to his or their residence. If such order is not complied with and such violation not corrected within 20 days of the date of service of said order, the Superintendent of State Police or Commissioner of Community Affairs, as the case may be, may institute an action in the Superior Court for injunctive relief or an abatement. The court may proceed in the action in a summary manner or otherwise, and shall make such determination thereof as shall seem necessary and proper to correct the violation and secure enforcement of said order of the Superintendent of State Police or Commis-

sioner of Community Affairs, as the case may be. Every such order issued by the Superintendent of State Police or Commissioner of Community Affairs under the provisions of this section shall be prima facie evidence of the truth of the matter and things therein set forth.

10. This act shall take effect immediately.

Approved May 14, 1999.

CHAPTER 110

AN ACT concerning public school funding and amending and supplementing P.L.1996, c.138.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L. 1996, c.138 (C.18A:7F-3) is amended to read as follows:

C.18A:7F-3 Definitions relative to school funding.

3. As used in this act, unless the context clearly requires a different meaning:

"Abbott district" means one of the 28 urban districts in district factor groups A and B specifically identified in the appendix to Raymond Abbott, et al. v. Fred G. Burke, et al. decided by the New Jersey Supreme Court on June 5, 1990 (119 N.J.287, 394) or any other district classified as a special needs district under the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.);

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education or in an English as a second language program approved by the State Board of Education;

"Budgeted local share" means the sum of designated general fund balance, miscellaneous revenues estimated consistent with GAAP, and that portion of the district's local tax levy contained in the T&E budget certified for taxation purposes;

"Capital outlay" means capital outlay as defined in GAAP;

"Commissioner" means the Commissioner of Education;

"Concentration of low-income pupils" shall be based on prebudget year pupil data and means, for a school district or a county vocational school district, the number of low-income pupils among those counted in modified district

enrollment, divided by modified district enrollment. For a school, it means the number of low-income pupils recorded in the registers at that school, divided by the total number of pupils recorded in the school's registers;

"CPI" means the average annual increase, expressed as a decimal, in the consumer price index for the New York City and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor;

"County special services school district" means any entity established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes;

"County vocational school district" means any entity established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes;

"County vocational school, special education services pupil" means a pupil who is attending a county vocational school and who is receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"Debt service" means and includes payments of principal and interest upon school bonds and other obligations issued to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P.L.1978, c.74 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.) and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

"District factor group A district" means a school district, other than an Abbott district or a school district in which the equalized valuation per pupil is more than twice the average Statewide equalized valuation per pupil and in which resident enrollment exceeds 2,000 pupils, which based on the 1990 federal census data is included within the Department of Education's district factor group A;

"District income" for the 1997-98 school year means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Bureau of the Census in the United States Department of Commerce for 1989. Beginning with the 1998-99 school year and thereafter, district income means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Division of Taxation in the New Jersey Department of the Treasury and contained on the New Jersey State Income Tax forms for the calendar year ending prior to the prebudget year. The commissioner may supplement data contained on the State Income Tax forms with data available from other

State or federal agencies in order to better correlate the data to that collected on the federal census. With respect to regional districts and their constituent districts, however, the district income as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils resident in each of them;

"Estimated minimum equalized tax rate" for a school district means the district's required local share divided by its equalized valuation; for the State it means the sum of the required local shares of all school districts in the State, excluding county vocational and county special services school districts as defined pursuant to this section, divided by the sum of the equalized valuations for all the school districts in the State except those for which there is no required local share;

"Equalized valuation" means the equalized valuation of the taxing district or taxing districts, as certified by the Director of the Division of Taxation on October 1, or subsequently revised by the tax court by January 15, of the prebudget year. With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils resident in each of them. In the event that the equalized table certified by the director shall be revised by the tax court after January 15 of the prebudget year, the revised valuations shall be used in the recomputation of aid for an individual school district filing an appeal, but shall have no effect upon the calculation of the property value multiplier, Statewide equalized valuation per pupil, estimated minimum equalized tax rate for the State, or Statewide average equalized school tax rate;

"GAAP" means the generally accepted accounting principles established by the Governmental Accounting Standards Board as prescribed by the State board pursuant to N.J.S.18A:4-14;

"Household income" means income as defined in 7CFR 245.2 and 245.6 or any subsequent superseding federal law or regulation;

"Lease purchase payment" means and includes payments of principal and interest for lease purchase agreements in excess of five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and issuance costs. Approved lease purchase agreements in excess of five years shall be accorded the same accounting treatment as school bonds;

"Low-income pupils" means those pupils from households with a household income at or below the most recent federal poverty guidelines available on October 15 of the prebudget year multiplied by 1.30;

"Minimum permissible T&E budget" means the sum of a district's core curriculum standards aid, and required local share calculated pursuant to sections 5, 14 and 15 of this act;

"Modified district enrollment" means the number of pupils other than preschool pupils, evening school pupils, post-graduate pupils, and post-secondary vocational pupils who, on the last school day prior to October 16, are enrolled in the school district or county vocational school district; or are resident in the school district or county vocational school district and are: (1) receiving home instruction, (2) enrolled in an approved private school for the handicapped, (3) enrolled in a regional day school, (4) enrolled in a county special services school district, (5) enrolled in an educational services commission including an alternative high school program operated by an educational services commission, (6) enrolled in a State college demonstration school, (7) enrolled in the Marie H. Katzenbach School for the Deaf, or (8) enrolled in an alternative high school program in a county vocational school. Modified district enrollment shall be based on the prebudget year count for the determination of concentration of low-income pupils, and shall be projected to the current year and adjusted pursuant to section 5 of this act when used in the calculation of aid;

"Net budget" unless otherwise stated in this act, means the sum of the net T&E budget and the portion of the district's local levy that is above the district's maximum T & E budget;

"Net T&E budget" means the sum of the T&E program budget, early childhood program aid, demonstrably effective program aid, instructional supplement aid, transportation aid, and categorical program aid received pursuant to sections 19 through 22, 28, and 29 of this act;

"Prebudget year" means the school fiscal year preceding the year in which the school budget is implemented;

"Prebudget year equalized tax rate" means the amount calculated by dividing the district's general fund levy for the prebudget year by its equalized valuation certified in the year prior to the prebudget year;

"Prebudget year net budget" for the 1997-98 school year means the sum of the foundation aid, transition aid, transportation aid, special education aid, bilingual education aid, aid for at-risk pupils, technology aid, and county vocational program aid received by a school district or county vocational school district in the 1996-97 school year pursuant to P.L.1996, c.42, and the district's local levy for the general fund;

"Report on the Cost of Providing a Thorough and Efficient Education" or "Report" means the report issued by the Governor pursuant to section 4 of this act;

"Resident enrollment" means the number of pupils other than preschool pupils, post-graduate pupils, and post-secondary vocational pupils who, on

the last school day prior to October 16 of the current school year, are residents of the district and are enrolled in: (1) the public schools of the district, excluding evening schools, (2) another school district, other than a county vocational school district in the same county on a full-time basis, or a State college demonstration school or private school to which the district of residence pays tuition, or (3) a State facility in which they are placed by the district; or are residents of the district and are: (1) receiving home instruction, or (2) in a shared-time vocational program and are regularly attending a school in the district and a county vocational school district. In addition, resident enrollment shall include the number of pupils who, on the last school day prior to October 16 of the prebudget year, are residents of the district and in a State facility in which they were placed by the State. Pupils in a shared-time vocational program shall be counted on an equated full-time basis in accordance with procedures to be established by the commissioner. Resident enrollment shall include regardless of nonresidence, the enrolled children of teaching staff members of the school district or county vocational school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district or county vocational school district without payment of tuition. Handicapped children between three and five years of age and receiving programs and services pursuant to N.J.S.18A:46-6 shall be included in the resident enrollment of the district.

Beginning in 1997-98 and thereafter, resident enrollment shall also include those nonresident children who are permitted to enroll in the educational program without payment of tuition as part of a voluntary program of interdistrict public school choice approved by the commissioner;

"School district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes;

"School enrollment" means the number of pupils other than preschool pupils, evening school pupils, post-graduate pupils, and post-secondary vocational pupils who, on the last school day prior to October 16 of the current school year, are recorded in the registers of the school;

"Special education services pupils" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"Spending growth limitation" means the annual rate of growth permitted in the net budget of a school district, county vocational school district or county special services school district as measured between the net budget of the prebudget year and the net budget of the budget year as calculated pursuant to subsection d. of section 5 of this act;

"Stabilization aid growth limit" means 10% or the rate of growth in the district's projected resident enrollment over the prebudget year, whichever is greater. For the 1997-98 school year, this means 8% or one-half the rate

of growth in the district's projected resident enrollment and preschool enrollment between the October 1991 enrollment report as contained on the district's Application for State School Aid for 1992-93 and the 1997-98 school year, whichever is greater. For the 1998-99 and 1999-2000 school years, this means the greatest of the following: 10%, one-half the district's rate of growth in projected resident enrollment and preschool enrollment over the October 1991 enrollment report as contained on the district's Application for State School Aid for 1992-93, or the district's projected rate of growth in resident enrollment over the prebudget year;

"State facility" means a State developmental center; a State Division of Youth and Family Services' residential center; a State residential mental health center; a DHS Regional Day School; a State training school / Secure care facility; a State juvenile community program; a juvenile detention center or a boot camp under the supervisional authority of the Juvenile Justice Commission pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.); or an institution operated by or under contract with the Department of Corrections or Human Services, or the Juvenile Justice Commission;

"Statewide average equalized school tax rate" means the amount calculated by dividing the general fund tax levy for all school districts, which excludes county vocational school districts and county special services school districts as defined pursuant to this section, in the State for the prebudget year by the equalized valuations certified in the year prior to the prebudget year of all taxing districts in the State except taxing districts for which there are no school tax levies;

"Statewide equalized valuation per pupil" means the equalized valuations of all taxing districts having resident enrollment in the State, divided by the resident enrollment for the State;

"T&E amount" means the cost per elementary pupil of delivering the core curriculum content standards and extracurricular and cocurricular activities necessary for a thorough regular education under the assumptions of reasonableness and efficiency contained in the Report on the Cost of Providing a Thorough and Efficient Education;

"T&E flexible amount" means the dollar amount which shall be applied to the T&E amount to determine the T&E range;

"T&E program budget" means the sum of core curriculum standards aid, supplemental core curriculum standards aid, stabilization aid, designated general fund balance, miscellaneous local general fund revenue and that portion of the district's local levy that supports the district's T&E budget;

"T&E range" means the range of regular education spending which shall be considered thorough and efficient. The range shall be expressed in terms of T&E budget spending per elementary pupil, and shall be delineated by

alternatively adding to and subtracting from the T&E amount the T&E flexible amount;

"Total Statewide income" means the sum of the district incomes of all taxing districts in the State.

C.18A:7F-13.1 State aid to Abbott district as defined; formula.

2. Notwithstanding the provisions of P.L.1996, c.138 (C.18A:7F-1 et seq.) to the contrary, a school district which is not defined as an Abbott district prior to enactment of P.L.1999, c.110 and becomes an Abbott district as a result of the enactment of P.L.1999, c.110 shall have its State aid determined as follows:

Aid = NAD + (AD-NAD) x F

Where:

NAD equals the district's aid entitlement calculated as if the district were not an Abbott district;

AD equals the district's aid entitlement calculated as if the district were an Abbott district; and

F equals 0.33 for the fiscal year beginning on July 1, 1999, 0.67 for the fiscal year beginning on July 1, 2000, and 1.0 for the fiscal year beginning on July 1, 2001.

3. This act shall take effect immediately and apply to State aid distributions for the 1999-2000 school year and thereafter, provided, however, that section 2 shall expire on June 30, 2002

Approved May 17, 1999.

CHAPTER 111

AN ACT establishing a mandatory education program and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.2A:34-12.1 Short title.

1. This act shall be known and may be cited as the "Parents' Education Act."

C.2A:34-12.2 "Parents' Education Fund."

2. There is hereby established a separate, nonlapsing, revolving fund in the General Fund to be known as the "Parents' Education Fund." The Clerk of the Superior Court shall forward the $25 registration fee collected pursuant to section 5 of P.L.1999, c.111(C.2A:34-12.5) for deposit in the

fund. The fund shall be administered by the Administrative Office of the Courts and dedicated to the development, establishment, operation and maintenance of the "Parents' Education Program" created pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3).

C.2A:34-12.3 "Parent's Education program."

3. a. There is hereby established a mandatory education program to be known as the "Parents' Education Program."

b. The program shall be designed to assist and advise divorced parents on issues concerning divorce, separation and custody. The program shall be made available twice a month. The program shall be administered by the Administrative Office of the Courts. The Assignment Judge shall appoint appropriate staff to act as a program representative or representatives, as necessary, for each county.

c. The purpose of the program shall be to promote cooperation between the parties and to assist parents in resolving issues which may arise during the divorce or separation process, including, but not limited to:

(1) Understanding the legal process and cost of divorce or separation, including arbitration and mediation;

(2) Understanding the financial responsibilities for the children;

(3) Understanding the interaction between parent and child, the family relationship and any other areas of adjustment and concern during the process of divorce or separation;

(4) Understanding how children react to divorce or separation, how to spot problems, what to tell them about divorce or separation, how to keep communication open and how to answer questions and concerns the children may have about the process;

(5) Understanding how parents can help their children during the divorce or separation, specific strategies, ideas, tools, and resources for assistance;

(6) Understanding how parents can help children after the divorce or separation and how to deal with new family structures and different sets of rules; and

(7) Understanding that cooperation may sometimes be inappropriate in cases of domestic violence.

C.2A:34-12.4 Advisory committee, duties; report.

4. a. There is hereby established an advisory committee consisting of nine members appointed by the Governor with the advice and consent of the Senate. The members shall include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts, or his designee, two

mental health professionals with experience in the field of child care, an educator, one custodial parent and one non-custodial parent.

b. The committee members shall select a chairman from among the members. The committee shall develop a curriculum, guidelines, program representative qualifications and requirements to be used in the "Parents' Education Program" established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3). The committee shall report its recommendations to the Administrative Office of the Courts three months following the organization of the committee. The Administrative Office of the Courts shall use the recommendations of the committee to develop a comprehensive education program.

C.2A:34-12.5 Attendance at program required; fee; exceptions.

5. a. The court shall order every person who has filed an action for divorce, nullity or separate maintenance where the custody, visitation or support of the minor child is an issue to attend the "Parents' Education Program" established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3). Each party shall attend separate sessions of the program.

b. Each party shall be required to pay a fee of $25 for registration in the "Parents' Education Program" which shall be forwarded by the Clerk of the Superior Court for deposit in the "Parents' Education Program Fund" established pursuant to section 2 of P.L.1999, c.111(C.2A:34-12.2).

c. Except as provided in subsections d. and e. of this section, the court shall require all parties who have filed an action for divorce, nullity or separate maintenance where the custody, visitation or support of the minor child is an issue to complete the program prior to entry of judgment. Failure of a party to participate in the program shall be considered as a factor by the court in making any custody and visitation determinations.

d. The court may exempt a party from attending the program, if the court finds good cause for an exemption.

e. The court shall not refer a party to the program if a temporary or final order restraining either party from contact with the other has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.), or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

C.2A:34-12.6 Program representatives, immunity, employment restrictions.

6. a. Notwithstanding any other provision of law to the contrary, no person serving as a program representative in the "Parents' Education Program" established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3) shall be liable for damages resulting from any exercise of judgment or discretion in connection with the person's duties unless the actions are

fraudulent or evidence a reckless disregard for the duties imposed by the position. Nothing in this section shall be deemed to grant immunity to any program representative causing damage by that person's wilful, wanton or grossly negligent act of commission or omission.

b. No person serving as a program representative in the program shall solicit, accept employment from or counsel a program participant for a period of one year after the program participant has completed the program.

C.2A:34-12.7 Confidentiality of communications.

7. All communications made by any program participant during the course of attending the "Parents' Education Program," established pursuant to section 3 of P.L.1999, c.111(C.2A:34-12.3) are confidential and shall not be admissible as evidence in any court proceeding.

C.2A:34-12.8 Adoption of Rules by Court.

8. The Supreme Court of New Jersey may adopt Rules of Court appropriate or necessary to effectuate the purpose of this act.

9. This act shall take effect 180 days after enactment except for section 4 which shall take effect immediately.

Approved May 19, 1999.

CHAPTER 112

AN ACT concerning the liability of professional engineers in certain circumstances.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:29B-1 Liability for professional engineers, certain circumstances.

1. A professional engineer or engineering firm, or any employee or representative of a professional engineer or engineering firm, who is assisting or representing the professional engineer or firm, shall only be liable for any injury on a construction project or site resulting from a breach or disregard of construction safety standards or practices on the construction project or site for which compensation is recoverable under R.S.34:15-7 et seq., if:

a. The professional engineer or firm has by written contract expressly assumed, to the extent stated therein, responsibility for the implementation, discharge or monitoring of safety standards or practices; or

b. In a multi-prime project, the professional engineer or firm is the representative of the project owner and no contractor has been designated to be responsible for site safety; or

c. It is shown that:

(1) The professional engineer or firm, including its employees or representatives, was present at the portion of the project or site for which the engineer had provided services, prior to or at the time of the accident, or both; and

(2) The professional engineer or firm, including its employees or representatives, had actual knowledge of the site conditions which are alleged to be a cause of an imminent danger; and

(3) The professional engineer or firm, including its employees or representatives, had the opportunity to notify the responsible contractor and worker of the presence of the site conditions which are alleged to be a cause of an imminent danger, and failed to do so within a reasonable period of time. If that notice is provided, and the responsible contractor fails to respond within one business day, the engineer or firm shall immediately provide that notice to the project owner.

C.2A:29B-2 Inapplicability.

2. The limitations provided by this act shall not apply to willful misconduct or gross negligence.

3. The act shall take effect on the 60th day following enactment, except that the act shall not apply to projects that have been advertised on or before the effective date of this act or projects under contract on or before the effective date of this act.

Approved May 19, 1999.

CHAPTER 113

AN ACT concerning victims of crime and amending P.L.1971, c.317.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 9 of P.L.1971, c.317 (C.52:4B-9) is amended to read as follows:

C.52:4B-9 Rules and regulations; determination of compensation.

9. In the performance of its functions, the board is authorized to make rules and regulations prescribing the procedures to be followed in the filing

of applications and the proceedings under this act, and such other matters as the board deems appropriate.

In determining the amounts of compensation payable pursuant to this act the board shall insofar as practicable formulate standards for uniform application of this act and shall take into consideration rates and amounts of compensation payable for injuries and death under other laws of this State and of the United States and the availability of funds appropriated for the purposes of this act.

The board shall establish maximum rates and service limitations for reimbursement for medical and medical related expenses, including counseling. In establishing these rates, the board shall reflect the medical fee schedules for health care providers established by the Commissioner of Banking and Insurance pursuant to the provisions of section 10 of P.L.1988, c.119 (C.39:6A-4.6). A medical service provider who accepts payment from the board for a service shall accept the board's rates as payment in full and shall not accept any payment on account of the service from any other source if the total of payments accepted would exceed the maximum rate set by the board for that service.

2. This act shall take effect immediately.

Approved May 19, 1999.

CHAPTER 114

AN ACT concerning the determination of public school district of residence and amending P.L.1979, c.207.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to read as follows:

C.18A:7B-12 Determination of district of residence.

19. For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. The district of residence for children in foster homes shall be the district in which the foster parents reside. If a child in a foster home is subsequently placed in a State facility or by a State agency, the district of

residence of the child shall then be determined as if no such foster placement had occurred.

b. The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, skill development homes, private schools or out-of-State facilities, shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

If this cannot be determined, the district of residence shall be the district in which the child resided prior to such admission or placement.

c. The district of residence for children whose parent or guardian temporarily moves from one school district to another as the result of being homeless shall be the district in which the parent or guardian last resided prior to becoming homeless. For the purpose of this amendatory and supplementary act, "homeless" shall mean an individual who temporarily lacks a fixed, regular and adequate residence.

d. If the district of residence cannot be determined according to the criteria contained herein, or if the criteria contained herein identify a district of residence outside of the State, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per pupil cost established pursuant to P.L.1996, c.138 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same manner as other State aid under this act. The Department of Education shall pay the amount to the Department of Human Services, the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the case of a homeless child, the Department of Education shall pay the appropriate T&E amount and any appropriate additional cost factor for special education pursuant to section 19 of P.L.1996, c.138 (C.18A:7F-19) to the school district in which the child is enrolled.

e. If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the department shall pay to the Department of Human Services or the Juvenile Justice Commission, as appropriate, the aid specified in subsection d. of this section and in addition, such aid as required to make the total amount of aid equal to the actual cost of the tuition.

2. This act shall take effect for the 1998-99 school year.

Approved May 19, 1999.

CHAPTER 115

AN ACT concerning orthotists and prosthetists and amending and supplementing P.L.1991, c.512.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1991, c.512 (C.45:12B-3) is amended to read as follows:

C.45:12B-3 Definitions.

3. As used in this act:

"Board" means the Orthotics and Prosthetics Board of Examiners created by section 4 of this act.

"Chairperson" means the member that is elected yearly by the board.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Orthotic appliance" means, solely for the purposes of this act, a brace or support but does not include fabric and elastic supports, corsets, arch supports, trusses, elastic hose, canes, crutches, cervical collars, dental appliances or other similar devices carried in stock and sold by drug stores, department stores, corset shops or surgical supply facilities.

"Orthotics" means the science or practice of measuring, designing, constructing, assembling, fitting, adjusting or servicing orthotic appliances for the correction or alleviation of musculoskeletal diseases, injuries, or deformities as permitted by prescriptions from a licensed doctor of medicine, dentist, or podiatrist.

"Licensed orthotist" means any person who practices orthotics and who represents himself to the public by title or by description of services, under any title incorporating such terms as "orthotics," "orthotists," "orthotic," or "L.O." or any similar title or description of services, provided that the individual has met the eligibility requirements contained in section 11 of this act and has been duly licensed under this act.

"Licensed orthotist assistant" means a person who is licensed pursuant to the provisions of this amendatory and supplementary act and who assists a licensed orthotist under his supervision.

"Person" means any individual, corporation, partnership, association, or other organization.

"Prosthetic appliance" means, solely for the purposes of this act, any artificial device that is not surgically implanted and that is used to replace a missing limb, appendage, or any other external human body part including devices such as

artificial limbs, hands, fingers, feet and toes, but excluding dental appliances and largely cosmetic devices such as artificial breasts, eyelashes, wigs, or other devices which could not by their use have a significantly detrimental impact upon the musculoskeletal functions of the body.

"Prosthetics" means the science or practice of measuring, designing, constructing, assembling, fitting, adjusting or servicing prosthetic appliances as permitted by prescriptions from a licensed doctor of medicine or podiatry.

"Licensed prosthetist" means a person who practices prosthetics and who represents himself to the public by title or by description of services, under any title incorporating such terms as "prosthetics," "prosthetist," "prosthetic," or "L.P." or any similar title or description of services, provided that the individual has met the eligibility requirements contained in section 11 and has been duly licensed under this act.

"Licensed prosthetist assistant" means a person who is licensed pursuant to the provisions of this amendatory and supplementary act and who assists a licensed prosthetist under his supervision.

"Licensed prosthetist-orthotist" means any person who practices both disciplines of prosthetics and orthotics and who represents himself to the public by title or by description of services, under any title incorporating such terms as "prosthetics-orthotics," "prosthetist-orthotist," "prosthetic-orthotic," or "L.P.O." or any similar title or description of services, provided that the individual has met the eligibility requirements contained in section 11 and has been duly licensed in both disciplines of prosthetics and orthotics under this act.

"Licensed prosthetist-orthotist assistant" means a person who is licensed pursuant to the provisions of this amendatory and supplementary act and who assists a licensed prosthetist-orthotist under his supervision.

2. Section 4 of P.L.1991, c.512 (C.45:12B-4) is amended to read as follows:

C.45:12B-4 Board of Examiners, creation, purpose.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the Orthotics and Prosthetics Board of Examiners. The board shall be responsible for the licensure of orthotists and prosthetists and persons eligible to be licensed in both disciplines of prosthetics and orthotics as licensed prosthetist-orthotists and for the licensure of orthotist assistants, prosthetist assistants, and prosthetist-orthotist assistants.

3. Section 9 of P.L.1991, c.512 (C.45:12B-9) is amended to read as follows:

C.45:12B-9 Duties of the board.

9. The board shall have the following duties:

a. To establish minimum requirements for orthotist, prosthetist and prosthetist-orthotist licenses and for orthotist assistant, prosthetist assistant and prosthetist-orthotist assistant licenses;

b. To establish standards, guidelines, and procedures for the completion of clinical internships;

c. To evaluate the qualifications of all applicants for licensure as orthotists, prosthetists and prosthetist-orthotists and as orthotist assistants, prosthetist assistants and prosthetist-orthotist assistants;

d. To supervise the examination of applicants;

e. To establish basic requirements for continuing education; and

f. To take any actions at the chairperson's request which may be necessary or appropriate to achieve the purposes of this act.

4. Section 11 of P.L.1991, c.512 (C.45:12B-11) is amended to read as follows:

C.45:12B-11 Eligibility for license as orthotist, prosthetist; examinations.

11. To be eligible for a license to practice orthotics or prosthetics in this State, an individual shall:

a. (1) Possess a bachelor's degree or its equivalent from a college or university accredited by a regional or national accrediting agency recognized by the United States Secretary of Education;

(2) Complete a clinical internship in the professional area for which a license is sought of not less than 1900 hours under the supervision of a licensed orthotist or prosthetist, as the case may be; and

(3) Pass all written, practical and oral examinations, which shall be approved and required by the board and which shall be administered at least once each year; or

b. Meet the following requirements within five years after the date procedures are established by the board for applying for licensure:

(1) Complete a clinical practice in the professional area for which a license is sought of not less than 1900 hours under the supervision of a licensed orthotist or prosthetist, as the case may be;

(2) Pass all written, practical and oral examinations, which shall be approved and required by the board and which shall be administered at least once each year; and

(3) Possess an associate's degree in science from a college or university accredited by a regional or national accrediting agency recognized by the

United States Secretary of Education with satisfactory completion of course work in biology, anatomy and physiology, physics and chemistry.

The standards and requirements for licensure established by the board shall be substantially equal to or in excess of standards commonly accepted in the fields of orthotics and prosthetics.

5. Section 12 of P.L.1991, c.512 (C.45:12B-12) is amended to read as follows:

C.45:12B-12 License based on experience prior to May 21, 1999.

12. Any person who practiced full-time for three years prior to the effective date of this amendatory and supplementary act in an established prosthetic-orthotic facility as an orthotist, prosthetist, or prosthetist-orthotist may file an application with the board within 180 days after the date procedures are established by the board for applying for licensure to continue to practice orthotics or prosthetics under the provisions of this act. The applicant may obtain a license to practice orthotics or prosthetics under the provisions of this act without satisfying the requirements of subsection a. or b. of section 11 of P.L.1991, c.512 (C.45:12B-11), upon receipt of payment of the licensing fee required pursuant to section 21 of this act and after the board has completed an investigation into the applicant's work history. The board shall complete its investigation for the purposes of this section within six months of the date of receipt of the application and make a final determination regarding license approval.

6. Section 13 of P.L.1991, c.512 (C.45:12B-13) is amended to read as follows:

C.45:12B-13 Licenses, duration, practice.

13. The board shall issue a license to practice orthotics or prosthetics or act as an orthotist assistant, prosthetist assistant or prosthetist-orthotist assistant to all applicants who meet the qualifications established pursuant to this act. Licenses shall be effective for a two-year period and may be renewed biennially.

Licensure shall be granted independently in orthotics or prosthetics. An individual may be licensed in both disciplines if that person meets the standards set forth by the board.

7. Section 17 of P.L.1991, c.512 (C.45:12B-17) is amended to read as follows:

C.45:12B-17 License required to practice.

17. No person shall practice, attempt to practice, or hold himself or itself out as being able to practice orthotics or prosthetics or act as an

orthotist assistant, prosthetist assistant or prosthetist-orthotist assistant in this State unless that person is licensed in accordance with the provisions of this act.

8. Section 18 of P.L.1991, c.512 (C.45:12B-18) is amended to read as follows:

C.45:12B-18 Inapplicability of act.

18. The provisions of this act shall not apply to:

a. The activities and services of any person who is licensed to practice medicine and surgery, dentistry or podiatry by this State;

b. The activities and services of a student, fellow, or trainee in orthotics or prosthetics pursuing a course of study at an accredited college or university, or working in a recognized training center or research facility, if these activities and services constitute a part of his course of study under a supervisor licensed pursuant to this act;

c. The design, modification, fabrication and application of upper extremity adaptive equipment, finger splints and hand splints by an occupational therapist or a licensed physical therapist;

d. The provision of corsets and soft cervical collars by licensed physical therapists;

e. The provision of lower extremity orthotics made of fabric, canvas, neoprene or elastic with or without metal or plastic insertable or removable hinges or stays by licensed physical therapists;

f. The provision by a licensed physical therapist of any lower extremity, low temperature splint or ankle foot orthotic when such bracing is for the evaluation or treatment of an adult patient for less than three months or a pediatric patient for less than one year without the consultation of a licensed orthotist and when the braces do not become the patient's property;

g. The provision of any off-the-shelf ankle foot orthosis made of fabric, canvas, neoprene, elastic with or without metal or plastic inserts and any low temperature posterior leaf ankle foot orthosis by a licensed physical therapist;

h. The provision of any high temperature posterior leaf ankle foot orthosis by a licensed physical therapist conducting research at a college or university accredited by a regional or national accrediting agency recognized by the United States Secretary of Education in accordance with standard protocols;

i. The management of lower extremity prosthetic volumetric changes by a licensed physical therapist. Any non-reversible changes shall be addressed by the treating licensed physical therapist only after direct consultation with the treating prosthetist; or

j. The activities and services of a certified pedorthist; except that this subsection shall not prevent any certified pedorthist from applying for and obtaining a license under the provisions of P.L.1991, c.512 (C.45:12B-1 et seq.) limiting that person's practice of orthotics and prosthetics to the ankle and below. As used in this subsection: "certified pedorthist" means a person certified by the American Board for Certification in Pedorthics, or its successor, in the design, manufacture, fit and modification of shoes and related foot appliances from the ankle and below as prescribed by a licensed doctor of medicine or podiatry for the amelioration of painful or disabling conditions of the foot; and "foot appliances" includes, but is not limited to, prosthetic fillers and orthotic appliances for use from the ankle and below.

9. Section 20 of P.L.1991, c.512 (C.45:12B-20) is amended to read as follows:

C.45:12B-20 In State office, address requirement; publication.

20. a. Every licensed practitioner of orthotics, prosthetics, or both, shall maintain an office in this State.

b. Every licensed practitioner of orthotics, prosthetics, or both, and every licensed orthotist assistant, prosthetist assistant, and prosthetist-orthotist assistant in this State shall notify the board of the practitioner's or assistant's office address. Every practitioner and assistant shall promptly notify the board of any change of office address. The board shall annually publish complete lists of the names and office addresses of all orthotists, prosthetists and prosthetist-orthotists, and all orthotist assistants, prosthetist assistants and prosthetist-orthotist assistants, licensed and practicing or assisting licensed practitioners in this State.

C.45:12B-11.1 Requirements for licensure as assistant; examinations.

10. To be eligible for licensure as an orthotist assistant, prosthetist assistant or prosthetist-orthotist assistant, an individual shall submit satisfactory evidence to the board that he:

a. Is at least 18 years of age;

b. Is of good moral character;

c. Possesses a high school diploma or its equivalent;

d. Has completed not less than 40 hours of a formal training program in orthotics or prosthetics in the case of an individual seeking licensure as an orthotist assistant or prosthetist assistant, as the case may be, or not less than 80 hours of a formal training program in the case of an individual seeking licensure as a prosthetist-orthotist assistant;

e. Has completed 1900 hours of clinical practice in the professional area in which a license is sought under the supervision of a licensed orthotist or prosthetist, as the case may be; and

f. Has passed all written, practical and oral examinations, which shall be approved and required by the board for the examination of assistants and which shall be administered at least once each year.

11. This act shall take effect immediately.

Approved May 21, 1999.

CHAPTER 116

AN ACT deferring certain earnings in qualified state tuition programs and education individual retirement accounts from income under the gross income tax, amending P.L.1997, c.237.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 13 of P.L.1997, c.237 (C.54A:6-25) is amended to read as follows:

C.54A:6-25 State tuition programs, education individual retirement accounts, earnings, distributions, certain; excluded from gross income.

13. a. Gross income shall not include earnings on an education individual retirement account or a qualified State tuition program account until the earnings are distributed from the account, at which time they shall be includible in the gross income of the distributee except as provided in this section.

b. Gross income shall not include qualified distributions as defined in paragraph (3) of subsection c. of this section.

c. For purposes of this section:

(1) "Education individual retirement account" means an education retirement account as defined pursuant to paragraph (1) of subsection (b) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.530.

(2) "Qualified State tuition program account" means an account established pursuant to the "New Jersey Better Educational Savings Trust (NJBEST) Program," (N.J.S.18A:71B-35 et seq.) or an account established pursuant to any qualified State tuition program, as defined pursuant to subsection (b) of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or a tuition credit or certificate purchased pursuant to any such program.

(3) "Qualified distribution" means any of the following:

(a) a distribution from a qualified State tuition program account that is used for qualified higher education expenses as defined pursuant to

paragraph (3) of subsection (e) of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529;

(b) a rollover from one account to another account as described in clause (i) of subparagraph (C) of paragraph (3) of subsection (c) of section 529 or paragraph (5) of subsection (d) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or 530;

(c) a change in designated beneficiaries of an account as described in clause (ii) of subparagraph (C) of paragraph (3) of subsection (c) of section 529 or paragraph (6) of subsection (d) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or 530;

d. The portion of a distribution from an education individual retirement account or a qualified State tuition program account that is attributable to earnings shall be determined in accordance with the principles of section 72 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.72, as applied for purposes of sections 529 and 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. ss.529 and 530.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1, 1998.

Approved May 21, 1999.

CHAPTER 117

AN ACT concerning wrongful impersonation and theft of identity and amending N.J.S.2C:21-17.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:21-17 is amended to read as follows:

Impersonation; theft of identity; disorderly persons offense, crime.

2C:21-17. Impersonation; Theft of Identity; disorderly persons offense, crime.

a. A person is guilty of an offense when he:

(1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for purpose of obtaining a pecuniary benefit for himself or another or to injure or defraud another;

(2) Pretends to be a representative of some person or organization and does an act in such pretended capacity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(3) Impersonates another, assumes a false identity or makes a false or misleading statement regarding the identity of any person, in an oral or written application for services, for the purpose of obtaining services; or

(4) Obtains any personal identifying information pertaining to another person and uses that information, or assists another person in using the information, in order to assume the identity of or represent themselves as another person, without that person's authorization and with the purpose to fraudulently obtain or attempt to obtain a pecuniary benefit or services, or avoid the payment of debt or other legal obligation or avoid prosecution for a crime by using the name of the other person.

As used in this paragraph: "personal identifying information" means, but is not limited to, the name, address, telephone number, social security number, place of employment, employee identification number, demand deposit account number, savings account number, credit card number or mother's maiden name of an individual person.

b. A person is guilty of an offense if, in the course of making an oral or written application for services, he impersonates another, assumes a false identity or makes a false or misleading statement with the purpose of avoiding payment for prior services. Purpose to avoid payment for prior services may be presumed upon proof that the person has not made full payment for prior services and has impersonated another, assumed a false identity or made a false or misleading statement regarding the identity of any person in the course of making oral or written application for services.

c. (1) A person who violates subsection a. or b. of this section is guilty of a crime of the second degree if the pecuniary benefit, the value of the services received, the payment sought to be avoided or the injury or fraud perpetrated on another is $75,000 or more. If the pecuniary benefit, the value of the services received, the payment sought to be avoided or the injury or fraud perpetrated on another is at least $500 but is less than $75,000, the offender is guilty of a crime of the third degree. If the pecuniary benefit, the value of the services received, the payment sought to be avoided or the injury or fraud perpetrated on another is at least $200 but is less than $500, the offender is guilty of a crime of the fourth degree.

(2) If the pecuniary benefit, the value of the services received, the payment sought to be avoided or the injury or fraud perpetrated on another is less than $200, or if the benefit or services received or the injury or fraud perpetrated on another has no pecuniary value, or if the person was unsuccessful in an attempt to receive a benefit or services or to injure or perpetrate a fraud on another, then the person is guilty of a disorderly persons offense.

d. A violation of R.S.39:3-37 for using the personal information of another to obtain a driver's license or register a motor vehicle or a violation

of R.S.33:1-81 or section 6 of P.L.1968. c.313 (C.33:1-81.7) for using the personal information of another to illegally purchase an alcoholic beverage shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

2. This act shall take effect immediately.

Approved May 21, 1999.

CHAPTER 118

AN ACT concerning the authority of the Attorney General to represent certain citizens, supplementing P.L.1944, c.20 (C.52:17A-1 et seq.), and making an appropriation..

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the powers and duties conferred upon the Attorney General by the Constitution, the common and statutory law of this State, the Attorney General may initiate or intervene in any proceedings or action, including a class action law suit, as he deems appropriate, on behalf of citizens of this State, and may represent and defend such citizens as he deems appropriate in any action or other proceeding brought before any court or other tribunal in this or any other state, to challenge the amendments to the personal income tax on non-residents set forth in New York State Senate Bill 5594 and Assembly Bill 8346, or similar enactments. The Attorney General may take all steps necessary or useful in carrying out the powers provided in this act, including but not limited to, retaining local counsel. Notwithstanding the provisions of any other law to the contrary, the Attorney General shall have access to and may use such records, files, returns, reports and information, including the records and files of the Director of the Division of Taxation, in the Department of the Treasury, as he deems necessary for the prosecution or defense of any action under this act.

2. There is appropriated from the General Fund to the Department of Law and Public Safety the sum of $95,000 for costs, fees, or any other expenses incurred in connection with the prosecution or defense of any action under section 1 of this act, subject to the approval of the Director of the Division of Budget and Accounting.

3. This act shall take effect immediately.

Approved May 27, 1999.

CHAPTER 119

AN ACT concerning certain domestic violence information and amending P.L.1991, c.261.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 17 of P.L.1991, c.261 (C.2C:25-33) is amended to read as follows:

C.2C:25-33 Records of applications for relief; reports; confidentiality; forms.

17. a. The Administrative Office of the Courts shall, with the assistance of the Attorney General and the county prosecutors, maintain a uniform record of all applications for relief pursuant to sections 9, 10, 12, and 13 of P.L.1991, c.261 (C.2C:25-25, C.2C:25-26, C.2C:25-28, and C.2C:25-29). The record shall include the following information:

(1) The number of criminal and civil complaints filed in all municipal courts and the Superior Court;

(2) The sex of the parties;

(3) The relationship of the parties;

(4) The relief sought or the offense charged, or both;

(5) The nature of the relief granted or penalty imposed, or both, including, but not limited to, the following:

(a) custody;

(b) child support;

(c) the specific restraints ordered;

(d) any requirements or conditions imposed pursuant to paragraphs (1) through (18) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29), including but not limited to professional counseling or psychiatric evaluations;

(6) The effective date of each order issued; and

(7) In the case of a civil action in which no permanent restraints are entered, or in the case of a criminal matter that does not proceed to trial, the reason or reasons for the disposition.

It shall be the duty of the Director of the Administrative Office of the Courts to compile and report annually to the Governor, the Legislature and the Advisory Council on Domestic Violence on the data tabulated from the records of these orders.

All records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

b. In addition to the provisions of subsection a. of this section, the Administrative Office of the Courts shall, with the assistance of the Attorney General and the county prosecutors, create and maintain uniform forms to record sentencing, bail conditions and dismissals. The forms shall be used by the Superior Court and by every municipal court to record any order in a case brought pursuant to this act. Such recording shall include but not be limited to, the specific restraints ordered, any requirements or conditions imposed on the defendant, and any conditions of bail.

2. Section 8 of P.L.1991, c.261 (C.2C:25-24) is amended to read as follows:

C.2C:25-24 Domestic violence offense reports.

8. a. It shall be the duty of a law enforcement officer who responds to a domestic violence call to complete a domestic violence offense report. All information contained in the domestic violence offense report shall be forwarded to the appropriate county bureau of identification and to the State bureau of records and identification in the Division of State Police in the Department of Law and Public Safety. A copy of the domestic violence offense report shall be forwarded to the municipal court where the offense was committed unless the case has been transferred to the Superior Court.

b. The domestic violence offense report shall be on a form prescribed by the supervisor of the State bureau of records and identification which shall include, but not be limited to, the following information:

(1) The relationship of the parties;

(2) The sex of the parties;

(3) The time and date of the incident;

(4) The number of domestic violence calls investigated;

(5) Whether children were involved, or whether the alleged act of domestic violence had been committed in the presence of children;

(6) The type and extent of abuse;

(7) The number and type of weapons involved;

(8) The action taken by the law enforcement officer;

(9) The existence of any prior court orders issued pursuant to this act concerning the parties;

(10) The number of domestic violence calls alleging a violation of a domestic violence restraining order;

(11) The number of arrests for a violation of a domestic violence order; and

(12) Any other data that may be necessary for a complete analysis of all circumstances leading to the alleged incident of domestic violence.

c. It shall be the duty of the Superintendent of the State Police with the assistance of the Division of Systems and Communications in the Department of Law and Public Safety to compile and report annually to the Governor, the Legislature and the Advisory Council on Domestic Violence on the tabulated data from the domestic violence offense reports, classified by county

3. This act shall take effect immediately.

Approved June 9, 1999.

CHAPTER 120

AN ACT establishing the Blue Star Memorial Highway Council in the Department of Transportation, supplementing Title 27 of the Revised Statutes and repealing Joint Resolution No. 13, approved October 6, 1948.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.27:1A-5.16 Blue Star Memorial Highway Council.

1. a. The Legislature finds that the Blue Star Memorial Highway Council was created by Joint Resolution No. 13, approved October 6, 1948, to plan for and advise the State Highway Department, now the Department of Transportation, concerning the development of the landscaping, arboreal ornamentation, and incidental facilities of the Blue Star Memorial Highway system. The New Jersey Department of Transportation, in cooperation with the Garden Club of New Jersey, landscapes, plants, and maintains the roadsides of Blue Star Memorial Highways. These highways serve as living memorials in tribute to the men and women of New Jersey who have served in the armed forces.

Therefore, the Legislature declares that the time has come to incorporate the council within the permanent statutes, update the membership of the Council to reflect current State department designations, and include an officer or employee of the Department of Military and Veterans' Affairs as a member of the council in place of an officer and employee of the Department of Health.

b. There is hereby established in the Department of Transportation a Blue Star Memorial Highway Council that shall consist of seven members, each of whom shall be appointed by the Governor.

One of the members shall be designated by the Governor from the officers and employees of the Department of Transportation, one from

among the officers and employees of the Department of Environmental Protection, and one from among the officers and employees of the Department of Military and Veterans' Affairs, each of whom shall serve at the pleasure of the Governor.

The remaining four members of the council shall be appointed by the Governor from among the persons recommended to the Governor for appointment to the council by the Garden Club of New Jersey, each of whom shall serve for a period of four years and until his or her successor is appointed and has qualified, and each of whom shall be eligible for reappointment to membership of the council.

c. The Blue Star Memorial Highway Council shall plan for and advise the Department of Transportation concerning the development of the landscaping, arboreal ornamentation, and incidental facilities of the Blue Star Memorial Highway system.

Repealer.

2. Joint Resolution No. 13, approved October 6, 1948, is repealed.

3. This act shall take effect immediately.

Approved June 9, 1999.

CHAPTER 121

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1998, c.45, there is appropriated from the Property Tax Relief Fund the following sum for the purpose specified:

PROPERTY TAX RELIEF FUND
STATE AID
34. DEPARTMENT OF EDUCATION
30. EDUCATIONAL, CULTURAL AND INTELLECTUAL DEVELOPMENT
34. Educational Support Services - State Aid
5064. Student Services

40-5064 Health, Safety and Community Services $2,700,000
State Aid:
Whole School Reform Incentive Grant ..... ($2,700,000)

2. This act shall take effect immediately.

Approved June 10, 1999.

CHAPTER 122

AN ACT concerning contaminated wells, allocating an appropriation for filtration thereof, amending the fiscal year 1999 annual appropriations act, P.L.1998, c.45, and supplementing P.L.1976, c.141 (C.58:10-23.11 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of the annual appropriations act for fiscal year 1999, P.L.1998, c.45, is amended by the addition of the following language provision:

CAPITAL CONSTRUCTION
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
44 Site Remediation

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation - Constitutional Dedication account, $1,500,000 shall be allocated to an account in the Department of Environmental Protection to fund the purchase, installation, and maintenance of a carbon filtration system for two wells in Dover Township, Ocean County, subject to the approval of the Director of the Division of Budget and Accounting.

2. The Attorney General shall take any action authorized by law to recover any funds allocated pursuant to section 1 of P.L.1999, c.122 and expended to pay the cost of the purchase, installation, and maintenance of a carbon filtration system for the two wells in Dover Township, Ocean County from the persons responsible for the contamination.

3. This act shall take effect immediately.

Approved June 16, 1999.

CHAPTER 123

AN ACT to change the date of "New Jersey P.O.W.-M.I.A. Recognition Day," amending the title and body of P.L.1984, c.83.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Title of P.L.1984, c.83 is amended to read as follows:

AN ACT to designate the third Friday in September of each year as "New Jersey P.O.W.-M.I.A. Recognition Day" and providing for the issuance by the Governor of an annual proclamation thereof.

2. Section 1 of P.L.1984, c.83 (C.36:2-7) is amended to read as follows:

C.36:2-7 "New Jersey P.O.W.-M.I.A. Recognition Day" designated.

1. The third Friday in September of each year shall be designated as "New Jersey P.O.W.-M.I.A. Recognition Day" in recognition of the sacrifices of the citizens of this State and of our Nation who were captured by the enemy or are missing in action.

3. This act shall take effect immediately.

Approved June 18, 1999.

CHAPTER 124

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1998 and regulating the disbursement thereof," approved June 27, 1997 (P.L.1997, c.131).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1997, c.131, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement
1200 Division of State Police

08-1200 Emergency Services $1,500,000
Special Purpose:.
Urban Search and Rescue Teams ..... ($1,500,000)

The unexpended balance in this account as of June 30, 1998 in the Urban Search and Rescue Teams account is appropriated for the same purpose.

2. This act shall take effect immediately.

Approved June 24, 1999.

CHAPTER 125

AN ACT concerning the Statewide emergency, enhanced 9-1-1 telephone system, constituting the 9-1-1 Commission and amending and supplementing P.L.1989, c.3.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1989, c.3 (C.52:17C-1) is amended to read as follows:

C.52:17C-1 Definitions.

1. As used in this act:

a. "Automatic number identification (ANI)" means an enhanced 9-1-1 service capability that enables the automatic display of the callback number used to place a 9-1-1 call;

b. "Automatic location identification (ALI)" means an enhanced 9-1-1 service capability that enables the automatic display of information defining the geographical location of the telephone used to place a 9-1-1 call;

c. "Commission" means the 9-1-1 Commission;

d. "County 9-1-1 Coordinator" means the County 9-1-1 Coordinator appointed pursuant to section 5 of this act;

e. "Enhanced 9-1-1 network" means the switching equipment, trunk system, database operation and connections to the public safety answering point;

f. "Enhanced 9-1-1 network features" means those features of selective routing which have the capability of automatic number and location identification;

g. "Enhanced 9-1-1 service" means a service consisting of telephone network features and public safety answering points provided for users of the public telephone system enabling the users to reach a public service

answering point by dialing the digits "9-1-1." The service directs 9-1-1 calls to appropriate public safety answering points by selective routing based on the location from which the call originated and provides for automatic number identification and automatic location identification features;

h. "Enhanced 9-1-1 termination equipment" means the equipment located at the public safety answering point which is needed to receive or record voice and data communications from the enhanced 9-1-1 network;

i. "Office" means the Office of Emergency Telecommunications Services established by section 3 of this act;

j. "Public safety agency" means a functional division of a municipality, a county, or the State which dispatches or provides law enforcement, fire fighting, emergency medical services, or other emergency services;

k. "Private safety agency" means any entity, except a municipality or a public safety agency, providing emergency medical services, fire fighting, or other emergency services;

l. "Public safety answering point (PSAP)" means a facility, operated on a 24-hour basis, assigned the responsibility of receiving 9-1-1 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 9-1-1 calls to other public safety agencies. A public safety answering point is the first point of reception by a public safety agency of 9-1-1 calls and serves the jurisdictions in which it is located or other participating jurisdictions;

m. "Selective routing" means the method employed to direct 9-1-1 calls to the appropriate public safety answering point based on the location from which the call originated;

n. "Emergency enhanced 9-1-1 system" or "system" means the emergency enhanced 9-1-1 telephone system to be established pursuant to this act, including wireless enhanced 9-1-1 service;

o. "Telephone company" means the organization that provides switched local telephone exchange access service;

p. "Wireless telephone company" means any person providing commercial mobile radio service as defined in 47 U.S.C.s. 332 (d);

q. "FCC wireless E9-1-1 requirements" means the order adopted in the Federal Communications Commission proceeding entitled "Revision of the Commission's Rules to Ensure Comparability with Enhanced 9-1-1 Emergency Calling Systems," (CC Docket No. 94-102: RM-8143), or any successor proceeding, and the rules adopted by the Federal Communications Commission in any such proceeding, as these rules may be amended from time to time;

r. "Wireless 9-1-1 service" means the service which enables wireless telephone company customers to dial the digits 9-1-1 and be connected to a public safety agency;

s. "Wireless enhanced 9-1-1 service" means the service required to be provided by a wireless telephone company pursuant to FCC wireless E9-1-1 requirements;

t. "Chief Technology Officer" means the person appointed by and serving at the pleasure of the Governing Board who is responsible for the day-to-day operations of the Office of Information Technology;

u. "Governing Board" means the seven-member board established by Executive Order 87 of 1998 to oversee the Office of Information Technology; and

v. "Office of Information Technology" means the Office of Information Technology established by Executive Order 87 of 1998.

2. Section 2 of P.L.1989, c.3 (C.52:17C-2) is amended to read as follows:

C.52:17C-2 9-1-1 Commission.

2. a. There is created in the Office of Information Technology a commission to be known as the 9-1-1 Commission which shall oversee the office in the planning, design, and implementation of the Statewide emergency enhanced 9-1-1 telephone system to be established pursuant to this act. The commission shall consist of 30 members as follows: two members appointed by the Governor upon the recommendation of the President of the Senate, who shall not be both of the same political party; two members appointed by the Governor upon the recommendation of the Speaker of the General Assembly, who shall not be both of the same political party; the following members ex officio: Chief Technology Officer of the Office of Information Technology; President of the Board of Public Utilities; Superintendent of State Police; Deputy Director of the State Office of Emergency Management in the Department of Law and Public Safety; Director of the Bureau of Fire Safety in the Department of Community Affairs; Director of Emergency Medical Services in the Department of Health and Senior Services; one member of the Governing Board of the Office of Information Technology in but not of the Department of the Treasury; the following public members appointed by the Governor with the advice and consent of the Senate: a representative of the New Jersey State League of Municipalities; a representative of the New Jersey State Association of Chiefs of Police; a representative of the Fire Fighters' Association of New Jersey; a representative of the New Jersey First Aid Council; a representative of the Associated Public Safety Communications Officers (APCO); a representative of Bell Atlantic-New Jersey; a representative of the independent telephone companies; two representatives of the wireless telephone companies; one representative of the National Emergency Number Association; two members representing county-wide dispatch centers; one representative of the Sheriffs Association of New

Jersey; one representative of the New Jersey Fire Chiefs Association; one representative from the Certified Local Exchange Carriers; two members representing multi-municipal public safety dispatch centers who serve more than one, but less than five municipalities; and two members representing municipal public safety dispatch centers.

Of the public members first appointed by the Governor with the advice and consent of the Senate and of the members first appointed by the Governor upon recommendation of the President of the Senate and the Speaker of the General Assembly, eight shall be appointed for terms of three years, eight shall be appointed for terms of two years, and seven shall be appointed for terms of one year. Thereafter, the public members of the commission and members appointed by the Governor upon recommendation of the President of the Senate and the Speaker of the General Assembly shall be appointed for terms of three years. Vacancies on the commission shall be filled in the same manner as the original appointment but for the unexpired term. Members may be removed by the appointing authority for cause. The initial members shall be appointed within 30 days of the effective date of P.L.1999, c.125 (C.52:17C-3.1 et al.). The commission shall have the authority to establish subcommittees as it deems appropriate to carry out the purposes of this act.

b. Members of the commission shall serve without compensation but the members, other than the ex officio members, shall be entitled to reimbursement for expenses incurred in performance of their duties, within the limits of any funds appropriated or otherwise made available for that purpose.

c. Each ex officio member may designate an employee of the member's department or agency to represent the member at meetings or hearings of the commission. All designees may lawfully vote and otherwise act on behalf of the members for whom they constitute the designees.

d. The 9-1-1 Commission shall be constituted upon the appointment of the majority of its authorized membership and shall have no expiration date. Until the commission is constituted: (1) the Advisory Commission appointed by the Chief Technology Officer before the effective date of P.L.1999, c.125 (C.52:17C-3.1 et al.) shall be continued and shall exercise the advisory functions granted to it by the Chief Technology Officer and (2) the Chief Technology Officer shall be responsible for the review and approval of any function of the office which is the responsibility of the 9-1-1 Commission. Membership on the advisory commission shall not disqualify a person from membership on the 9-1-1 Commission.

3. Section 3 of P.L.1989, c.3 (C.52:17C-3) is amended to read as follows:

C.52:17C-3 Office of Emergency Telecommunications Services.

3. a. There is established in the Office of Information Technology an Office of Emergency Telecommunications Services.

b. The office shall be under the immediate supervision of a director, who shall be a person qualified by training and experience to direct the work of the office. The director shall administer the provisions of this act subject to review by the Chief Technology Officer and shall perform other duties as may be provided by law. The director shall be appointed by the Chief Technology Officer, but the commission shall advise the Chief Technology Officer on the qualifications of the director. The Chief Technology Officer is authorized to appoint, in accordance with Title 11A of the New Jersey Statutes, clerical, technical, and professional assistants, and also may designate any available personnel as shall be necessary to effectuate the purposes of this act.

The office shall, subject to review by the commission and the Chief Technology Officer, only as provided in subsection c. of this section, and in consultation with the telephone companies, the Board of Public Utilities and the wireless telephone companies, and with the assistance of the Office of Information Technology in but not of the Department of the Treasury, continue to plan, design, implement, and coordinate the Statewide emergency enhanced 9-1-1 telephone system to be established pursuant to this act as well as any changes to that system needed to provide wireless enhanced 9-1-1 service.

To this end the office shall establish, after review and approval by the commission, a State plan for the emergency enhanced 9-1-1 system in this State, which plan shall include:

(1) The configuration of, and requirements for, the enhanced 9-1-1 network. The office with the approval of the commission and the Chief Technology Officer, only as provided herein, and assistance and advice of the Office of Information Technology in but not of the Department of the Treasury is empowered to enter into contracts with the telephone companies and the wireless telephone companies for the provision of this network.

(2) The role and responsibilities of the counties and municipalities of the State in the implementation of the system, consistent with the provisions of this act, including a timetable for implementation.

(3) Technical and operational standards for the establishment of public safety answering points (PSAPs) which utilize enhanced 9-1-1 network features in accordance with the provisions of this act. Those entities having responsibility for the creation and management of PSAPs shall conform to these standards in the design, implementation and operation of the PSAPs. These standards shall include provision for the training and certification of call-takers and public safety dispatchers or for the adoption of such a program.

The State plan shall be established within 270 days of the operative date of this act except that the technical and operational standards specified in paragraph (3) of this subsection shall be established within 180 days of the operative date of this act.

The office, after review and approval by the commission and the Chief Technology Officer, only as provided herein, may update and revise the State plan from time to time.

The office may inspect each PSAP to determine if it meets the requirements of this act and the technical and operational standards established pursuant to this section. The office shall explore ways to maximize the reliability of the system.

The plan or any portion of it may be implemented by the adoption of regulations pursuant to subsection b. of section 15 of this act.

The office shall plan, implement and coordinate a Statewide public education program designed to generate public awareness at all levels of the emergency enhanced 9-1-1 system. Advertising and display of 9-1-1 shall be in accordance with standards established by the office. Advertising expenses may be defrayed from the moneys appropriated to the office.

The office, after review and approval by the commission and the Chief Technology Officer, only as provided herein, shall submit a report to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or their successors, not later than February 15 of each year, concerning its progress in carrying out this act and the expenditure of moneys appropriated thereto and appropriated for the purposes of installation of the Statewide enhanced 9-1-1 network.

c. (Deleted by amendment, P.L.1999, c.125).

4. Section 4 of P.L.1989, c.3 (C.52:17C-4) is amended to read as follows:

C.52:17C-4 Enhanced 9-1-1 service.

4. Each telephone company providing service within the State shall provide within three years of the operative date of this act enhanced 9-1-1 service to include selective routing, automatic number identification and automatic location identification features as a tariffed service package in compliance with a timetable issued by the office with the approval of the commission. The office with the approval of the commission may extend the three-year limit if necessary.

Each wireless telephone company providing service within the State shall provide wireless enhanced 9-1-1 service pursuant to FCC wireless E9-1-1 requirements and P.L.1999, c.125 (C.52:17C-3.1 et al.).

5. Section 10 of P.L.1989, c.3 (C.52:17C-10) is amended to read as follows:

C.52:17C-10 Forwarding subscriber information.

10. a. Whenever possible and practicable, telephone companies shall forward to jurisdictional public safety answering points via enhanced 9-1-1 network features, the telephone number and street address of any telephone used to place a 9-1-1 call. Subscriber information provided in accordance with this section shall be used only for the purpose of responding to emergency calls or for the investigation of false or intentionally misleading reports of incidents requiring emergency service.

b. (Deleted by amendment, P.L.1999, c.125).

c. No telephone company, person providing commercial mobile radio service as defined in 47 U.S.C.s. 332(d), public safety answering point, or manufacturer supplying equipment to a telephone company, wireless telephone company, or PSAP, or any employee, director, officer, or agent of any such entity, shall be liable for damages to any person who uses or attempts to use the enhanced 9-1-1 service, wireless 9-1-1 service or wireless enhanced 9-1-1 service established under this act for release of the information specified in this section, including non-published telephone numbers. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

d. No telephone company, person providing commercial mobile radio service as defined in 47 U.S.C.s. 332(d), public safety answering point, or manufacturer supplying equipment to a telephone company, wireless telephone company, or PSAP, or any employee, director, officer, or agent of any such entity, shall be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by any act, failure or omission in the development, design, installation, operation, maintenance, performance or provisioning of any hardware, software, or any other aspect of delivering enhanced 9-1-1 service, wireless 9-1-1 service or wireless enhanced 9-1-1 service. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

e. No telephone company, person providing commercial mobile radio service as defined in 47 U.S.C.s. 332(d), public safety answering point, or manufacturer supplying equipment to a telephone company, wireless telephone company, or PSAP, or any employee, director, officer, or agent of any such entity, shall be liable to any person for damages resulting from or in connection with such entity's provision of any lawful assistance to any investigative or law enforcement officer of this State or a political subdivi-

sion of this State, of the United States, or of any other state or a political subdivision of such state in connection with any lawful investigation by or other law enforcement activity of the law enforcement officer unless the entity, in providing such assistance, acted in a manner exhibiting wanton and willful disregard for the safety of persons or property.

6. Section 14 of P.L.1989, c.3 (C.52:17C-14) is amended to read as follows:

C.52:17C-14 Annual appropriation.

14. a. The Legislature shall annually appropriate such sums as are necessary to pay for the operation and maintenance of the enhanced 9-1-1 service and for county 9-1-1 coordinators pursuant to section 13 of P.L.1989, c.3 (C.52:17C-13). A telephone company incurring operation and maintenance costs of the system shall submit the costs thereof, after review and approval by the Board of Public Utilities, to the State Treasurer. The operation and maintenance charges for the enhanced 9-1-1 service shall accrue coincident with the availability of the enhanced 9-1-1 service and shall be submitted to the State upon that availability. The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall pay such costs from moneys appropriated pursuant to this section.

b. The Legislature shall annually appropriate such sums as are necessary to pay for the installation, operation and maintenance costs required to provide wireless enhanced 9-1-1 service upon request by the office pursuant to 47 CFR 20.18(f). A wireless telephone company incurring installation, operation and maintenance costs required to provide wireless enhanced 9-1-1 service shall submit the costs thereof, after review and approval by the office and the commission, to the State Treasurer. The installation, operation and maintenance costs for wireless enhanced 9-1-1 service shall accrue coincident with the availability of such service and shall be submitted to the State upon that availability. The State Treasurer, upon warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall pay such costs from moneys appropriated pursuant to this section.

7. Section 15 of P.L.1989, c.3 (C.52:17C-15) is amended to read as follows:

C.52:17C-15 Civil proceedings; rules, regulations.

15. a. The Attorney General may, at the request of the commission, or on his own initiative, institute civil proceedings against any appropriate party to enforce the provisions of this act.

b. The Chief Technology Officer may, after consulting with the director of the office, and subject to the review of the commission, promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as he deems necessary to effectuate the purposes of this act.

C.52:17C-3.1 Transfer of Office of Emergency Telecommunications Services.

8. The transfer of the Office of Emergency Telecommunications Services shall be accomplished in conformity with the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and shall be effectuated as determined by the Attorney General and the Chief Technology Officer.

9. This act shall take effect immediately.

Approved June 24, 1999.

CHAPTER 126

AN ACT providing for the licensing of perfusionists and supplementing chapter 9 of Title 45 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:9-37.94 Short title.

1. This act shall be known and may be cited as the "Perfusionist Licensing Act."

C.45:9-37.95 Findings, declarations relative to perfusionist licensing.

2. The Legislature finds and declares that the public interest requires the regulation of the practice of perfusion and the establishment of clear licensure standards for perfusionists; and that the health and welfare of the residents of the State will be protected by identifying to the public those individuals who are qualified and legally authorized to practice perfusion.

C.45:9-37.96 Definitions relative to perfusionist licensing.

3. As used in this act:

"Board" means the State Board of Medical Examiners.

"Committee" means the Perfusionists Advisory Committee established pursuant to section 4 of this act.

"Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver, or other organs.

"Perfusion" means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory or respiratory system or other organs, or a combination of those activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a licensed physician, including:

(1) the use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon-dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic technologies:

(2) counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and isolated limb perfusion;

(3) the use of techniques involving blood management, advanced life support, and other related functions; and

(4) in the performance of the activities herein described:

(a) the administration of:

(i) pharmacological and therapeutic agents;

(ii) blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician;

(b) the performance and use of:

(i) anticoagulation monitoring and analysis;

(ii) physiologic monitoring and analysis;

(iii) blood gas and chemistry monitoring and analysis;

(iv) hematologic monitoring and analysis;

(v) hypothermia;

(vi) hyperthermia;

(vii) hemoconcentration and hemodilution;

(viii) modified extracorporeal circulatory hemodialysis;

(c) the observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, perfusion protocols, or changes in or the initiation of emergency procedures.

"Perfusionist" means a person who is licensed to practice perfusion pursuant to the provisions of this act.

C.45:9-37.97 Perfusionists Advisory Committee.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the State Board of Medical

Examiners, a Perfusionists Advisory Committee. The committee shall consist of seven members who are residents of the State. Except for the members first appointed, six of the members shall be licensed perfusionists under the provisions of this act and shall have been actively engaged in the practice of perfusion in the State for at least five years immediately preceding their appointment. The remaining member shall be a physician licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes.

The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three years, except that of the perfusionist members first appointed, two shall serve for terms of three years, two shall serve for terms of two years and two shall serve for terms of one year. Any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided by the original appointment. No member of the committee may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

C.45:9-37.98 Compensation, reimbursement of members.

5. Members of the committee shall be compensated and reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

C.45:9-37.99 Organization of committee.

6. The committee shall organize within 30 days after the appointment of its members and shall annually elect from among its members a chairperson, who shall be a perfusionist, and a vice-chairperson, and a secretary who need not be a member of the committee. The committee shall meet twice a year and may hold additional meetings as necessary to discharge its duties. A majority of the committee membership shall constitute a quorum.

C.45:9-37.100 Powers, duties of committee.

7. The committee may have the following powers and duties, as delegated by the board:

a. Issue and renew licenses to perfusionists pursuant to the provisions of this act;

b. Suspend, revoke or fail to renew the license of a perfusionist pursuant to the provisions of P.L.1978, c. 73 (C.45:1-14 et seq.);

c. Establish standards for the continuing education of perfusionists subject to the requirements of section 15 of this act;

d. Maintain a record of every perfusionist licensed in this State, their place of business, place of residence, and the date and number of their license;

e. Adopt and publish a code of ethics for licensed perfusionists; and

f. Prescribe or change the charges for examinations, licensures, renewals and other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).

C.45:9-37.101 License required to practice perfusion; construction of act.

8. No person shall practice perfusion, whether or not compensation is received or expected, unless the person holds a valid license to practice perfusion in this State, except nothing in this act shall be construed to:

a. Prohibit any person licensed to practice under any other law from engaging in the practice for which he is licensed, registered or certified;

b. Prohibit any student enrolled in a bona fide perfusion training program recognized by the board from performing those duties which are necessary for the student's course of study, provided the duties are performed under the supervision and direction of a licensed perfusionist;

c. Prohibit any person from practicing perfusion within the scope of his official duties when employed by an agency, bureau or division of the federal government, serving in the Armed Forces or the Public Health Service of the United States, or employed by the Veterans Administration; or

d. Prohibit any person from performing autotransfusion or blood conservation techniques under the supervision of a licensed physician.

C.45:9-37.102 Eligibility for licensure as perfusionist.

9. To be eligible to be licensed as a perfusionist, an applicant shall fulfill the following requirements:

a. Be at least 18 years of age;

b. Be of good moral character;

c. Successfully complete a perfusion education program with standards established by the Accreditation Committee for Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or a program with substantially equivalent standards approved by the board; and

d. Successfully complete the certification examination offered by the American Board of Cardiovascular Perfusion (ABCP), or its successor, or a substantially equivalent examination approved by the board.

C.45:9-37.103 Issuance of license; fee; renewal.

10. The board, in consultation with the committee, shall issue a license to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this act.

Except in the case of a temporary license issued pursuant to section 13 of this act, all licenses shall be issued for a two-year period upon the payment of the prescribed licensure fee, and shall be renewed upon filing of

a renewal application, the payment of a licensure fee and presentation of satisfactory evidence that the renewal applicant has successfully completed the continuing education requirements prescribed by this act.

C.45:9-37.104 Licensure of out-of-State perfusionist.

11. Upon payment to the board of a fee and the submission of a written application on forms provided by it, the board, after consultation with the committee, shall license without examination a perfusionist who is licensed, registered or certified by another state or possession of the United States or the District of Columbia which has standards substantially equivalent to those of this State.

C.45:9-37.105 Qualification of current practitioner as licensed perfusionist.

12. For 180 days after the date procedures are established by the board for applying for licensure under section 9 of this act, any person may qualify as a licensed perfusionist, upon application for licensure and payment of the appropriate fee, providing the applicant furnishes evidence satisfactory to the board that he has been operating cardiopulmonary bypass systems for cardiac surgical patients as his primary function in a health care facility for not less than five years preceding the enactment date of this act.

C.45:9-37.106 Issuance of temporary license.

13. Upon payment to the board of a fee and the submission of a written application on forms provided by it, the board shall issue a temporary license to a person who has applied for licensure pursuant to this act, provided that the applicant meets the requirements of subsections a., b., and c. of section 9 of this act and who, in the judgment of the board, after consultation with the committee, is eligible for examination. An applicant with a temporary license may practice only under the direct supervision of a licensed perfusionist. A temporary license shall expire one year from its date of issuance, but may be renewed for an additional one-year period. This temporary license shall be surrendered to the board upon its expiration.

C.45:9-37.107 License required for designation as perfusionist.

14. No person shall use the title, "perfusionist" or the abbreviation, "LP" or any other title, designation, words, letters, abbreviations or insignia indicating the practice of perfusion, unless licensed to practice perfusion under the provisions of this act.

C.45:9-37.108 Duties of board, committee relative to continuing education requirements.

15. a. The board or committee, if so delegated by the board, shall:

(1) approve only continuing professional education programs as are available to all perfusionists in this State on a reasonable nondiscriminatory

basis. Programs may be held within or without this State, but shall be held so as to allow perfusionists in all areas of the State to attend;

(2) establish standards for continuing professional education programs, including the specific subject matter and contents of courses of study;

(3) accredit education programs offering credits toward the continuing education requirements; and

(4) establish the number of credits of continuing professional education required by each applicant for license renewal. Each credit shall represent or be equivalent to one hour of actual course attendance.

b. If any applicant for renewal of registration completes a number of credit hours in excess of the number established pursuant to paragraph (4) of subsection a. of this section, the excess credits may, at the discretion of the board, in consultation with the committee, be applicable to the continuing education requirement for the following biennial period, but not thereafter.

C.45:9-37.109 Applicability of C.45:1-14 et seq. for enforcement of act.

16. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall apply to this act. The authority of the board may be delegated to the committee at the discretion of the board.

C.45:9-37.110 Rules, regulations.

17. The board, after consultation with the committee, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

18. This act shall take effect immediately, except that sections 8 and 14 of this act shall take effect on the 360th day following the effective date.

Approved June 24, 1999.

CHAPTER 127

AN ACT concerning special license plates and amending P.L.1992, c.154.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1992, c.154 (C.39:3-27.45) is amended to read as follows:

C.39:3-27.45 Special license plates, insignia for Silver Star medal holders.

1. a. Upon application of any person who is the holder of a Silver Star medal as certified on the applicant's DD-214 form or on a Certificate of

Release or Discharge from Active Duty, the director shall issue, for the motor vehicle owned or leased by the person, distinctive plates bearing a design approved by the director in addition to the registration number and other markings or identification prescribed by law. The plates shall bear the words "Silver Star" and depict the Silver Star emblem. There shall be no cost to the applicant for these special plates other than the fees otherwise prescribed by law for the registration of motor vehicles.

b. The surviving spouse of a former holder of the Silver Star who is eligible to operate a motor vehicle in this State under the provision of R.S.39:3-10 may retain the special license plates obtained by the deceased spouse pursuant to this section for display on a motor vehicle registered to the surviving spouse under the provisions of R.S.39:3-4.

c. The director shall promulgate rules and regulations governing the issuance and use of these registration plates.

d. A person who is issued a Silver Star special plate may affix a silver star insignia which has been approved by the director to the license plate. The director shall promulgate rules and regulations governing the use, design, materials and placement of an insignia on the Silver Star special license plate.

2. This act shall take effect six months after enactment.

Approved June 25, 1999.

CHAPTER 128

AN ACT concerning the public school health curriculum and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:35-5.4 Instruction on breast self-examination required.

1. Each board of education which operates an educational program for students in grades 7 through 12 shall offer instruction in breast self-examination. The instruction shall take place as part of the district's implementation of the Core Curriculum Content Standards in Comprehensive Health and Physical Education, and the comprehensive health and physical education curriculum framework shall provide school districts with sample activities that may be used to support implementation of the instructional requirement.

2. This act shall take effect immediately.

Approved June 25, 1999.

CHAPTER 129

AN ACT providing additional civil penalties for certain deceptive consumer practices, and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.56:8-14.2 Definitions relative to certain deceptive consumer practices.

1. As used in this act:

"Fund" means the Consumer Fraud Education Fund created pursuant to section 5 of this act.

"Pecuniary injury" shall include, but not be limited to: loss or encumbrance of a primary residence, principal employment, or source of income; loss of property set aside for retirement or for personal or family care and maintenance; loss of payments received under a pension or retirement plan or a government benefits program; or assets essential to the health or welfare of the senior citizen or person with a disability.

"Person with a disability" means any resident of this State who has a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide animal, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

"Senior citizen" means any resident of this State of the age of 60 years or over.

C.56:8-14.3 Additional penalties for violation of C.56:8-1 et seq.

2. a. In addition to any other penalty authorized by law, a person who violates the provisions of P.L.1960, c.39 (C.56:8-1 et seq.) shall be subject to additional penalties as follows:

(1) A penalty of not more than $10,000 if the violation caused the victim of the violation pecuniary injury and the person knew or should have known that the victim is a senior citizen or a person with a disability; or

(2) A penalty of not more than $30,000 if the violation was part of a scheme, plan, or course of conduct directed at senior citizens or persons with disabilities in connection with sales or advertisements.

The requirement of actual or constructive knowledge is applicable to the additional penalty provided under paragraph (1) of this subsection only, and is not required to prove a violation of any other provision of P.L. 1960, c. 39 (C.56:8-1 et seq.).

b. The civil penalties authorized and collected under subsection a. of this section shall be paid to the State Treasurer and credited to the Consumer Fraud Education Fund created pursuant to section 5 of P.L.1999, c.129 (C.56:8-14.6).

C.56:8-14.4 Restoration of money, property given priority.

3. Restoration of money or property ordered pursuant to section 2 of P.L.1966, c.39 (C.56:8-14) or section 3 of P.L.1971, c.247 (C.56:8-15) shall be given priority over imposition of the additional civil penalties authorized under section 2 of P.L.1999, c.129 (C.56:8-14.3).

C.56:8-14.5 Educational program about consumer protection laws, rights.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Director of the Division on Aging in the Department of Community Affairs, the directors of the New Jersey Association of Area Agencies on Aging and the New Jersey Association of County Offices for Disabled Persons, shall develop and implement an educational program to inform senior citizens and persons with disabilities about consumer protection laws and consumer rights, subject to funds made available pursuant to subsection b. of section 5 of P.L.1999, c.129 (C.56:8-14.6) or any other source. Functions of the program may include:

a. The preparation of educational materials regarding consumer protection laws and consumer rights that are of particular interest to senior citizens and persons with disabilities and distribution of those materials to the appropriate State and county agencies for dissemination to senior citizens, persons with disabilities and the public; and

b. The underwriting of educational seminars and other forms of educational projects for the benefit of senior citizens and persons with disabilities.

C.56:8-14.6 Consumer Fraud Education Fund.

5. a. There is established in the General Fund a special fund to be known as the Consumer Fraud Education Fund. The State Treasurer shall

credit to the fund all moneys received by the State for penalties assessed pursuant to section 2 of P.L.1999, c.129 (C.56:8-14.3). The fund shall be continuing and nonlapsing. The fund shall be administered by the State Treasurer, and any interest earned on moneys in the fund shall be credited to the fund.

b. The Division of Consumer Affairs may draw upon the fund to effectuate the purposes of section 4 of P.L.1999, c.129 (C.56:8-14.5) and to pay reasonable and necessary administrative expenses incurred in implementing the provisions of this act to the extent that moneys are available.

C.56:8-14.7 Rules, regulations.

6. The Director of the Division of Consumer Affairs shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and regulations necessary to effectuate the provisions of this act.

7. This act shall take effect immediately.

Approved June 25, 1999.

CHAPTER 130

AN ACT concerning certain rate reductions for private passenger automobile insurance and amending P.L.1995, c.308.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1995, c.308 (C.17:33B-45.1) is amended to read as follows:

C.17:33B-45.1 Rate reduction for automobile insurance after approved defensive driving course.

1. a. Within 180 days of the effective date of this act, every rate filing for private passenger automobile insurance shall contain an appropriate reduction for personal injury protection coverage, bodily injury liability coverage, property damage coverage, and physical damage coverage for the successful completion, by the named insured or the principal operator of the insured automobile, if other than the named insured, of an approved motor vehicle defensive driving course pursuant to section 55 of P.L.1990, c.8 (C.17:33B-45). The reduction in premium charges shall be an amount justified by the insurer's actuarial experience, and shall be available to the insured for a three-year period beginning with the next succeeding policy

period after the date of completion of an approved motor vehicle defensive driving course or until driver's license suspension or the accumulation of four or more motor vehicle points, whichever occurs earlier.

b. (Deleted by amendment, P.L.1999, c.130.)

2. This act shall take effect immediately.

Approved June 25, 1999.

CHAPTER 131

AN ACT requiring the New Jersey Historical Commission to establish two programs for the support of activities in New Jersey history, supplementing Title 18A of the New Jersey Statutes and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:73-22.1 Findings, declarations relative to support of activities in New Jersey history.

1. The Legislature finds and declares that:

a. The Task Force on New Jersey History was established pursuant to P.L.1994, c.146 to study the ways history services are delivered to the people of this State and to make recommendations for improvements in the delivery of such services;

b. The Task Force conducted a detailed and comprehensive study and submitted its report to the Legislature and the Governor in June of 1997;

c. The report includes 36 recommendations for ways to strengthen the structure and function of agencies and organizations that provide New Jersey history services to the public;

d. In combination with other recent studies of aspects of New Jersey history and the cultural life of New Jersey, the Task Force's report provides indisputable proof that New Jersey's program of history services has suffered for many years from severe underfunding, especially in comparison with funding provided to other cultural interests in the State and to history services in other states; and

e. This underfunding has resulted in deteriorating historic sites and collections of historical artifacts and materials; inadequate education of collections management personnel in the techniques of collection preservation; inadequate training of volunteers who staff historic sites; insufficient research and publication on New Jersey history; inadequate maintenance

and interpretation of State-owned and other historic sites; and low levels of innovation in and support of the tourism industry on New Jersey's heritage.

The Legislature therefore deems it necessary that the residents of a democratic and increasingly diverse society such as the State of New Jersey be provided with greater access to the materials of their history in order to understand how our society developed and to safeguard its continued free and open evolution; and that increased funding for history services is needed so that the agencies and organizations that provide these services can provide them more adequately to the people of New Jersey and their historical institutions.

C.18A:73-22.2 Definitions relative to support of activities in New Jersey history.

2. For the purposes of this act:

"General operating support" means support for expenses incurred in categories such as, but not limited to: wages, salaries and fringe benefits; insurance; utilities; installation and maintenance of appropriate environmental conditions in which to maintain collections; facility and equipment leases and rentals; facility maintenance; materials, supplies, and equipment; and staff training in museum operations, collections acquisition and maintenance, or management, exhibition, and presentation of educational programs for the public by historical agencies, organizations or entities;

"Historic site" means a structure or a site associated with the history of New Jersey that is on the State or National Register of Historic Places, or is eligible for placement on the State or national register, and that is owned or administered by a not-for-profit organization or by an agency of county or local government;

"Historical society" or "historical library"or "history museum" means a not-for-profit organization or an agency of county or local government that, within a museum or library environment, houses collections of New Jersey historical materials, presents historical collections to the public in the form of exhibitions or educational programs, and makes such collections available to the public for research; and

"Related agency or organization" means a not-for-profit entity that performs functions similar to those carried out by history museums, historic sites, historical societies, historical libraries, or historical agencies of local or county government for the purpose of providing history services, and that adheres to the same standards of performance as those museums, libraries, sites, societies or agencies, although its primary mission may not be the provision of New Jersey history services to the public.

C.18A:73-22.3 Establishment of programs.

3. a. The New Jersey Historical Commission within the Department of State shall establish:

(1) A program for the purpose of awarding grants from the fund established pursuant to subsection a. of section 4 of this act for general operating support to public or private historical libraries, history museums, historical societies, historic sites, historical agencies of county or local governments, or any related agency or organization; and

(2) A program for the purpose of awarding grants from the fund established pursuant to subsection a. of section 4 of this act to organizations, entities or individuals in support of research and publication on New Jersey history.

b. (1) The commission shall develop guidelines and criteria for each program established pursuant to subsection a. of this section. The guidelines and criteria shall include, but not be limited to: eligibility requirements for applicants; conditions under which applications will be approved; conditions which may be required to be met by approved applicants; forms for applications; application contents; an application acceptance and review process; the manner of awarding of monies to approved applicants; and oversight or accountability for the expenditure of monies awarded to approved applicants. The commission shall establish program guidelines and criteria and advertise the programs in such a way as to develop a pool of applicants that reflects the racial, ethnic, and geographical diversity of the State.

(2) The commission shall develop the guidelines and criteria for each program utilizing the definitions set forth in section 2 of this act and in consultation with: Advocates for New Jersey History; New Jersey State Archives; Association of New Jersey County Cultural and Historic Agencies; Division of Parks and Forestry, Department of Environmental Protection; Genealogical Society of New Jersey; Historic Preservation Office, Department of Environmental Protection; League of Historical Societies of New Jersey; Newark Public Library; New Jersey Association of Museums; New Jersey Caucus, Mid-Atlantic Regional Archives Conference; New Jersey Council for the Humanities; New Jersey Council for the Social Studies; New Jersey Historic Trust; New Jersey Historical Society; New Jersey Library Association; New Jersey State Library; New Jersey State Museum; New Jersey Studies Academic Alliance; Northern New Jersey Museum Round Table; Preservation New Jersey; and Special Collections and University Archives, Rutgers University Libraries. In addition, the commission shall consult with at least three historians distinguished by their knowledge of New Jersey history and their record of publication in the field in developing the guidelines and criteria for the program established pursuant to paragraph (2) of subsection a. of this section.

c. (1) All applications received by the commission for grants to be awarded under the programs established pursuant to this section shall be

reviewed and evaluated by a panel of reviewers selected by the commission. A separate panel of reviewers shall be selected for each program. The commission shall identify a pool of potential panel reviewers for each program and shall select from that pool the panel for each program to review the applications received for the program. Each panel shall be composed of persons who are experts in the area for which the program provides support. The panel of reviewers for each program shall evaluate each application received for a grant to be awarded under the program and make recommendations to the commission.

(2) The commission shall make the final decision on each application received, taking into consideration the recommendations of the panel of reviewers. The commission, may within its discretion, offer an approved applicant an award amount less than the amount requested by the applicant.

d. (1) The commission shall inform the public about the programs established pursuant to subsection a. of this section in a manner determined by the commission to result in as wide a dissemination of information as possible within the limits of monies available to the commission for this purpose. The commission may utilize such methods for the dissemination of information as may be available to State agencies for the dissemination of information on other such programs.

(2) At the request of the applicant, the commission shall provide advice, in any manner the commission deems appropriate, to interested applicants on the preparation of their applications.

C.18A:73-22.4 Establishment of fund, uses.

4. a. There is hereby established within the Department of State a revolving, nonlapsing fund which shall be credited with the monies appropriated in section 5 of this act and such other monies as may be appropriated or made available to the New Jersey Historical Commission for the purposes of the programs established pursuant to subsection a. of section 3 of this act. The fund shall be administered by the Secretary of State and all disbursements from the fund shall be made by the secretary at the request of the commission. Disbursements from the fund shall be solely for the purposes of the programs established in subsection a. of section 3 of this act and disbursements for a program shall be made from the separate account in the fund created for the purposes of that program. Any interest that shall accrue on the monies in the fund shall be credited to the fund, and to each separate account within the fund as determined by the secretary.

b. The secretary shall create two separate accounts within the fund. The first of the accounts shall be credited with the monies appropriated or made available for the purposes of the program established pursuant to paragraph (1) of subsection a. of section 3 of this act. The second of the

accounts shall be the credited with the monies appropriated or made available for the purposes of the program established pursuant to paragraph (2) of subsection a. of section 3 of this act.

c. Of the monies credited to the account created for the purposes of the program established pursuant to paragraph (2) of subsection a. of section 3 of this act, the commission may annually expend an amount of up to 10% of the monies in the account to undertake special initiatives to stimulate research and publication in the field of New Jersey history.

d. (1) Of the monies credited to the account created for the purposes of the program established pursuant to paragraph (1) of subsection a. of section 3 of this act, the commission may expend annually an amount of up to 1.75% of the monies in the account for necessary expenses incurred for the administration of that program, including expenses in categories such as, but not limited to:salary and fringe benefits for one assistant grant administrator; office equipment and supplies; printing and postage to publish program guidelines and criteria and advertise the program; and travel and maintenance for the members of the review panel selected pursuant to paragraph (1) of subsection c. of section 3 of this act.

(2) Of the monies credited to the account created for the purposes of the program established pursuant to paragraph (2) of subsection a. of section 3 of this act, the commission may expend annually an amount of up to 2.0% of the monies in the account for necessary expenses incurred for the administration of that program, including expenses in categories such as, but not limited to, office equipment and supplies; printing and postage to publish program guidelines and criteria and advertise the program; and travel and maintenance for the members of the review panel selected pursuant to paragraph (1) of subsection c. of section 3 of this act.

5. There is appropriated from the General Fund to the Department of State $4,500,000 for deposit into the fund established pursuant to subsection a. of section 4 of this act. Of the amount herein appropriated, $4,000,000 shall be credited to the account created for the purposes of the program established pursuant to paragraph (1) of subsection a. of section 3 of this act, and $500,000 shall be credited to the account created for the purposes of the program established pursuant to paragraph (2) of subsection a. of section 3 of this act.

6. This act shall take effect immediately, except that section 5 shall remain inoperative until July 1st next following enactment.

Approved June 25, 1999.

CHAPTER 132

AN ACT concerning the repayment of loans from certain State-administered retirement systems and amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1981, c.212 (C.18A:66-35.1) is amended to read as follows:

C.18A:66-35.1 Repayment of loans after retirement of members of TPAF.

2. In the case of any member who retires without paying the full amount so borrowed, the Division of Pensions and Benefits shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefit payable on the account of the pensioner either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

2. Section 2 of P.L.1981, c.55 (C.43:15A-34.1) is amended to read as follows:

C.43:15A-34.1 Repayment of loans after retirement of members of PERS.

2. In the case of any member who retires without repaying the full amount so borrowed, the Division of Pensions and Benefits shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the pensioner either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

3. Section 2 of P.L.1981, c.370 (C.43:16A-16.2) is amended to read as follows:

C.43:16A-16.2 Repayment of loans after retirement of member of PFRS.

2. In the case of any member who retires without repaying the full amount so borrowed, the Division of Pensions and Benefits shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the pensioner either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

4. Section 2 of P.L.1997, c.25 (C.43:6A-34.4) is amended to read as follows:

C.43:6A-34.4 Repayment of loans after retirement of members of JRS.

2. In the case of any member who retires without repaying the full amount so borrowed, the Division of Pensions and Benefits shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the pensioner either in the form of monthly payments due to the pensioner's beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

5. Section 29 of P.L.1965, c. 89 (C.53:5A-29) is amended to read as follows:

C.53:5A-29 Loan terms; repayment after retirement of member of SPRS.

29. Any member who has at least three years of service to the member's credit for which the member has contributed as a member may borrow from the retirement system, an amount equal to not more than 50% of the amount of the member's aggregate contributions, but not less than $50.00; provided, that the amount so borrowed, together with interest thereon, can be repaid by additional deductions from salary, not in excess of 25% of the member's salary, made at the time the salary is paid to the member. The amount so borrowed, together with interest at the rate of 4% per annum on any unpaid balance thereof, shall be repaid to the retirement system in equal installments by deductions from the salary of the member at the time the salary is

paid or in such lump sum amount to repay the balance of the loan but such installments shall be at least equal to the member's rate of contribution to the retirement system and at least sufficient to repay the amount borrowed with interest thereon. Not more than two loans may be granted to any member in any calendar year. Notwithstanding any other law affecting the salary or compensation of any person or persons to whom this act applies or shall apply, the additional deductions required to repay the loan shall be made.

Loans shall be made to a member from the member's aggregate contributions. The interest earned on such loans shall be treated in the same manner as interest earned from investments of the retirement system.

In the case of any member who retires without repaying the full amount so borrowed, the Division of Pensions and Benefits shall deduct from the retirement allowance payments the same monthly amount which was deducted from the salary of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a retirant who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the retirant either in the form of monthly payments due to the retirant's beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

6. This act shall take effect immediately.

Approved June 25, 1999.

CHAPTER 133

AN ACT concerning certain dangerous substances and amending N.J.S.2C:35-3 and N.J.S.2C:35-4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:35-3 is amended to read as follows:

Leader of Narcotics Trafficking Network.

2C:35-3. Leader of Narcotics Trafficking Network.

As used in this section:

"Financier" means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to purchase a controlled dangerous substance or an immediate precursor, or otherwise to finance the operations of a drug trafficking network.

A person is a leader of a narcotics trafficking network if he conspires with two or more other persons in a scheme or course of conduct to unlawfully manufacture, distribute, dispense, bring into or transport in this State methamphetamine, lysergic acid diethylamide, phencyclidine, gamma hydroxybutyrate, flunitrazepam or any controlled dangerous substance classified in Schedule I or II, or any controlled substance analog thereof as a financier, or as an organizer, supervisor or manager of at least one other person.

Leader of narcotics trafficking network is a crime of the first degree and upon conviction thereof, except as may be provided by N.J.S.2C:35-12, a person shall be sentenced to an ordinary term of life imprisonment during which the person must serve 25 years before being eligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may also impose a fine not to exceed $750,000.00 or five times the street value of the controlled dangerous substance, controlled substance analog, gamma hydroxybutyrate or flunitrazepam involved, whichever is greater.

Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of narcotics trafficking network shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:35-4 (maintaining or operating a CDS production facility), N.J.S.2C:35-5 (manufacturing, distributing or dispensing), N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme), N.J.S.2C:35-9 (strict liability for drug induced death), N.J.S.2C:41-2 (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime).

It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, the amount or purity of the specified controlled dangerous substance, controlled substance analog, gamma hydroxybutyrate or flunitrazepam involved, or the amount of cash or currency involved.

It shall not be a defense to a prosecution under this section that such controlled dangerous substance, controlled substance analog, gamma hydroxybutyrate or flunitrazepam was brought into or transported in this State solely for ultimate distribution or dispensing in another jurisdiction; nor shall it be a defense that any profit was intended to be made in another jurisdiction.

It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of the narcotics trafficking network.

2. N.J.S.2C:35-4 is amended to read as follows:

Maintaining or operating a controlled dangerous substance production facility.

2C:35-4. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), any person who knowingly maintains or operates any premises, place or facility used for the manufacture of methamphetamine, lysergic acid diethylamide, phencyclidine, gamma hydroxybutyrate, flunitrazepam, marijuana in an amount greater than five pounds or ten plants or any substance listed in Schedule I or II, or the analog of any such substance, or any person who knowingly aids, promotes, finances or otherwise participates in the maintenance or operations of such premises, place or facility, is guilty of a crime of the first degree and shall, except as provided in N.J.S.2C:35-12, be sentenced to a term of imprisonment which shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may also impose a fine not to exceed $750,000.00 or five times the street value of all controlled dangerous substances, controlled substance analogs, gamma hydroxybutyrate or flunitrazepam at any time manufactured or stored at such premises, place or facility, whichever is greater.

3. This act shall take effect immediately.

Approved June 25, 1999.

CHAPTER 134

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1998, c.45, there is appropriated out of the General Fund the following sum for the purpose specified:

GRANTS-IN-AID
67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support--Grants-In-Aid

50-3610 Veterans' Outreach and Assistance $580,000
Grant:
World War II Memorial Fund,
Washington, D.C. ..... ($580,000)

2. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 135

AN ACT authorizing the sale of certain surplus real property owned by the State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. The Department of the Treasury is authorized to sell and convey as surplus real property all of the State's interest in 1.4359± acres of surplus real property located in the City of Trenton, Mercer County. The property is designated as Block 1H, Lot 154 on the City of Trenton tax map and known as the Lafayette Yard property.

b. The sale shall be a direct sale to the municipality in which the property is situated upon terms and conditions approved by the State House Commission.

2. The proceeds from the sale of this property shall be deposited in the General Fund of the State.

3. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 136

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year

New Jersey State Library

ending June 30, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following language provision is added to section 1 of P.L.1998, c.45, the annual appropriations act for fiscal year 1998-1999:

DIRECT STATE SERVICES
94 INTER-DEPARTMENTAL ACCOUNTS
70 Government Direction, Management and Control
74 General Government Services
01-9400 Property Rentals

From the amount appropriated hereinabove for Property Rentals for the New Jersey Building Authority, there is transferred to the Department of the Treasury the sum of $5,000,000 for a loan to the City of Trenton Hotel and Conference Center. This appropriation is to pay a portion of the costs associated with the acquisition, site preparation, design, and construction of a hotel/conference center/parking garage to be located in Trenton, New Jersey (the "Hotel Project"). The loan shall be subject to the terms and conditions to be set forth in an agreement between the entity that shall own the Hotel Project and the State Treasurer. Such agreement shall contain such terms and conditions as shall be determined by the State Treasurer, provided that in addition to any other provisions of such agreement, the agreement shall provide that: (1) the loan monies shall be disbursed simultaneously with or following the issuance of debt obligations which are to be issued to finance the costs of the Hotel Project; (2) the loan monies shall be used only for costs incurred in connection with the acquisition, site preparation, design and construction of the Hotel Project; (3) if the construction of the Hotel Project is not completed, the borrower shall repay the loan to the State Treasurer; (4) if the Hotel Project is sold and the proceeds of the sale exceed the amount needed to satisfy any other debt existing at the time of the sale on the Hotel Project, the borrower shall distribute excess proceeds from the sale to the State Treasurer until the borrower has repaid $5,000,000 to the State Treasurer; (5) if there is a change in the use of the Hotel Project from a hotel/conference center to a use which is not approved by the State Treasurer, the borrower shall repay the loan to the State Treasurer; and (6) after completion of construction of the Hotel Project, upon determination by the State Treasurer that the Hotel Project earns surplus revenue, the borrower or its successor shall make repayment of the loan when available from that surplus revenue to the State Treasurer pursuant to the agreement.

2. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 137

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1998, c.45, there are appropriated the following sums for the purposes specified:

GENERAL FUND
DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

06-1200	Patrol Activities and Crime Control	$8,058,000
	Total Appropriation, Law Enforcement	$8,058,000
Personal Services:		
	Salaries and Wages	($8,058,000)

18 Juvenile Services
1500 Division of Juvenile Services

34-1500	Juvenile Community Programs	$640,000
99-1500	Management and Administrative Services	100,000
	Total Appropriation, Division of Juvenile Services	$740,000
Personal Services:		
	Salaries and Wages	($400,000)
Services Other Than Personal		(240,000)
Maintenance and Fixed Charges		(100,000)

1505 New Jersey Training School for Boys

35-1505	Institutional Control and Supervision	$800,000
36-1505	Institutional Care and Treatment	260,000
99-1505	Management and Administrative Services	100,000
	Total Appropriation, New Jersey Training School for Boys	$1,160,000
Personal Services:		
	Salaries and Wages	($800,000)
Services Other Than Personal		(260,000)
Maintenance and Fixed Charges		(100,000)

1510 Juvenile Medium Security Center

35-1510 Institutional Control and Supervision $100,000
Total Appropriation, Juvenile Medium Security Center $100,000
Personal Services:
Salaries and Wages ..... ($100,000)
Total Appropriation, Department of Law and Public Safety ... $10,058,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620 New Jersey National Guard Support Services $100,000
Total Appropriation, Military Services $100,000
Special Purpose:
Kosovo Refugees Relief Assistance ..... ($100,000)

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

50-3610 Veterans' Outreach and Assistance $2,200,000
Total Appropriation, Veterans' Program Support $2,200,000
Special Purpose:
Battleship New Jersey - Towing Costs ..... ($2,200,000)
Total Appropriation, Department of Military and
Veterans' Affairs $2,300,000

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations $7,360,000
Total Appropriation, State Highway Facilities $7,360,000
Personal Services:
Salaries and Wages ..... ($7,360,000)
Total Appropriation, Department of Transportation $7,360,000

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

15-2080 Tax Services and Administration $422,000
Total Appropriation, Financial Administration $422,000
Services Other Than Personal ..... ($422,000)

74 General Government Services

12-2065 Property Management and Construction -
Construction Management Services $4,700,000
Total Appropriation, General Government Services $4,700,000
Special Purpose:
Office of Design and Construction -
Construction Fee Offset ..... ($4,700,000)
Total Appropriation, Department of the Treasury $5,122,000

94 INTER-DEPARTMENTAL ACCOUNTS
70 Government Direction, Management and Control
74 General Government Services

01-9400 Property Rentals $5,000,000
Total Appropriation, General Government Services $5,000,000
Property Rentals:
New Jersey Building Authority ..... ($5,000,000)

70 Government Direction, Management and Control
9430 Salary Increases and Other Benefits

05-9430 Salary Increases and Other Benefits $5,028,000
Total Appropriation, Salary Increases and Other Benefits $5,028,000
Special Purpose:
Salary Increases and Other Benefits ..... ($5,028,000)

Total Appropriation, Inter-Departmental Accounts $10,028,000

Total Appropriation, Direct State Services $34,868,000

GRANTS-IN-AID
22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Social Services Programs -- Grants-In-Aid

05-8050 Community Resources $1,500,000
Total Appropriation, Social Services Programs $1,500,000
Grant:
Spotswood Borough Municipal Building ..... ($1,500,000)

The amount appropriated hereinabove for a grant for the Spotswood Borough Municipal Building is for a zero-interest loan, repayable over a term not to exceed 15 years.

Total Appropriation, Department of Community Affairs $1,500,000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural and Intellectual Development
34 Educational Support Services -- Grants-In-Aid

30-5063 Academic Program and Standards $549,000
Total Appropriation, Educational Support Services $549,000
Grants:
Governor's School ..... ($549,000)
Total Appropriation, Department of Education $549,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
26 Senior Services -- Grants-In-Aid

22-4275 Medical Services for the Aged $14,300,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled 5,857,000
Total Appropriation, Senior Services $20,157,000

Grants:
Payments for Medical Assistance to the
Aged and Disabled ..... ($14,300,000)
Pharmaceutical Assistance to the Aged - Claims .. (5,857,000)
Total Appropriation, Department of Health and Senior Services $20,157,000
Total Appropriation, Grants-In-Aid $22,206,000
Total Appropriation, General Fund $57,074,000

PROPERTY TAX RELIEF FUND STATE AID
26 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
04-8030 Local Government Services $308,796
Total Appropriation, Community Development Management ... $308,796
State Aid:
Consolidated Municipal Property Tax Relief Aid .. ($308,796)

The amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be paid to the city of Bridgeton.

Total Appropriation, Department of Community Affairs $308,796
Total Appropriation, Property Tax Relief Fund $308,796
Total Appropriation, All State Funds $57,382,796

2. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 138

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 3000, dated June 28, 1999.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2000 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1999-2000 GENERAL FUND

Undesignated Fund Balance, July 1, 1999	$134,784,000

Major Taxes

Sales	$5,332,500,000
Corporation Business	1,439,700,000
Motor Fuels	485,000,000
Transfer Inheritance	510,000,000
Motor Vehicle Fees	384,000,000
Insurance Premiums	290,000,000
Petroleum Products Gross Receipts	208,000,000
Cigarette	233,000,000
Realty Transfer	78,000,000
Alcoholic Beverage Excise	76,000,000
Corporation Banks and Financial Institutions	54,000,000
Savings Institutions	15,000,000
Tobacco Products Wholesale Sales	16,000,000
Public Utility Excise (Reform)	9,200,000
Total -- Major Taxes	$9,130,400,000

Miscellaneous Taxes, Fees, Revenues

Executive Branch --	
Department of Agriculture:	
Fertilizer Inspection Fee	$175,000
Miscellaneous Revenue	5,000
Subtotal, Department of Agriculture	$180,000
Department of Banking and Insurance:	
Actuarial Services	$57,000
Bank Assessments	3,387,000
Banking --Examination Fees	3,194,000
Banking -- Licenses and Other Fees	3,600,000
FAIR Act Administration	13,400,000
Insurance -- Special Purpose Assessment	13,486,000
Insurance Examination Billings	1,450,000

Material within summary of appropriations is not enacted as part of the law and is intended for the purpose of displaying summaries of the items of appropriations set forth elsewhere.

Insurance Fraud Prevention	27,582,000
Insurance Licenses and Other Fees.	9,265,000
Real Estate Commission	3,554,000
Subtotal, Department of Banking and Insurance	$78,975,000
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation -- Fair Housing	$18,507,000
Boarding Home Fees	368,000
Construction Fees	6,188,000
Fire Safety	13,578,000
Hackensack Meadowlands Development Commission	2,800,000
Housing Inspection Fees	6,666,000
Plan Review Additional	1,647,000
Planned Real Estate Development Fees	828,000
Workplace Standards -- Licenses, Permits and Fines	1,138,000
Subtotal, Department of Community Affairs	$51,720,000
Department of Education:	
Audit Recoveries	$1,900,000
Audit of Enrollments	10,000,000
Local School District Loan Recoveries -- NJEDA	10,950,000
Miscellaneous Revenue	150,000
Nonpublic Schools Textbook Recoveries	500,000
School Construction Inspection Fees	305,000
State Board of Examiners	1,800,000
Subtotal, Department of Education	$25,605,000
Department of Environmental Protection:	
Air Pollution Fees and Fines	$12,250,000
Clean Water Enforcement Act	750,000
Coastal Area Development Review Act	890,000
Endangered Species Tax Check-Off	346,000
Excess Diversion	250,000
Freshwater Wetlands Fees	1,985,000
Freshwater Wetlands Fines	45,000
Hazardous Waste Fees	3,250,000
Hazardous Waste Fines	278,000
Hunters' and Anglers' Licenses	11,529,000
Industrial Site Recovery Act	1,391,000
Laboratory Certification Fees	1,000,000
Laboratory Certification Fines	60,000
Marina Rentals	840,000
Marine Lands -- Preparation and Filing Fees	110,000
Medical Waste	3,800,000
Miscellaneous Revenue	8,000
New Jersey Pollutant Discharge Elimination System	22,000,000
New Jersey Water Supply Authority Debt Service Repayments	770,000
Parks Management Fees and Permits	4,275,000
Parks Management Fines	175,000

Pesticide Control Fees	4,042,000
Pesticide Control Fines	35,000
Radiation Protection Fees	3,314,000
Radiation Protection Fines	29,000
Radon Testers Certification	270,000
Shellfish and Marine Fisheries	8,000
Solid Waste -- Utility Regulation Assessments	2,200,000
Solid Waste -- Utility Regulation Fines	37,000
Solid Waste Fines -- DEP	550,000
Solid Waste Management Fees -- DEP	7,060,000
Solid and Hazardous Waste Disclosure	3,708,000
Spring Meadow Golf Course	500,000
Stormwater Permits	1,600,000
Stream Encroachment	1,355,000
Toxic Catastrophe Prevention Fees	1,198,000
Toxic Catastrophe Prevention Fines	50,000
Treatment Works Approval	900,000
Underground Storage Tanks	1,480,000
Water Allocation	2,100,000
Water Supply Management Regulations	1,230,000
Water/Wastewater Operators Licenses	225,000
Waterfront Development Fees	1,100,000
Well Permits/Well Drillers/Pump Installers Licenses	1,000,000
Wetlands	10,000
Worker and Community Right to Know -- Fines	40,000
Subtotal, Department of Environmental Protection	$100,043,000
Department of Health and Senior Services:	
Admission Charge Hospital Assessment	$6,000,000
Animal Control Act	557,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties, and Fees	790,000
Rabies Control	464,000
Subtotal, Department of Health and Senior Services	$9,011,000
Department of Human Services:	
Child Care Licensing/Adoption Law	$300,000
Early Periodic Screening and Diagnostic Testing	11,849,000
HMO Recoveries	1,500,000
Marriage License Fees	1,309,000
Medicaid Uncompensated Care -- Acute	188,412,000
Medicaid Uncompensated Care -- Mental Health	22,830,000
Medicaid Uncompensated Care -- Piscataway	7,236,000
Medicaid Uncompensated Care -- Psychiatric	164,089,000
Medicaid Uncompensated Care -- UMDNJ	57,486,000
Medical Assistance -- Federal Match on PAAD/ Medicaid Dual Eligibles	585,000
Miscellaneous Revenue	2,732,000
Patients' and Residents' Cost Recoveries:	
Developmental Disability	17,774,000

Psychiatric Hospitals	41,148,000
Purchased Institutional Care	2,200,000
School Based Medicaid	26,000,000
Subtotal, Department of Human Services	$545,450,000
Department of Labor:	
Special Compensation Fund	$31,581,000
Workers' Compensation Assessment	11,332,000
Workplace Standards -- Licenses, Permits and Fines	1,220,000
Subtotal, Department of Labor	$44,133,000
Department of Law and Public Safety:	
Beverage Licenses	$2,000,000
Division of Consumer Affairs:	
General Revenues:	
Charities Registration Section	695,000
Consumer Affairs	2,000
Controlled Dangerous Substances	100,000
Legalized Games of Chance Control	1,390,000
Private Employment Agencies	258,000
Weights and Measures -- General	2,612,000
Professional Examining Board Fees:	
New Jersey Cemetery Board	140,000
State Board of Architects	435,000
State Board of Audiology and Speech -- Language Pathology Advisory	87,000
State Board of Certified Public Accountants	691,000
State Board of Chiropractors	481,000
State Board of Cosmetology and Hairstyling	2,029,000
State Board of Dentistry	725,000
State Board of Electrical Contractors	481,000
State Board of Marriage Counselor Examiners	152,000
State Board of Master Plumbers	331,000
State Board of Medical Examiners	3,670,000
State Board of Mortuary Science	244,000
State Board of Nursing	2,900,000
State Board of Occupational Therapists and Assistants	57,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	189,000
State Board of Optometrists	257,000
State Board of Orthotics and Prosthesis	32,000
State Board of Pharmacy	1,150,000
State Board of Physical Therapy	246,000
State Board of Professional Engineers and Land Surveyors	.798,000
State Board of Professional Planners	120,000
State Board of Psychological Examiners	431,000
State Board of Public Movers and Warehousemen	228,000
State Board of Real Estate Appraisers	312,000
State Board of Respiratory Care	134,000

State Board of Shorthand Reporting	76,000
State Board of Social Workers	490,000
State Board of Veterinary Medical Examiners	157,000
Other Boating Fees	1,000
Pleasure Boat Licenses	3,300,000
Securities Enforcement	5,398,000
State Police -- Fingerprint Fees	1,014,000
State Police -- Other Licenses	220,000
State Police -- Private Detective Licenses	220,000
Violent Crime Compensation	3,930,000
Subtotal, Department of Law and Public Safety	$38,183,000
Department of Military and Veterans' Affairs:	
Soldiers' Homes	$22,459,000
Subtotal, Department of Military and Veterans' Affairs	$22,459,000
Department of Transportation:	
Air Safety Fund	$965,000
Applications and Highway Permits	1,300,000
Auto Body Repair Shop Licensing	110,000
Autonomous Transportation Authorities	24,500,000
Commercial Bus Safety -- Fines	500,000
Drunk Driving Fines	.710,000
Good Driver	77,555,000
Heavy Duty Diesel	1,330,000
Interest on Purchase of Right-of-Way	94,000
Logo Sign Program Fees	300,000
Motor Vehicle Database -- Automated Access	9,860,000
Motor Vehicle Inspection Fund	66,100,000
Motor Vehicle Security -- Responsibility Law Administration	10,382,000
Outdoor Advertising	740,000
Parking Offenses	361,000
Photo Licensing	1,000,000
Salvage Title Program	355,000
School Bus Failure to Pass Inspection	750,000
Special Plate Fees	1,100,000
Uninsured Motorists Program	3,949,000
Subtotal, Department of Transportation	$201,961,000
Department of the Treasury:	
Assessments -- Cable TV	$3,095,000
Assessments -- Public Utility	19,620,000
Casino Fines	150,000
Coin Operated Telephones	6,500,000
Commercial Recording -- Expedited	2,803,000
Commissions	1,098,000
Equipment Leasing Fund -- Debt Service Recovery	4,816,000
Escrow Interest -- Construction Accounts	250,000
General Revenue -- Fees	28,099,000
Higher Education Bond Interest Recoveries	221,000

Internet Delinquent Taxpayer Initiative	10,000,000
Investment Earnings	8,792,000
Lease and Leaseback	20,000,000
Nuclear Emergency Response Assessment	3,997,000
Public Defender Client Receipts	2,250,000
Public Utility Customer Specific Tax	2,400,000
Public Utility Fines	300,000
Public Utility Gross Receipts and Franchise Taxes	68,400,000
Public Utility Tax -- Administration	10,000
Railroad Tax -- Class II	2,550,000
Railroad Tax -- Franchise	1,175,000
Rate Payer Advocate	4,859,000
Surplus Property	1,000,000
Tax Lien Sales	10,000,000
Transitional Energy Facilities Assessment	176,000,000
Subtotal, Department of the Treasury	$378,385,000
Other Sources:	
Miscellaneous Revenue	$500,000
Subtotal, Other Sources	$500,000
Inter-Departmental Accounts:	
Administration and Investment of and Health Benefit Pension Funds - Recoveries	$39,587,000
Employee Maintenance Deductions	300,000
Fringe Benefit Recoveries from Colleges and Universities	50,300,000
Fringe Benefit Recoveries from Federal and Other Funds	86,500,000
Fringe Benefit Recoveries from School Districts	14,800,000
Indirect Cost Recovery -- DEP Other Funds	12,600,000
MTF Revenue Fund	46,000,000
Monmouth Park Revenue	2,800,000
Rent of State Building Space	2,745,000
Social Security Recoveries from Federal and Other Funds	38,000,000
Subtotal, Inter-Departmental Accounts	$293,632,000
Judicial Branch --	
Court Fees	$60,980,000
Court Unification County Reimbursements	2,200,000
Subtotal, Judicial Branch	$63,180,000
Total -- Miscellaneous Taxes, Fees, Revenues	$1,853,417,000

Interfund Transfers

Beaches and Harbor Fund	$105,000
Clean Communities Account Fund	2,725,000
Clean Waters Fund	409,000
Correctional Facilities Construction Fund	35,000
Correctional Facilities Construction Fund (Act of 1987)	1,190,000
Cultural Center and Historic Preservation Fund (Act of 1987)	125,000
Developmental Disabilities Waiting List Reduction Fund	350,000
Emergency Flood Control Fund	13,000

Energy Conservation Fund 279,000
Fund for the Support of Free Public Schools 5,350,000
Hazardous Discharge Fund 400,000
Hazardous Discharge Site Cleanup Fund 16,100,000
Health Care Subsidy Fund 21,600,000
Historic Preservation Fund (1992) 467,000
Housing Assistance Fund 60,000
Human Services Facilities Construction Fund 45,000
Jobs, Science and Competitiveness Fund 200,000
Jobs, Science and Technology Fund 2,000
Judiciary Child Support Fund 1,290,000
Judiciary Bail Fund 1,600,000
Judiciary Probation Fund 250,000
Judiciary Special Civil Fund 150,000
Judiciary Superior Court Miscellaneous Fund 190,000
Legal Services Trust Fund 11,600,000
Medical Education Facilities Fund 10,000
Mortgage Assistance Fund 1,060,000
Motor Vehicle Security Responsibility Fund 8,000
New Jersey Bridge Rehabilitation and Improvement and
Railroad Right-of-Way Preservation Fund 150,000
Natural Resources Fund 332,000
New Jersey Bridge Rehabilitation and Improvement Fund 300,000
New Jersey Green Acres Fund (Act of 1983) 675,000
New Jersey Green Acres Fund - 1995 1,761,000
New Jersey Green Trust Fund (Act of 1992) 65,000
New Jersey Green Acres Fund - 1995 2,228,000
New Jersey Spill Compensation Fund Administrative Costs ... 13,661,000
Pollution Prevention Fund 1,625,000
Public Purpose Buildings Construction Fund 15,000
Public Purpose and Community-Based Facilities
Construction Fund 350,000
Resource Recovery and Solid Waste Disposal Facility Fund 224,000
Safe Drinking Water Fund 2,024,000
Sanitary Landfill Facility Contingency Fund 5,416,000
School Fund Investment Account 2,607,000
Shore Protection Fund 725,000
Solid Waste Services Tax Fund 50,000
State Disability Benefits Fund General Account 25,039,000
State Land Acquisition and Development Fund 35,000
State Lottery Fund 713,000,000
State Lottery Fund Administration 14,207,000
State Recreation and Conservation Land Acquisition and
Development (Act of 1974) 105,000
State Recycling Fund 959,000
State of New Jersey Cash Management Fund 1,750,000
Tobacco Settlement Fund 92,808,000
Transportation Rehabilitation and Improvement Fund of 1979 5,000

Unclaimed Insurance Payments	100,000
Unclaimed Personal Property Trust Fund	46,000,000
Unemployment Compensation Tax Auxiliary Fund	21,867,000
Unsatisfied Claim and Judgment Fund	2,134,000
Wage and Hour Trust Fund	75,000
Wastewater Treatment Fund - 1992	2,982,000
Water Conservation Fund	100,000
Water Supply Fund	3,091,000
Worker and Community Right to Know Fund	2,595,000
Workforce Development Partnership Fund	44,917,000
Total -- Interfund Transfers	$1,069,590,000
Total State Revenues, General Fund	$12,053,407,000
Total Resources, General Fund	$12,188,191,000

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 1999	$608,145,000
Total Resources, Surplus Revenue Fund	$608,145,000

Property Tax Relief Fund

Undesignated Fund Balance, July 1, 1999	$289,940,000
Gross Income Tax	6,820,000,000
Total Resources, Property Tax Relief Fund	$7,109,940,000

Casino Control Fund

Undesignated Fund Balance, July 1, 1999	$0
License Fees	55,166,000
Total Resources, Casino Control Fund	$55,166,000

Casino Revenue Fund

Undesignated Fund Balance, July 1, 1999	$0
Casino Simulcasting Fund	165,000
Gross Revenue Tax	331,000,000
Investment Earnings	1,300,000
Total Resources, Casino Revenue Fund	$332,465,000

Gubernatorial Elections Fund

Undesignated Fund Balance, July 1, 1999	$1,500,000
Taxpayers' Designations	1,500,000
Total Resources, Gubernatorial Elections Fund	$3,000,000

Total Resources, All State Funds	$20,296,907,000

Federal Revenue

Executive Branch --	
Department of Agriculture:	
Child Nutrition -- Administration	$2,168,000
Child Nutrition -- Child Care	43,142,000
Child Nutrition -- School Lunch	128,260,000

Child Nutrition -- Special Milk	1,378,000
Child Nutrition -- Summer Programs	8,847,000
Cooperative Gypsy Moth Suppression	125,000
Fish Inspection Services	100,000
Indemnities -- Cattle, Swine and Fowl Diseases	20,000
Inspection Services	80,000
Jobs Bill	1,200,000
Nutrition Education and Training	169,000
School Breakfast	21,200,000
Team Nutrition Training	207,000
Various Federal Programs and Accruals	138,000
Subtotal, Department of Agriculture	$207,034,000
Department of Community Affairs:	
Community Services Block Grant -- HHS	$14,000,000
Emergency Shelter Grants Program	1,650,000
HOPE for Elderly Independence Demonstration Program	220,000
HUD Disaster Recovery Initiative	1,500,000
Lead-Based Paint Abatement in Low and Moderate Income Housing	4,000,000
Moderate Rehabilitation Housing Assistance	13,346,000
National Affordable Housing -- HOME Investment Partnerships	7,600,000
Permanent Housing for the Handicapped Homeless	150,000
Section 8 Community Investment	450,000
Section 8 Existing Housing Rental Assistance	71,012,000
Section 8 Housing Voucher Program	70,662,000
Shelter Plus Care Program	415,000
Small Cities Block Grant Program	11,500,000
Supplemental Assistance for Facilities to Assist the Homeless	735,000
Transitional Housing -- Homeless	362,000
Weatherization Assistance Program	3,276,000
Youthbuild Implementation Grant	300,000
Various Federal Programs and Accruals	60,000
Subtotal, Department of Community Affairs	$201,238,000
Department of Corrections:	
Project IN-SIDE	$330,000
State Criminal Alien Assistance Program	11,748,000
Subtotal, Department of Corrections	$12,078,000
Department of Education:	
AIDS Prevention Education	$512,000
Adult Basic Education -- Administration/Discretionary	12,058,000
Bilingual and Compensatory Education -- Homeless Children and Youth	634,000
Byrd Scholarship Program	1,125,000
Character Education Partnership	274,000
Christa McAuliffe Fellowship Program	45,000
Class Size Reduction	28,875,000

Comprehensive School Reform Title I -- Administration	3,473,000
Deaf/Blind Children Services -- Administration/Discretionary	366,000
Drug Use/Violence Prevention Data Collection	150,000
Drug-Free Schools and Communities -- Administration	8,433,000
EESA, Title II -- Math/Science Training, Exemplary	7,350,000
Eisenhower Math/Science Grant -- Critical Skills	1,290,000
Emergency Immigrants Education Assistance -- Administration	5,428,000
Even Start Family Literacy Grant -- Discretionary	2,652,000
GOALS 2000 -- Technology	11,429,000
IASA Consolidated Administration	3,315,000
IDEA -- Handicapped	148,639,000
Innovative Education., Title VI -- Discretionary	10,143,000
Migrant Education -- Administration/Discretionary	1,710,000
National Community Service -- Disability Funds	159,000
National Community Service -- Learn and Serve America (K-12)	644,000
National Community Service -- Program Development Assistance and Training	153,000
National Community Service -- State Commission	350,000
National Community Service -- Urban School Services Corp	6,615,000
Pre-School Incentive Grant -- Administration/Discretionary	11,750,000
Public Charter Schools	2,800,000
Reading Excellence	15,626,000
Safe & Drug-Free Schools -- Governor's Portion Discretionary	2,196,000
School to Work Opportunities	6,000,000
Technology Literacy Challenge Fund	10,455,000
Title I, Administration Program Improvement	886,000
Title I -- Capital Expenses	1,235,000
Title I -- LEA Disadvantaged	170,000,000
Title I, Part D -- Neglected & Delinquent	2,414,000
Vocational Education -- Basic Grants, Administration	22,833,000
Vocational Education Technical Preparation	2,300,000
Various Federal Programs and Accruals	1,645,000
Subtotal, Department of Education	$505,962,000
Department of Environmental Protection:	
Air Deposition	$700,000
Air Pollution Maintenance Program	6,319,000
Appalachian Trail Improvements (ISTEA)	50,000
Appalachian Trail Viewshed Acquisition (ISTEA)	500,000
Archaeological & History/GIS Inventory (ISTEA)	1,700,000
Artificial Reef Program	325,000
Boat Access (Fish and Game)	400,000
Cape May Point State Park Bikeway (ISTEA)	200,000

Clean Vessels	1,000,000
Climate Change Action Plan (Recycling of Landfill Gases)	100,000
Coastal Zone Management Implementation	4,417,000
Consolidated Forest Management	1,525,000
Construction Grants Program	59,600,000
Delaware and Raritan Canal Route #1 Crossing (ISTEA)	825,000
Delaware and Raritan Canal State Park Multi-Purpose Trail -- Phase II (ISTEA)	400,000
Delaware and Raritan Canal State Park Multi-Purpose Trail -- Phase III (ISTEA)	500,000
Delaware and Raritan Canal State Park Old Rose to Mulberry St. (ISTEA)	250,000
Delaware and Raritan Canal State Park Bordentown Outlet (ISTEA)	820,000
Endangered Species	60,000
Environmental Justice	250,000
Estuary Program	1,390,000
Fish and Wildlife Health	112,000
Forest Resource Management -- Cooperative Forest Fire Control	.214,000
Forked River Annex Land Acquisition	333,000
Good Luck Point Land Acquisition	480,000
Hazardous Waste -- Resource Conservation Recovery Act	4,281,000
Historic Preservation Survey & Planning	1,000,000
Hunters' and Anglers' License Fund	5,805,000
Island Beach State Park Bikeway Extension (ISTEA)	600,000
Land and Water Conservation Fund	5,000,000
Liberty State Park Archival Facility (ISTEA)	726,000
Liberty State Park Ferry Slip Restoration (ISTEA)	2,000,000
Liberty State Park Train Sheds -- Structural Report (ISTEA)	350,000
Liberty State Park -- Bus Terminal (ISTEA)	400,000
Marine Fisheries Investigation and Management	1,150,000
Maurice River II	1,000,000
Multi-Media	750,000
NPDES Implementation Support Program	900,000
National Coastal Wetlands Conservation	1,000,000
National Dam Safety Program (FEMA)	50,000
National Geologic Mapping Program	200,000
National Recreational Trails	1,000,000
Non Point Source Implementation (319H)	4,000,000
Particulate Monitoring Grant	1,000,000
Paulinskill Valley Trail Improvements (ISTEA)	550,000
Pesticide Recording Program	20,000
Pesticide Technology	660,000
Pinelands Grant -- Acquisition	6,000,000
Pollution Prevention Incentive	100,000
Preliminary Assessments/Site Inspections	3,500,000

Radon Program	500,000
Safe Drinking Water Act	21,300,000
Salem River Meadows	1,000,000
Sloop/Maple Creek Acquisition	350,000
State Wetlands Conservation Plan	500,000
State/EPA Data Management Grant	500,000
Statewide Trail Implementation (ISTEA)	110,000
Stewardship Land Type Association	20,000
Stout's Creek Land Acquisition	750,000
Superfund Grants	25,000,000
Sussex Branch Train Bridges (ISTEA)	1,127,000
Sussex Branch Trail Connector (ISTEA)	75,000
U.S. Department of Energy/Inventory of Greenhouse Gases	400,000
Underground Injection Control	90,000
Underground Storage Tanks	1,855,000
Voluntary Clean-up -- Site Specific	450,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program	2,600,000
Watershed Indicators	300,000
Various Federal Programs and Accruals	1,639,000
Subtotal, Department of Environmental Protection	$184,078,000
Department of Health and Senior Services:	
Abstinence Education -- FHS	$843,000
American Stop Smoking Intervention Study	1,700,000
Center for Birth Defects Research and Prevention	800,000
Childhood Lead Poisoning	1,100,000
Clinical Laboratory Improvement Amendments Program	640,000
Comprehensive AIDS Resources Grant	43,000,000
Comprehensive Breast and Cervical Cancer	3,350,000
Counseling on Health Insurance for Medicare Enrollees	600,000
Demand and Needs Assessment for Alcohol and Drug Abusers	100,000
Demonstration Program to Conduct Health Assessments	2,700,000
Diabetes Prevention Project	500,000
Dietetic Internship	460,000
Early Intervention Program for Infants and Toddlers with Disabilities (Part H)	11,065,000
Epidemiology 2000 -- Electronic Surveillance	250,000
Essex County Healthy Start Initiative	500,000
Evaluating Client-Centered HIV Prevention Counseling	668,000
Family Planning Program -- Title X	3,500,000
Federal Lead Abatement Program	769,000
Food Inspection	274,000
HIV/AIDS Prevention Project	240,000
HIV/AIDS Prevention and Education Grant	13,065,000
HIV/AIDS Surveillance Grant	6,055,000
Health Start - Perth Amboy	1,000,000
Housing Opportunities for Persons with AIDS	2,226,000

Immunization Project	7,185,000
Lyme Disease Research	200,000
Maternal and Child Health Block Grant	12,700,000
Medicare/Medicaid Inspections of Nursing Facilities	7,600,000
New Jersey Project: Providing a MED Home in a Neighborhood of Services	124,000
New Jersey Targeted Seabrook Capacity Expansion Program	1,312,000
National Council on Aging -- Senior Employment Services Project	3,000,000
National Program of Cancer Registries	1,700,000
Older Americans Act -- Title III	29,150,000
Pediatric AIDS Health Care Demonstration Project	2,200,000
Preparedness and Response for Bioterrorism	1,150,000
Preventative Health and Health Services Block Grant	6,382,000
Public Employees Occupational Safety and Health -- State Plan	500,000
Sentinel Event Notification System -- Occupational Risks	200,000
State Based Diabetes Program	800,000
State Treatment Needs Assessment	500,000
State Treatment Performance Outcomes Study	886,000
State-Based Birth Defects Surveillance Demonstration Project	100,000
Substance Abuse Block Grant	46,838,000
Substance Abuse Treatment Expansion Project	1,347,000
Substance Abuse Treatment and HIV/AIDS Services	500,000
Supplemental Food Program -- WIC	86,000,000
Target Capacity Expansion	500,000
Tuberculosis Control Program	8,900,000
USDA Older Americans Act -- Title III	3,900,000
Venereal Disease Project	2,700,000
Vital Statistics Component	740,000
WIC Farmer's Market Nutrition Program	217,000
Various Federal Programs and Accruals	4,587,000
Subtotal, Department of Health and Senior Services	$327,323,000
Department of Human Services:	
Block Grant Mental Health Services	$8,107,000
Child Care Block Grant	76,732,000
Child Support Enforcement Program	116,627,000
Community Based Residential Program Grant	1,000,000
Developmental Disabilities Council	1,570,000
Federal Independent Living	519,000
Food Stamp Program	82,991,000
Foster Grandparents Program	983,000
Low Income Energy Assistance Block Grant	43,861,000
Projects for Assistance in Transition from Homelessness (PATH)	785,000
Refugee Resettlement Program	5,142,000

Restricted Grants	3,205,000
Social Service Block Grant	57,383,000
Temporary Assistance to Needy Families Block Grant	505,932,000
Title IV-B Child Welfare Services	10,074,000
Title IV-E Foster Care	78,858,000
Title IV-E Foster Care Independent Living	2,305,000
Title XIX DYFS	44,696,000
Title XIX Community Care Waiver	161,335,000
Title XIX ICF/MR	173,902,000
Title XIX Medical Assistance	2,267,258,000
Title XXI Childrens Health Insurance Program	48,658,000
Vocational Rehabilitation Act -- Section 120	8,946,000
Various Federal Programs and Accruals	420,000
Subtotal, Department of Human Services	$3,701,289,000
Department of Labor:	
Comprehensive Services for Independent Living	700,000
Current Employment Statistics	2,157,000
Disabled Veterans' Outreach Program	2,555,000
Employment Services	23,248,000
Employment Services Cost Reimbursable Grants -- Migrant Housing	50,000
Employment Services Grants -- Alien Labor Certification	1,690,000
Federal Public Employees Occupational Safety and Health Act	1,700,000
JTPA Title III D Discretionary Funding	5,600,000
Job Training Partnership Act	61,029,000
Job Training Partnership Act -- Title III Dislocated Workers	36,304,000
Local Veteran's Employment Representatives	1,475,000
OASI (DDS) Intelligent Workstation Activities	1,000,000
OSHA Data Collection Survey	79,000
Occupational Informational Coordinating Program	132,000
Occupational Safety Health Act , On-Site Consultation	1,600,000
Occupational Wage Survey -- LMI	280,000
Occupational Wage Survey -- Alien Certification	184,000
Old Age and Survivors Insurance -- Disability Determination	41,436,000
One Stop LMI	643,000
Redesigned Occupational Safety and Health (ROSH)	381,000
Rehabilitation of Supplemental Security Income Beneficiaries	2,000,000
Supported Employment	1,000,000
Technical Consultation -- Vocational Assessment of Youth with Disabilities	400,000
Technology Related Assistance Project	750,000
Trade Adjustment Assistance Project	11,551,000
Unemployment Insurance	99,486,000
Vocational Rehabilitation Act of 1973	41,500,000

Welfare to Work	23,257,000
Work Opportunity Tax Credit	700,000
Various Federal Programs and Accruals	319,000
Subtotal, Department of Labor	$363,206,000
Department of Law and Public Safety:	
Anti-Terrorism Training	$400,000
Bulletproof Vest Partnership	125,000
COPS MORE Grant	2,300,000
Challenge Grant	403,000
Combating Underage Drinking	360,000
Community Prosecutors Block Grant	500,000
Community Traffic Safety	600,000
Comprehensive Environmental Response and Compliance and Liability Act	30,000
Disaster Preparedness Improvement	50,000
Domestic Marijuana Eradication Suppression Program	125,000
Domestic Preparedness Training	500,000
Drug Enforcement Administration and Grants	17,200,000
Drunk Driver Prevention	798,000
Equal Employment Opportunity Commission	625,000
FEMA State Assistance Program	200,000
Federal Highway Safety Program -- State Match	3,923,000
Flood Mitigation Assistance	2,000,000
Forensic DNA Lab	1,200,000
Hazardous Materials Transportation Uniform Safety Act	275,000
High Intensity Drug Trafficking Area (HIDTA)	900,000
Highway Safety Data Improvement Grant	.425,000
Incident Command	750,000
Increased Seat Belt Use	1,627,000
Juvenile Accountability Incentive Block Grant	6,000,000
Juvenile Justice Delinquency Prevention	2,285,000
Juvenile Monitoring Unit	172,000
Local Law Enforcement Block Grant	1,300,000
Medicaid Fraud Unit	2,500,000
Mitigation Assistance Program	400,000
Motor Fuels Tax Compliance Project	75,000
NHTSA 402 -- Youthful Driver	20,000
NIEHS SARA Title III Section 126	125,000
National Criminal History Program -- OAG	7,000,000
Northeast Hazardous Waste Project -- RCRA	200,000
Occupant Protection Grant	1,000,000
Project Impact	100,000
Recreational Boating Safety	2,000,000
Residential Treatment for Substance Abuse	1,400,000
Safety Incentive Grant	453,000
State ID Systems Grant	225,000
State Police In-Car Camera Technology Grant	2,725,000
State and Local Assistance	5,232,000

Title III/Hazardous Materials	250,000
Title V Funding	540,000
Truth In Sentencing Incentive Grant	15,000,000
Unemployment Fraud	550,000
Victim Assistance Grants	8,000,000
Victim Compensation Award	2,200,000
Violence Against Women Act	4,000,000
Various Federal Programs and Accruals	155,000
Subtotal, Department of Law and Public Safety	$99,223,000
Department of Military and Veterans' Affairs:	
Armory Renovations and Improvements	$800,000
Army Facilities Service Contracts	975,000
Army National Guard Statewide Security Agreement	600,000
Army Training Technology Lab	320,000
Atlantic City Air Base -- Service Contracts	2,135,000
Atlantic City Operations and Maintenance	47,000
Facilities Management Support Contract	4,243,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	900,000
Hazardous Waste Environmental Protection Program	800,000
McGuire Air Force Base -- Service Contracts	1,498,000
McGuire Operations and Maintenance	55,000
Medicare Part A Receipts for Resident Care and Operational Costs	2,196,000
National Guard Communications Agreement	500,000
New Jersey National Guard Challenge Youth Program	1,730,000
New Jersey National Guard Counter Drug Program Interservice State - Federal	12,000
Operation Open Arms -- Kosovo Relief Effort	600,000
Reefex Environmental Program	500,000
Training Site Facilities Maintenance Agreements	49,000
Training and Equipment Pool Sites	753,000
Transitional Housing	816,000
Veterans' Education Monitoring	560,000
Subtotal, Department of Military and Veterans' Affairs	$20,089,000
Department of State:	
Basic Block Grant	$111,000
NJ GEAR UP	1,400,000
National Endowment for the Arts Partnership	632,000
National Health Service Corps -- Student Loan Repayment Program	158,000
National Telecommunications Information Agency	100,000
State Student Loan Incentive Grant	670,000
Student Loan Administrative Cost Deduction and Allowance	14,980,000
Various Federal Programs and Accruals	315,000
Subtotal, Department of State	$18,366,000

Department of Transportation:	
Airport Fund	$15,000,000
Highway Planning and Research	13,000,000
Metropolitan Planning Funds	8,000,000
Motor Carrier MC98-34-001	1,525,000
Motor Carrier Safety Assistance Program	4,175,000
New Jersey Transportation Planning Assistance	3,000,000
Rail Freight Capital Projects	2,000,000
Supportive Services Highway Construction Training Program	500,000
Subtotal, Department of Transportation	$47,200,000
Department of the Treasury:	
Diamond Shamrock Oil Overcharge Settlement	$500,000
Division of Gas Expansion	600,000
State Energy Conservation Program	1,225,000
Subtotal, Department of the Treasury	$2,325,000
The Judiciary	
Various Federal Programs and Accruals	$496,000
Subtotal, The Judiciary	$496,000
Special Transportation Fund -- Federal	
Department of Transportation:	
Federal Highway Administration	$692,681,000
Federal Transit Administration	339,300,000
Subtotal, Special Transportation Fund -- Federal	$1,031,981,000
Total -- Federal Revenue	$6,721,888,000
Grand Total Resources, All Funds	$27,018,795,000

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2000. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 2000 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2000 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2000 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation

contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 1999 are available for payments applicable to fiscal year 1999 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 1999 together with an explanation of their status. On or before December 1, 1999, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 1999, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1999.

31 LEGISLATURE
70 Government Direction, Management and Control
71 Legislative Activities
0001 Senate

DIRECT STATE SERVICES

01-0001 Senate $10,519,000
Total Direct State Services Appropriation, Senate $10,519,000

Direct State Services:
Personal Services:
Senators (40) ..... ($1,412,000)
Salaries and Wages ..... (3,885,000)
Members' Staff Services ..... (4,000,000)
Materials and Supplies ..... (150,000)
Services Other Than Personal ..... (942,000)
Maintenance and Fixed Charges ..... (80,000)
Additions, Improvements and Equipment ..... (50,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0002 General Assembly

DIRECT STATE SERVICES

01-0002 General Assembly $16,157,000
Total Direct State Services Appropriation,
General Assembly $16,157,000

Direct State Services:
Personal Services:
Assemblypersons (80) ..... ($2,812,000)
Salaries and Wages ..... (4,245,000)
Members' Staff Services ..... (7,900,000)
Materials and Supplies ..... (155,000)
Services Other Than Personal ..... (870,000)
Maintenance and Fixed Charges ..... (140,000)
Additions, Improvements and Equipment ..... (35,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0003 Office of Legislative Services
DIRECT STATE SERVICES

01-0003 Legislative Support Services	$22,282,000
Total Direct State Services Appropriation, General Assembly	$22,282,000

Direct State Services:

Personal Services:	
Salaries and Wages	($15,456,000)
Materials and Supplies	(1,044,000)
Services Other Than Personal	(2,627,000)
Maintenance and Fixed Charges	(3,006,000)
Special Purpose:	
01 Affirmative Action and Equal Employment Opportunities	(23,000)
Additions, Improvements and Equipment	(126,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

In addition to the amounts appropriated hereinabove, there is appropriated an amount not to exceed $1,600,000, and any remaining balance of funds previously appropriated for this purpose, as determined by the Computer Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of data processing systems for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Receipts derived from fees and charges for public access to legislative information systems and the unexpended balance as of June 30, 1999 of such receipts are appropriated and shall be credited to a non--lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

Such sums as are required for Master Lease payments, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, are appropriated.

Such sums as are required to provide for payment of the legal defense of challenges to statutes passed into law by the Legislature in which matters the Attorney General does not provide the legal defense, are appropriated subject to the approval of the Speaker of the General Assembly and the President of the Senate. Such payments may be expended for costs incurred in current and prior fiscal years.

The Office of Legislative Services shall monitor, review and report to both houses of the Legislature on each new anti-smoking initiative funded in fiscal year 2000 from the Tobacco Settlement Fund.

0010 Intergovernmental Relations Commission
DIRECT STATE SERVICES

09-0010 Legislative Commission $376,000
Total Direct State Services Appropriation, Intergovernmental Relations Commission $376,000

Direct State Services:
Special Purpose:
09 The Council of State Governments ..... ($139,000)
09 National Conference of State Legislatures ..... (156,000)
09 Eastern Trade Council - The Council of State Governments ..... .(35,000)
09 Northeast - Midwest Research Institute ..... (46,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0014 Joint Committee on Public Schools
DIRECT STATE SERVICES

09-0014 Legislative Commission $350,000
Total Direct State Services Appropriation, Joint Committee on Public Schools $350,000

Direct State Services:
Special Purpose:
09 Expenses of the Commission ..... ($350,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0018 State Commission of Investigation
DIRECT STATE SERVICES

09-0018 Legislative Commission $2,811,000
Total Direct State Services Appropriation, State Commission of Investigation $2,811,000

Direct State Services:
Special Purpose:
09 Expenses of the Commission ..... ($2,811,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools
DIRECT STATE SERVICES

09-0026 Legislative Commission $85,000
Total Direct State Services Appropriation, Commission on Business Efficiency in the Public Schools $85,000

Direct State Services:
Special Purpose:
09 Expenses of the Commission ..... .($85,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0053 New Jersey Law Revision Commission
DIRECT STATE SERVICES

09-0053 Legislative Commission $301,000

Total Direct State Services Appropriation, New Jersey Law Revision Commission $301,000

Direct State Services:

Special Purpose:

09 Expenses of the Commission ..... ($301,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

0058 State Capitol Joint Management Commission

DIRECT STATE SERVICES

09-0058 Legislative Commission $4,900,000

Total Direct State Services Appropriation, State Capitol Joint Management Commission $4,900,000

Direct State Services:

Special Purpose:

09 Expenses of the Commission ..... ($4,900,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

In addition to the amounts appropriated hereinabove, there is appropriated an amount not to exceed $1,500,000 for repairs to the roof of the State House Annex parking garage as shall be determined by the State Capitol Joint Management Commission.

0061 Clean Ocean and Shore Trust Committee

DIRECT STATE SERVICES

09-0061 Legislative Commission $125,000

Total Direct State Services Appropriation, Clean Ocean and Shore Trust Committee $125,000

Direct State Services:

Special Purpose:

09 Expenses of the Commission ..... ($125,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

CAPITAL CONSTRUCTION

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balances in Capital Construction accounts as of June 30, 1999 in the Legislature are appropriated.

Department of Legislature, Total State Appropriation $57,906,000

Summary of Legislature Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services $57,906,000

Appropriation by Fund:

General Fund $57,906,000

06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management and Control
76 Management and Administration

DIRECT STATE SERVICES

01-0300 Executive Management	$5,495,000
Total Direct State Services Appropriation, The Office of the Chief Executive	$5,495,000

Direct State Services:

Personal Services:	
Salaries and Wages	($4,225,000)
Materials and Supplies	(96,000)
Services Other Than Personal	(555,000)
Maintenance and Fixed Charges	(131,000)
Special Purpose:	
01 National Governors' Association	(175,000)
01 Coalition of Northeastern Governors	(48,000)
01 Education Commission of the States	(91,000)
01 National Conference of Commissioners On Uniform State Laws	(42,000)
01 Brian Stack Intern Program	(10,000)
01 Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence and Other Expenses	(95,000)
Additions, Improvements and Equipment	(27,000)

The unexpended balance as of June 30, 1999 in this account is appropriated.

Office of the Chief Executive, Total State Appropriation	$5,495,000

Summary of The Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$5,495,000
Appropriation by Fund:	
General Fund	$5,495,000

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

DIRECT STATE SERVICES

02-3320 Animal and Plant Disease Control	$2,825,000
03-3330 Resource Development Services	1,552,000
04-3340 Dairy and Commodity Regulation	876,000
06-3360 Marketing Services	2,618,000

08-3380 Farmland Preservation	550,000
99-3370 Administration and Support Services	1,296,000
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation	$9,717,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($5,812,000)
Materials and Supplies	(169,000)
Services Other Than Personal	(522,000)
Maintenance and Fixed Charges	(294,000)
Special Purpose:	
03 Aquaculture Development	(300,000)
03 Fish and Seafood Development and Promotion	(100,000)
03 Hudson -- Essex -- Passaic Soil Conservation District	(60,000)
03 Sussex Soil Conservation District	(60,000)
03 Future Farmers' Youth Development	(45,000)
03 Agriculture Education Technology Network	(150,000)
04 Dairy and Commodity Regulation	(75,000)
06 Promotion/Market Development	(1,166,000)
06 Wine Promotion Program	(30,000)
06 Temporary Emergency Food Assistance Program	(338,000)
08 Agricultural Right-to-Farm Program	(200,000)
08 Open Space Administrative Costs	(350,000)
99 Expenses of State Board of Agriculture	(18,000)
99 Affirmative Action and Equal Employment Opportunity	(28,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance as of June 30, 1999 in the Animal Health Laboratory program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance as of June 30, 1999 in the Sale of Insects account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs. The unexpended balance as of June 30, 1999 in the seed laboratory testing and certification account is appropriated for the same purpose.

In addition to the amounts hereinabove, there is appropriated up to $35,000 for the Gypsy Moth program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Nursery Inspection fees are appropriated for Nursery Inspection program costs. The unexpended balance as of June 30, 1999 in the Nursery Inspection fee account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for program costs. The unexpended balance as of June 30, 1999 in the Stormwater Discharge Permit Program account is appropriated for the same purpose.

Receipts from dairy licenses and inspections are appropriated for program costs.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for program costs.

Receipts from inspection fees derived from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, and poultry inspections.

The unexpended balance as of June 30, 1999 in the Promotion/Market Development account is appropriated for the same purpose.

Receipts in excess of those anticipated, generated at the rate of $.20 per gallon of wine, vermouth and sparkling wines sold by plenary winery and farm winery licenses issued pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

GRANTS-IN-AID

03-3330	Resource Development Services	$1,399,000
06-3360	Marketing Services	430,000
	Total Grants-in-Aid Appropriation, Agricultural Resources, Planning and Regulation	$1,829,000

Grants-in-Aid:

03	Farm Management and Training Initiative	($24,000)
03	Conservation Cost Share Program	(1,150,000)
03	Aquaculture Technology Transfer Center, Cumberland Community College	(125,000)
03	Garden State Agricultural Re-Engineering Initiative, Salem County	(50,000)
03	Agriculture Fairs Association of New Jersey	(50,000)
06	Promotion/Market Development	(250,000)
06	New Jersey Museum of Agriculture	(180,000)

The expenditure of funds for the Conservation Cost Share Program shall be based upon an expenditure plan subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Conservation Cost Share Program account is appropriated for the same purpose.

In addition to the amount hereinabove for the Conservation Cost Share Program, an amount not less than $850,000 shall be transferred, pursuant to an agreement between the Department of Environmental Protection and the Department of Agriculture, from the Department of Environmental Protection's Water Resources Monitoring and Planning -- Constitutional Dedication account to support

non-point source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of this program as of June 30, 1999 is appropriated for the same purpose.

STATE AID

06-3360 Marketing Services	$8,742,000
08-3380 Farmland Preservation	125,000
Total State Aid Appropriation, Agricultural Resources, Planning, and Regulation	$8,867,000
State Aid:	
06 School Breakfast Program	($1,738,000)
06 Non-Public Nutrition Aid	(439,000)
06 School Lunch Aid	(6,565,000)
08 Payments in Lieu of Taxes	(25,000)
08 Right to Farm Program	(100,000)

CAPITAL CONSTRUCTION

40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

Capital Project:	
Division of Plant Industry	
Renovations to Phillip Alampi Insect Laboratory	$153,000
Facility Improvements to Stone Tavern	1,000,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Agriculture, Total State Appropriation $21,566,000

Summary of Department of Agriculture Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$9,717,000
Grants-in-Aid	1,829,000
State Aid	8,867,000
Capital Construction	1,153,000
Appropriation by Fund:	
General Fund	$21,566,000

14 DEPARTMENT OF BANKING AND INSURANCE

50 Economic Planning, Development and Security
52 Economic Regulation

DIRECT STATE SERVICES

01-3110 Licensing and Regulatory Affairs	$13,706,000
02-3120 Actuarial Services	4,133,000
03-3130 Regulation of the Real Estate Industry	2,462,000
04-3110 Public and Regulatory Services	1,549,000

05-3160 Unsatisfied Claims	1,742,000
06-3110 Insurance Fraud Prevention	27,192,000
07-3170 Supervision and Examination of Financial Institutions	3,771,000
99-3150 Administration and Support Services	4,190,000
Total Direct State Services Appropriation, Economic Regulation	$58,745,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($26,161,000)
Materials and Supplies	(346,000)
Services Other Than Personal	(14,570,000)
Maintenance and Fixed Charges	(150,000)
Special Purpose:	
01 Ombudsman Program	(776,000)
06 Additional Investigators -- Insurance Fraud Prevention	(2,250,000)
06 Insurance Fraud Prosecution Services	(14,018,000)
99 Affirmative Action and Equal Employment Opportunity	(30,000)
Additions, Improvements and Equipment	(444,000)

Receipts derived from extraordinary financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to the "Individual Health Insurance Reform Act," P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), such sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as set forth in the "Fair Automobile Insurance Reform Act of 1990," P.L.1990, c.8 (C.17:33B-1 et al.), subject to the provisions of subsection e. of section 23 of P.L.1990, c.8 (C.17:33B-5).

All monies deposited in the Division of Motor Vehicles Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L.1994, c.57 (C.34:1B-21.1 et seq.).

The amount appropriated hereinabove for FAIR Act Administration shall be funded from the additional taxes on the taxable premiums of insurers for the payment of Department of Banking and Insurance administrative costs related to its statutory duties, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.).

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.).

The amount hereinabove for the Division of Insurance accounts is payable from receipts received from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount herein appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

The unexpended balance as of June 30, 1999 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties and the unexpended balances as of June 30, 1999, not to exceed $250,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provisions of law to the contrary, any surplus balance remaining in the New Jersey Medical Malpractice Reinsurance Recovery Fund after all financial obligations of the New Jersey Medical Malpractice Reinsurance Association are funded, as determined by the Director of the Division of Budget and Accounting, are appropriated for transfer to the General Fund as State revenue.

Upon certification by the Commissioner of Banking and Insurance pursuant to subparagraph (b) of paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8) that loans in an amount less than $160,000,000 per calendar year will satisfy the current and anticipated financial obligations of the Market Transition Facility without reference to the amount of funds remaining from the sale of the Market Transition Facility Senior Lien Revenue Bonds, there is appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the obligation of the New Jersey Property Liability Insurance Guaranty Fund to make refunds according to law in the amount of any exemption due pursuant to subparagraph (b) of paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).

Department of Banking and Insurance,
Total State Appropriation $58,745,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $58,745,000
Appropriation by Fund:
General Fund $58,745,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
DIRECT STATE SERVICES

01-8010	Housing Code Enforcement	$4,665,000
02-8020	Housing Services	3,266,000
03-8040	Special Urban Services	1,350,000
04-8030	Local Government Services	3,260,000
06-8015	Uniform Construction Code	4,832,000
12-8025	Boarding Home Regulation and Assistance	1,184,000
13-8027	Codes and Standards	206,000
18-8017	Uniform Fire Code	4,293,000
32-8450	Workplace Standards	821,000
	Total Direct State Services Appropriation, Community Development Management	$23,877,000

Direct State Services:

Personal Services:	
Board Members (7@ $12,000)	($84,000)
Salaries and Wages	(17,036,000)
Materials and Supplies	(166,000)
Services Other Than Personal	(1,114,000)
Maintenance and Fixed Charges	(682,000)
Special Purpose:	
02 Prevention of Homelessness	(243,000)
02 Neighborhood Preservation-Fair Housing P.L.1985, c.222	(1,194,000)
02 Council on Affordable Housing	(1,388,000)
02 Main Street New Jersey	(200,000)
03 Office of Neighborhood Empowerment	(1,350,000)
18 Local Fire Fighters' Training	(375,000)
32 Carnival Amusement Ride Safety Advisory Board	(1,000)
32 Safety Commission	(3,000)
Additions, Improvements and Equipment	(41,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the

receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1999 in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999, in the several Uniform Construction Code program classification fee accounts, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Planned Real Estate Development Full Disclosure Act fees account together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of $0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code Program, and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes. Notwithstanding the provision of law to the contrary, unexpended balances as of June 30, 1999 in the Uniform Construction Code Revolving Fund are appropriated.

Such sums as may be required for the registration of builders and reviewing and paying claims under "The New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Uniform Fire Code program classification, together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Uniform Fire Code program classification are payable out of the fees and penalties derived from code enforcement activities. If these receipts are less than anticipated, the appropriations shall be reduced proportionately.

The amount hereinabove for the Council on Affordable Housing and Neighborhood Preservation-Fair Housing accounts shall be payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance as of June 30, 1999 are

appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the sale of truth in renting statements, including fees, fines, and penalties, are appropriated.

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance as of June 30, 1999 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees for local government, authority, and special district audits, education program administration, debt financing, expedited budget review and other fiscal services as authorized by the Local Finance Board are appropriated for associated expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the Commissioner of the Department of Community Affairs shall have authority to disburse funds from the Boarding House Rental Assistance Fund established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

Receipts from repayment of loans from the Urban Multi-Family Production Program, together with the unexpended balance of such loan repayments as of June 30, 1999 are appropriated for the purpose of funding additional urban multi-family housing projects.

The unexpended balance as of June 30, 1999 in the Special Urban Services program classification is appropriated.

GRANTS-IN-AID

01-8010	Housing Code Enforcement	$919,000
02-8020	Housing Services	7,460,000
03-8040	Special Urban Services	10,000,000
18-8017	Uniform Fire Code	16,071,000
32-8450	Workplace Standards	50,000
	Total Grants-in-Aid Appropriation, Community Development Management	$34,500,000

Grants-in-Aid:

01	Cooperative Housing Inspection	($919,000)
02	Supplemental Shelter Support	(1,000,000)

02 Shelter Assistance ..... (2,000,000)
02 Prevention of Homelessness ..... (4,460,000)
03 Downtown Living Initiative ..... (7,500,000)
03 College/University Homebuyers' Fund ..... (2,500,000)
18 Uniform Fire Code -- Local Enforcement Agency Rebates ..... (8,425,000)
18 Thermal Imaging Camera Grant Program ..... (7,500,000)
18 Uniform Fire Code -- Continuing Education ..... (146,000)
32 UTCA Construction Safety Training ..... (50,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1999, in the Housing Code Enforcement program classification together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Uniform Fire Code program classification is payable out of the fees and penalties derived from inspection and enforcement activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1999 in the Uniform Fire Code program classification together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Shelter Assistance is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1999 in the Shelter Assistance account is appropriated.

The Commissioner of the Department of Community Affairs shall report to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, not later than March 1, 2000, statistical and financial information on the expenditure of funds from the Shelter Assistance account for fiscal year 2000. Such information shall specifically include the number, types, location and costs of beds made available for occupancy with the funds appropriated herein.

Upon determination by the Commissioner that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer tax dedicated to the Neighborhood Preservation Nonlapsing Revolving Fund, any available balance in the Shelter Assistance account may be transferred to the Neighborhood Preservation Fair

Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Prevention of Homelessness account is appropriated.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts necessary for the payment of principal and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, if the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the Hackensack Meadowlands Development Commission is in excess of the amount necessary, as calculated pursuant to the financial plan for the closure and post-closure of the sanitary landfill facilities prepared by the Hackensack Meadowlands Development Commission and approved by the Department of Environmental Protection for the proper closure and post-closure monitoring of the sanitary landfill facilities, an amount equal to the excess amount, or $3,205,000 whichever is less, shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the Hackensack Meadowlands Development Commission for operational costs. Of the amount so deposited and appropriated to the Hackensack Meadowlands Development Commission, $110,000 shall be made available to the Hackensack Meadowlands Municipal Committee for operational costs.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an amount equal to $2,800,000 of the calendar year 1999 interest earnings on the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the commission shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund for general State use.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an

amount equal to $1,200,000 of the calendar year 1999 interest earnings on the aggregate balance in the closure and post-closure monitoring of the sanitary landfill facilities operated by the commission shall be withdrawn from the escrow accounts by the commission and paid to the State Treasurer for deposit in the General Fund, and the amount so deposited is appropriated for payment to the Hackensack Meadowlands Tax Sharing Stabilization Fund and paid to the commission in accordance with the certification of the fund's requirements, for distribution by the commission to municipalities entitled to payments from the fund for 1999.

The State Treasurer is authorized to enter into a contract with the New Jersey Redevelopment Authority related to the development and financing of a project by the Authority for the John J. Heldrich Center for Workforce Development at Rutgers, State University in the city of New Brunswick. Any such contract shall be executed in accordance with, and shall in all respects comply with the provisions of the "New Jersey Urban Redevelopment Act," P.L.1996, c.62 (C.55:19-20 et al.). There are appropriated such amounts, not to exceed $1,700,000, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance of such loan fund as of June 30, 1999 and any interest thereon are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

The amount hereinabove for the Thermal Imaging Camera Grant Program shall be available for grants to regional and local fire organizations. The thermal imaging cameras shall be procured by the Department of Community Affairs.

STATE AID

02-8020 Housing Services	$16,675,000
04-8030 Local Government Services	811,178,000
(From General Fund	*$33,315,000)*
(From Property Tax Relief Fund	*777,863,000)*
06-8015 Uniform Construction Code	46,000
Total State Aid Appropriation, Community Development Management	$827,899,000
(Total From General Fund	*$50,036,000)*
(Total From Property Tax Relief Fund	*777,863,000)*
State Aid:	
02 Neighborhood Preservation (P.L.1975, c.248 and c.249)	($2,750,000)
02 Neighborhood Preservation -- Fair Housing (P.L.1985, c.222)	(13,925,000)
04 County Prosecutors Salary Increase (P.L.1996, c.99)	(315,000)
04 Legislative Initiative Municipal Block Grant Program	(33,000,000)
04 Consolidated Municipal Property Tax Relief Aid (PTRF)	(767,863,000)

04 Regional Efficiency Development
Incentive Grant Program (PTRF) ..... (10,000,000)
06 Municipal Memberships in Building
Codes Association ..... (46,000)

Of the sum hereinabove for Neighborhood Preservation -Fair Housing, a sum not to exceed $300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities Block Grant.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair Housing account are appropriated.

The unexpended balance as of June 30, 1999, in the Relocation Assistance account is appropriated.

The amount hereinabove for Neighborhood Preservation-Fair Housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove for Neighborhood Preservation-Fair Housing, an amount not to exceed $2,000,000 may be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing opportunities.

The unexpended balance as of June 30, 1999 in the Neighborhood Preservation-Fair Housing account is appropriated.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood Preservation-Fair Housing may be provided directly to the housing project being assisted; provided however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

The unexpended balance as of June 30, 1999 in the Aid for GAAP Accounting Implementation is appropriated. Any training from Aid for GAAP Accounting Implementation shall be through purely voluntary local interest and nothing provided in this act shall require any municipality to adopt GAAP accounting or to participate in a program to encourage GAAP accounting.

Notwithstanding any provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq., to the contrary, the Director of the Division of Local Government Services may require any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

Notwithstanding any provision of law to the contrary, municipal appropriations for "Reserve for Tax Appeals" may be made in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3).

In addition to the sum hereinabove for Relocation Assistance, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding Home Rental Assistance Fund.

In addition to any other powers conferred by law, the Local Finance Board is hereby authorized to create, by resolution, a financial review board to approve, implement and enforce a financial plan for any municipality for which the Director of the Division of Local Government Services in the Department of Community Affairs has determined that conditions exist that create extreme difficulty in adopting a budget in compliance with Local Budget Law, in issuing indebtedness as permitted by law, or in funding capital improvements essential to the protection of the public health, safety and welfare. Any financial review board so created shall consist of seven members appointed by the Governor, and shall exercise its powers and duties under rules and regulations adopted by the Local Finance Board. Any municipality subject to said board shall establish a financial plan, subject to the board's approval, to address the budgetary, operational, capital and economic development needs of the municipality. The financial review board shall have the power to approve: the annual budget of the municipality, the issuance of debt, all contracts entered into during the time of supervision of the financial review board and municipal expenditures if so directed by the Local Finance Board, to the extent that the Board shall specify.

Notwithstanding any provision of law to the contrary, any qualified municipality as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for fiscal year 1999 shall continue to be a qualified municipality thereunder for fiscal year 2000.

Notwithstanding any law to the contrary, the amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the fiscal year 1999 annual appropriations act, P.L.1998, c.45, or pursuant to other amendatory or supplementary law.

The amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before July 15, 35% of the total amount due; August 1, 10% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

Notwithstanding any law to the contrary, from the amount received from the Consolidated Municipal Property Tax Relief Aid program, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67.

Municipalities that received Municipal Revitalization Program aid in fiscal year 1995 pursuant to the provisions of P.L.1994, c.67 shall continue to be subject to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), and the Director of the Division of Local Government Services may withhold aid payments or portions thereof from any municipality that fails to comply with those provisions, until such time as the director determines the municipality to be in compliance.

The amount for Extraordinary Aid shall be distributed in a manner consistent with the provisions of section 5 of P.L.1991, c.63 (C.52:27D-118.36).

Notwithstanding the provisions of sections 5 and 9 of P.L.1991, c.63 (C.52:27D-118.36 and C.52:27D-118.40) to the contrary, the amount appropriated for

Extraordinary Aid may be used for payments to eligible municipalities for costs associated with activities which improve operations and provide short and long term property tax savings, including but not limited to shared and regionalized services, enhanced tax and revenue collection efforts, and other activity which can be demonstrated to meet the above requirements.

Notwithstanding any law to the contrary, whenever funds appropriated as State aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S.40A:2-8 and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

The amount hereinabove for the Regional Efficiency Development Incentive Grant Program shall be reduced by any amounts expended in fiscal year 1999 for the same purpose, such that the total amount made available for fiscal years 1999 and 2000 shall not exceed $10,000,000, as determined by the Director of the Division of Budget and Accounting.

There is appropriated from the Property Tax Relief Fund an amount not to exceed $25,000,000 for the Regional Efficiency Aid Program, subject to the approval of the State Treasurer. This amount shall be reduced by any unexpended balances from appropriations made for the same purpose in fiscal year 1999, such that the total available amount for this program in fiscal year 2000 does not exceed $25,000,000, as determined by the Director of the Division of Budget and Accounting.

In the event that $30,000,000 is not appropriated as supplementary Extraordinary Aid, there is appropriated such sum for such purpose.

55 Social Services Programs
DIRECT STATE SERVICES

05-8050 Community Resources	$314,000
15-8051 Women's Programs	944,000
Total Direct State Services Appropriation, Social Services Program	$1,258,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($744,000)
Materials and Supplies	(70,000)
Services Other Than Personal	(138,000)
Maintenance and Fixed Charges	(6,000)
Special Purpose:	
15 Address Confidentiality Program	(93,000)

15 Expenses of the New Jersey Commission on Women ..... (7,000)
15 Office on the Prevention of Violence Against Women ..... (200,000)

Receipts from divorce filing fees pursuant to P.L.1993, c.188 are appropriated.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the sum of $1,500,000 for retrofitting or replacement of heating systems or other energy-related conservation measures as warranted, for low-income households.

GRANTS-IN-AID

05-8050 Community Resources $41,498,000
15-8051 Women's Programs 2,935,000
Total Grants-in-Aid Appropriation, Social Services Program $44,433,000

Grants-in-Aid:

05 Fire House, Glen Gardner ..... ($300,000)
05 Center for Hispanic Policy, Research and Development ..... (1,625,000)
05 Recreation for the Handicapped ..... (650,000)
05 Special Olympics ..... (450,000)
05 Trenton Urban Gardening Program ..... (50,000)
05 Battleship New Jersey ..... (250,000)
05 Camden Urban Gardening Project ..... (50,000)
05 Faith-Based Community Development Initiative ..... (5,000,000)
05 Grant to ASPIRA ..... (100,000)
05 Aberdeen Township - Fire Company District No. 1 -- Safety Equipment ..... (45,000)
05 Aberdeen Township - In-Line Hockey Rink ..... (100,000)
05 Aberdeen-Matawan Soccer League - Construction of New Soccer Fields ..... (175,000)
05 Accountants for the Public Interest ..... (25,000)
05 Afri-Male Institute, Burlington ..... (50,000)
05 Allentown Borough - Emergency Management ..... (65,000)
05 American Red Cross, Nutley Chapter ..... (23,000)
05 Atlantic County Police Academy ..... (80,000)
05 Atlantic Highlands Borough, Police Dispatching System Upgrade ..... (100,000)
05 Bais Kailia, Lakewood - Community Pool ..... (150,000)
05 Barnegat Bay Decoy and Baymen's Museum Project, Tuckerton ..... (100,000)
05 Bass River Township - Fire Truck ..... (140,000)
05 Bayshore Senior Center ..... (50,000)
05 Beachwood Volunteer Fire Company - Facilities Modernization ..... (150,000)
05 Belleville Township - Public Safety ..... (18,000)

05 Belleville Township - Equipment Upgrade . . . . . (35,000)
05 Berkeley Heights Township - Senior Citizens Bus . . . . . (75,000)
05 Bloomfield Township - Playground Upgrade . . . . . (50,000)
05 Bogota Borough - Public Safety . . . . . (120,000)
05 Bordentown Community Education and Recreation Council - Technology and Facility Upgrades . . . . . (50,000)
05 Bordentown Library Association - Facility Expansion . . . . . (125,000)
05 Bordentown Township Police Vehicles . . . . . (25,000)
05 Boys and Girls Clubs of Newark . . . . . (100,000)
05 Bradley Beach Borough - Municipal Facility Renovations . . . . . (250,000)
05 Bradley Beach Borough Senior Citizens Community Center - Facility Upgrade . . . . . (5,000)
05 Branchburg Township - Flood Mitigation Assistance (FEMA Match) . . . . . (94,000)
05 Brick Township - Municipal Center . . . . . (1,000,000)
05 Bridgeton City - In Lieu of Tax Payments . . . . . (250,000)
05 Bucky James Community Center . . . . . (15,000)
05 Burlington City - Police Department EMT First Response Vehicle . . . . . (33,000)
05 Burlington County Bridge Commission . . . . . (78,000)
05 Burlington County Chapter of The Work Group . . . . . (100,000)
05 Byram Township - Senior and Disabled Resident Transportation . . . . . (50,000)
05 Caldwell Borough - Community Center Project . . . . . (100,000)
05 Cape May City - Seasonal Transit . . . . . (65,000)
05 Carlstadt Borough - Police Department Computers . . . . . (20,000)
05 Carney's Point YMCA - Facility Improvements . . . . . (250,000)
05 Cedar Grove - Recreational/Community Center Study . . . . . (150,000)
05 Center for Nonprofits, North Brunswick . . . . . (50,000)
05 Chatham Township - Recreational Field Improvements . . . . . (90,000)
05 Chesterfield Township - Recreation and Police Equipment . . . . . (65,000)
05 Cinnaminson Township - Rolling Greens Section Sewer Extension . . . . . (550,000)
05 Clayton Borough - NJPEOSHA Compliance . . . . . (11,000)
05 Cliffside Park Borough - Fire Equipment . . . . . (200,000)

05 Clifton City - Recreation Department Facilities and Equipment . . . . . (200,000)
05 Clifton City - Recreation Program . . . . . (200,000)
05 Colts Neck Township - Library, Capital . . . . . (100,000)
05 Contact We Care, Fanwood . . . . . (20,000)
05 Count Basie Learning Center, Red Bank . . . . . (50,000)
05 Cranford Township - Community Center . . . . . (100,000)
05 Dover Township Municipal Purposes . . . . . (300,000)
05 Delanco Township - EMT First Response Vehicle . . . . . (33,000)
05 Delran Township - Police Department EMT First Response Vehicle . . . . . (33,000)
05 Dunellen Borough - Facility and Equipment Upgrades . . . . . (75,000)
05 East Brunswick Township - Ambulance . . . . . (90,000)
05 East Riverton Community Center - Cinnaminson . . . . . (20,000)
05 East Rutherford Borough - Police Department Vehicle . . . . . (30,000)
05 East Side Community Center, Newark . . . . . (150,000)
05 Eastampton Township - Recreation Projects . . . . . (35,000)
05 Eatontown Borough, Facility Upgrade . . . . . (100,000)
05 El Primer Paso, Ltd. . . . . (100,000)
05 Elmwood Park Borough - Equipment . . . . . (40,000)
05 Essex Fells Borough - Public Safety Equipment . . . . . (10,000)
05 Evesham Township -- Public Safety . . . . . (200,000)
05 Family "Y" of Burlington County . . . . . (150,000)
05 Fanwood Borough - Downtown Improvements . . . . . (100,000)
05 Fieldsboro Borough - Restoration of White Hill Mansion . . . . . (30,000)
05 First Occupational Center of New Jersey - Headquarters Building Restoration . . . . . (200,000)
05 Florence Township - Roebling Mill Site Improvements . . . . . (100,000)
05 Florham Park Police Department - Emergency Services Vehicle . . . . . (65,000)
05 Focus on Literacy, Inc. . . . . (65,000)
05 Freehold Borough - Street Sweeper . . . . . (100,000)
05 Freehold Borough - Veterans Park Improvements . . . . (57,000)
05 Freehold Township - Police Vehicles . . . . . (75,000)
05 Garden State Games . . . . . (75,000)
05 Garfield City - Equipment and Improvements . . . . . (150,000)
05 Garfield Volunteer Ambulance Corps, Inc. - Ambulance . . . . . (115,000)
05 Glen Ridge-Locomotion 2000 Train Station Restoration . . . . . (30,000)
05 Glen Ridge Borough-Early Childhood Activities and Technology Enhancement . . . . . (300,000)

05 Gloucester County Prosecutor's Office - Project Get Straight . . . . . (8,000)
05 Gloucester Township - Recreational Facility . . . . . (200,000)
05 Greater Long Branch NAACP Youth Diversity Program . . . . . (15,000)
05 Hackettstown Town - Restoration of Old Presbyterian Burial Ground . . . . . (5,000)
05 Hamilton Township (Mercer) - Riverfront Development Project . . . . . (25,000)
05 Hamilton Township (Mercer) - Senior Center . . . . . (500,000)
05 Harrison Township (Gloucester) - Recreation Program . . . . . (95,000)
05 Hasbrouck Heights Borough - Fire and Police Equipment . . . . . (54,000)
05 Hazlet Township - Curbing Program . . . . . (105,000)
05 Hillsdale Borough - Flood Abatement Project . . . . . (300,000)
05 Hispanic Affairs Resource Center of Monmouth County, Asbury Park . . . . . (10,000)
05 Holmdel Summer Theater, Capital Improvement . . . . . (50,000)
05 Holmdel Township - Inmate Security Transportation Vehicle . . . . . (35,000)
05 Homes Now, Inc. - Brick Township Project . . . . . (500,000)
05 Hopewell Borough - Railroad Station Restoration . . . . . (10,000)
05 Hopewell Township - Delaware and Raritan Canal Flooding Remediation . . . . . (69,000)
05 Hopewell Valley Senior Citizen Center, Pennington . . . . . (35,000)
05 Howell Township - Aldrich Lake Draining, Dredging and Restoration . . . . . (100,000)
05 Hunterdon County - Department of Emergency Management, Mobile Command Post . . . . . (350,000)
05 Interfaith Hospitality Network of Somerset County . . . (20,000)
05 Interfaith Neighbors, Inc., Asbury Park . . . . . (50,000)
05 Isles Inc. - Sustainable Mercer County Initiative . . . . . (50,000)
05 Jackson Township - Recreational Field Improvements . . . . . .(200,000)
05 Jeannie Johnson Restoration Project - Historic Irish Sailing Vessel . . . . . (50,000)
05 Jewish Family Service of Atlantic and Cape May Counties . . . . . (25,000)
05 Keansburg Borough - Beautification Project . . . . . (75,000)
05 Keansburg Borough - Emergency Services Ambulance . . . . . (80,000)
05 Keansburg Borough - Fire Fighting Equipment . . . . . (55,000)
05 Kenilworth - Downtown Revitalization . . . . . (50,000)
05 Keyport Borough - Business Improvement District . . . . (35,000)

05 Keyport Borough - Fire Department Equipment ..... (25,000)
05 Keyport Borough - First Aid Squad ..... (25,000)
05 Keyport Borough - Senior Citizen Center ..... (10,000)
05 Lacey Township - Gille Park Baseball Field ..... (40,000)
05 Lakewood First Aid Squad - Defibrillators ..... (16,000)
05 Lakewood Township - Recreational Fields Improvements ..... (100,000)
05 Lakewood Volunteer Fire Company - Defibrillators ... (40,000)
05 Lambertville City - Sesquicentennial Project ..... (10,000)
05 Lincroft First Aid - Ambulance, Middletown Township ..... (80,000)
05 Literacy Volunteers of America - New Jersey ..... (100,000)
05 Literacy Volunteers of America, Mercer County ..... (60,000)
05 Little Egg Harbor Township - Municipal Justice Complex Center ..... (100,000)
05 Little Falls Township - Peckman River Topographic Survey ..... (153,000)
05 Little Falls Township Police Department - Equipment Upgrade ..... (25,000)
05 Little Ferry Borough - Park Equipment ..... (20,000)
05 Livingston - Hillside Avenue Playground Restoration ..... (30,000)
05 Livingston - Ricker Hill Playground Equipment ..... (25,000)
05 Long Branch City, Jerry Morgan Park Development ..... (400,000)
05 Long Branch City, Police Department ..... (50,000)
05 Long Valley First Aid Squad Building Expansion ... (150,000)
05 Lower Township - Good Neighbor Law Enforcement Assistance ..... (149,000)
05 Lyndhurst Township - Public Safety Communications ..... (378,000)
05 Manalapan Township - Traffic Signal ..... (100,000)
05 Mannington Borough - Fire Company ..... (50,000)
05 Mansfield Township (Burlington) - Police Vehicles ..... (30,000)
05 Maple Shade Township - First Aid Equipment and Building Repair ..... (28,000)
05 Maple Shade Township - Playground and Park Renovations ..... 20,000)
05 Maple Shade Township - Police Department Computer Equipment ..... (44,000)
05 Maple Shade Township - Rescue Service Vehicle Repair and Equipment ..... (13,000)
05 Medford Emergency Medical Services, Inc. ..... (100,000)
05 Medford Lakes Police Department - Emergency Vehicle ..... (40,000)
05 Mercy Center, Asbury Park ..... (50,000)

05 Metuchen-Edison YMCA - Construction of Multicultural Center ..... (500,000)
05 Middle Township - Beautification Project ..... (50,000)
05 Middletown Township - Croydon Hall Senior Center - Equipment and Transportation ..... (90,000)
05 Middletown Township - Downtown Streetscapes .... (310,000)
05 Middletown Township - Northern Monmouth Fire Academy Storage Facility ..... (125,000)
05 Middletown Township - Police Vehicles ..... (105,000)
05 Middletown Township - Rehabilitation of Village Community Center ..... (90,000)
05 Millburn Township - Recreational Playing Field Improvements ..... (25,000)
05 Millstone Township - Municipal Building Renovation ..... (150,000)
05 Millville City - Youth Athletic Safety Grant ..... (200,000)
05 Monmouth Beach Borough - Riverdale Avenue Improvements ..... (170,000)
05 Monmouth Beach Borough, Riverdale Avenue Project ..... (50,000)
05 Monmouth County Business Incubator, LLC ..... (60,000)
05 Monmouth County Chapter, U.S. Lifesaving Association ..... (10,000)
05 Monmouth County Sheriff's Office - Fire Arms Training Simulator ..... (72,000)
05 Monroe Township (Gloucester County) - Engineering Plan for Spruce Lake Dam ..... (10,000)
05 Moonachie Borough - Police Equipment ..... (70,000)
05 Moorestown Township - Strawbridge Lake Dredging ..... (200,000)
05 Morasha Heritage ..... (225,000)
05 Morris 2000 - Rockaway River Watershed Cabinet ..... (25,000)
05 Morris 2000 - Ten Towns Great Swamp Watershed Management Committee ..... (50,000)
05 Morris County Urban League - Kid-Care Lead Abatement ..... (10,000)
05 Morristown Housing Authority - Child Care Collaboration with Morristown Neighborhood House . (179,000)
05 Mount Laurel Township - Public Safety ..... (135,000)
05 Mountain Lakes Borough - Police Department Expansion ..... (85,000)
05 Mountainside Borough - Senior Citizens Bus ..... (75,000)
05 Community Theater, Morristown, Capital Improvement ..... (125,000)
05 Musconetcong Watershed Association - Restoration of Asbury Graphite Mill ..... (52,000)

05 Neptune Township Soccer Association - Field Safety Enhancements ..... (30,000)
05 Netcong Borough - Police Department Vehicle ..... (20,000)
05 New Hanover Township - Public Works Improvements ..... (25,000)
05 New Providence Borough - Centennial Park ..... (75,000)
05 NewBridge 70001, Morris County ..... (25,000)
05 Nora Gardens (Union Township, Union Co.) Senior Citizens Transport ..... (45,000)
05 North Caldwell Borough - Public Safety Equipment ..... (20,000)
05 North Hanover Township - Recreation Equipment .... (25,000)
05 North Hunterdon Senior Center, Inc. ..... (50,000)
05 North Ward Center, Newark ..... (100,000)
05 Nutley Public Library - Facility Improvements ..... (40,000)
05 Nutley Township - Recreation Department ..... (100,000)
05 Nutley Township - Rheinheimer Park Redevelopment ..... (200,000)
05 Ocean Grove Historic Preservation Society, Neptune Performing Arts Center Restoration, Capital ..... (50,000)
05 Ocean Township (Ocean Co.) -Public Safety ..... (100,000)
05 Old Bridge Township - Food Bank/Clothing Bank Roof Repair ..... (45,000)
05 Old Bridge Township - Police Department ..... (175,000)
05 Old Bridge Township - Soccer Field Improvements ..... (95,000)
05 Old Bridge Township, R.O.B.I.N. ..... (80,000)
05 Oradell Borough - Police and Fire Equipment ..... (92,000)
05 Paramus Borough - Public Safety ..... (600,000)
05 Paramus Borough - Police Equipment ..... (20,000)
05 Paramus Borough - Sports Facility ..... (150,000)
05 Passaic City - 9-1-1 Dispatch Station ..... (16,000)
05 Passaic City - Passaic Park Containment Wall Replacement ..... (250,000)
05 Pemberton Township - Youth Programs ..... (50,000)
05 Pennington Borough - Restoration of AME Church Cemetery ..... (24,000)
05 Pennsauken Township - Police Department Mobile Data Terminals ..... (18,000)
05 Pennsville Township - Summer Recreation Program ..... (25,000)
05 Pittsgrove Township - Park Safety Enhancement ..... (90,000)
05 Preservation of Russell Hall, Hun School, Princeton ..... (200,000)
05 Project PAUL, Keansburg ..... (25,000)
05 Project SCHOLAR, Asbury Park ..... (11,000)

05 Public Safety Training Center, Cape May County ..... (700,000)
05 Puerto Rican Action Board (New Brunswick) - Child Care Facility ..... (300,000)
05 Red Bank Borough, Public Safety ..... (100,000)
05 Raritan Borough Streetscape Program ..... (75,000)
05 Readington Township Museum Fund - Colonial Farm House Restoration ..... (50,000)
05 Rehabilitation of Greenville Church Community Building, Lakewood ..... (265,000)
05 Resolve Community Counseling Center, Scotch Plains ..... (25,000)
05 Ridgefield Borough - Police Equipment ..... (100,000)
05 Ringwood Borough - Public Library, Capital ..... (232,000)
05 Rochelle Park Township - Police Equipment ..... (145,000)
05 Roosevelt Borough - Public Works Improvements ..... (25,000)
05 Roseland Borough - Fire Truck ..... (25,000)
05 Roselle Park Borough - Recreational Facilities Expansion ..... (15,000)
05 Rutherford Borough - Police Department Computers ..... (20,000)
05 Saddle Brook Township - Recreation Facilities ..... (170,000)
05 Saint Francis Center, Long Beach Island Community Center ..... (100,000)
05 Saint Stephen's Childcare Center ..... (50,000)
05 Salem County - Enhanced Book Mobile Service ..... (90,000)
05 Samaritan Inn Homeless Shelter, Hamburg ..... (30,000)
05 Sea Bright Borough, Municipal Projects ..... (75,000)
05 Ship Bottom Borough - Water/Sewer Infrastructure Replacement ..... (100,000)
05 Shrewsbury Borough - Construction of Borough Hall ..... (100,000)
05 Sisters of Mercy, Asbury Park ..... (50,000)
05 South Hackensack Township - Fire Equipment ..... (55,000)
05 South Jersey Survivors of Violent Crimes, Moorestown ..... (40,000)
05 South Orange Village, Multi-Purpose Facility ..... (300,000)
05 Springfield Township (Burlington) - Facility for Consolidated Municipal Departments ..... (95,000)
05 Springfield Township (Union Co.) - Public Safety ..... (15,000)
05 Stanhope Borough - Emergency Repairs on Public Building ..... (200,000)
05 Stanhope Borough - Technology mprovements ..... (100,000)
05 Statewide Community Forestry Program ..... (900,000)
05 Statewide Kindness Awareness Campaign ..... (20,000)
05 Summit City - Downtown Project ..... (500,000)
05 Sussex County Division of Shade Tree Commission ..... (90,000)

05 Sussex County Transit - Knoll Heights Seniors Van, Sparta ..... (25,000)
05 Sussex County YMCA ..... (100,000)
05 Toms River - Little League Inc. ..... (50,000)
05 Toms River - Senior League, Field ..... (50,000)
05 Toms River - Soccer Association ..... (50,000)
05 Toms River - Youth Soccer Club Improvements ..... (50,000)
05 Totowa Borough - Union Boulevard Beautification Project ..... (110,000)
05 Trinity Computer Tutorial Program, Long Branch .... (10,000)
05 Union Beach Borough - Police Department Equipment ..... (65,000)
05 Union County Alliance ..... (125,000)
05 Union Township (Union County) - Senior Citizen and Police Vehicles Acquisition ..... (45,000)
05 Union Township (Union Co.) - Columbus Park ..... (50,000)
05 Upper Deerfield Township - Water System ..... (90,000)
05 Vernon Township - Ambulance ..... (90,000)
05 Vernon Township - Recreation Building ..... (250,000)
05 Verona Borough - Fire Department Equipment ..... (100,000)
05 Vietnamese-American Cultural and Educational Center ..... (30,000)
05 Village of Grassy Sound Civic Association Inc., Middle Township - Sewerage Project ..... (300,000)
05 Wall Township Police Special Response Team ..... (70,000)
05 Wall Township, Recreation ..... (75,000)
05 Wanaque Borough - Town Center ..... (600,000)
05 Wantage Township First Aid Squad Facility ..... (100,000)
05 Warren County Fire Training Academy ..... (500,000)
05 Washington Township (Burlington Co.) - Facilities Upgrade ..... (50,000)
05 Washington Township (Gloucester) - Capital Improvement ..... (155,000)
05 Washington Township (Gloucester) - Park Ranger Educational Outreach Program ..... (200,000)
05 Washington Township (Mercer County) - Senior Center ..... (75,000)
05 Wayne Township - Volunteer Fire Company, New Bay Construction ..... (90,000)
05 Wenonah Borough - Municipal Building Construction ..... (400,000)
05 West Caldwell Township - Crane's Mill Field Improvements ..... (85,000)
05 West Caldwell Township - Rehabilitation of Westville Avenue Pool ..... (175,000)
05 West Cumberland Little League ..... (90,000)
05 West Long Branch Borough, Police Department ..... (20,000)
05 Westside Community Center ..... (20,000)

05 Westwood Borough - Firehouse Communications System ..... (150,000)
05 Wildwood City - Construction of Soccer Fields ..... (80,000)
05 Woodland Township - Equipment Upgrade ..... (100,000)
05 Wood-Ridge Borough - Public Safety Equipment ..... (90,000)
05 Woolwich Township - Recreation Area Improvements ..... (75,000)
05 Wrightstown Borough - Facilities ..... (15,000)
05 Wyckoff Township - Downtown Streetscape Beautification Project ..... (250,000)
05 Kimball Medical Center's Assisted Living Facility, Bus Purchase ..... (85,000)
05 Maywood Borough, Renovation of Police Department and Courts ..... (200,000)
05 Puerto Rican Association for Human Development, Perth Amboy ..... (150,000)
05 Young Adult Men of Trenton Initiative Inc. ..... (50,000)
05 Park Theatre, Union City ..... (300,000)
05 Voorhees Township, Police Building ..... (65,000)
05 East Windsor Senior Center ..... (300,000)
05 Peter Mott House, Lawnside ..... (100,000)
05 Hawthorne Library Expansion ..... (200,000)
05 JFK Community Center ..... (100,000)
05 The Invention Factory, Trenton ..... (100,000)
05 Catholic Charities ..... (225,000)
05 Harrison Township (Hudson County) -- Sewer Project ..... (50,000)
05 Fairview Borough Volunteer Fire Department -- Vehicles ..... (50,000)
05 St. Matthew's AME Church Community Life Center ..... (125,000)
05 Trenton City, YWCA Pool Restoration ..... (200,000)
15 Grants to Hispanic Women's Resource Centers ..... (400,000)
15 Women's Referral Central ..... (25,000)
15 Rape Prevention ..... (500,000)
15 Passaic County Women in Transition Program ..... (90,000)
15 Women for Women, Union County ..... (30,000)
15 Women's Center, Monmouth County -- Hotline ..... (60,000)
15 Women's Crisis Services, Flemington ..... (50,000)
15 Job Training Center for Urban Women Act ..... (315,000)
15 New Jersey Association of Women Business Owners, Resources for Women in Business ..... (250,000)
15 My Father's House/Housing and Supportive Services for Women, Gloucester City ..... (20,000)
15 Resource Center for Women and Their Families, Somerset County ..... (50,000)
15 Grants to Women's Shelters ..... (25,000)
15 Displaced Homemakers Network of New Jersey ..... (135,000)

15 Grants to Displaced Homemaker Centers ..... (985,000)

The unexpended balance as of June 30, 1999 in the Faith-Based Community Development Initiative account is appropriated.

70 Government Direction, Management and Control
72 Governmental Review and Oversight
DIRECT STATE SERVICES

39-8450 Office of State Planning $1,980,000
Total Direct State Services Appropriation, Governmental Review and Oversight $1,980,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,404,000)
Materials and Supplies ..... (85,000)
Services Other Than Personal ..... (300,000)
Maintenance and Fixed Charges ..... (6,000)
Special Purpose:
39 Brownfields Site Inventory and Redevelopment Task Force ..... (125,000)
Additions, Improvements and Equipment ..... (60,000)

The Office of State Planning is authorized to collect reasonable fees for the distribution of its publications, and receipts derived from such fees are appropriated for the Office of State Planning.

The unexpended balances as of June 30, 1999 in the Brownfields Site Inventory and Redevelopment Task Force Account is appropriated for the same purposes.

76 Management and Administration
DIRECT STATE SERVICES

99-8070 Administration and Support Services $2,409,000
Total Direct State Services Appropriation, Management and Administrative Services $2,409,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,969,000)
Materials and Supplies ..... (10,000)
Services Other Than Personal ..... (343,000)
Maintenance and Fixed Charges ..... (26,000)
Special Purpose:
99 Affirmative Action and Equal Employment Opportunity ..... (60,000)
Additions, Improvements and Equipment ..... (1,000)

GRANTS-IN-AID

99-8070 Administration and Support Services $3,000,000
Total Grants-in-Aid Appropriation, Social Services Program $3,000,000

Grants-in-Aid:
99 Planning Assistance for Counties and Other
Local Agencies ..... ($3,000,000)

Department of Community Affairs, Total State
Appropriation $939,356,000

Summary of Department of Community Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $29,524,000
Grants-in-Aid 81,933,000
State Aid 827,899,000
Appropriation by Fund:
General Fund $161,493,000
Property Tax Relief Fund 777,863,000

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7025 System-Wide Program Support
DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision $14,362,000
13-7025 Institutional Program Support 47,991,000
Total Direct State Services Appropriation, System-
Wide Program Support $62,353,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($21,232,000)
Services Other Than Personal ..... (437,000)
Special Purpose:
07 Central Office Transportation Unit ..... (273,000)
07 Special Operations Group ..... (75,000)
07 Staff Training Enhancement ..... (2,000,000)
13 Integrated Information Systems
Development ..... (7,441,000)
13 Augment Medical Care At Institutions ..... (560,000)
13 Inmate Work Details Program ..... (1,280,000)
13 Return of Escapees and Absconders ..... (223,000)
13 Mutual Agreement Program ..... (4,258,000)
13 Recruit Screening Program ..... (180,000)
13 Radio Maintenance ..... (177,000)
13 Drug Courts ..... (800,000)
13 Drug Court Treatment Programs ..... (2,048,000)
13 Safety Vests ..... (148,000)
13 Civilly Committed Sexual Offender Facility .... (3,000,000)
13 Maintenance of McCorkle Facility/
Sea Girt Facilities ..... (709,000)

13 DOC/DOT Work Details ..... (500,000)
13 Video Teleconferencing ..... (300,000)
13 Additional Mental Health Treatment Services .. (16,000,000)
13 State Match -- Edward Byrne Drug Treatment Grant ..... (53,000)
13 Drug Treatment -- Assumption of Federal Funding ..... (261,000)
13 Legal Costs -- CF v. Terhune ..... (360,000)
Additions, Improvements and Equipment ..... (38,000)

The unexpended balance as of June 30, 1999 in the Integrated Information Systems Development account is appropriated to provide funding for the cost of replacing the Department of Corrections S/36 Correctional Management Information System subject to the approval of the Director of the Division of Budget and Accounting, the expenditures of which shall directly improve the department's ability to collect fines, restitutions, penalties, surcharges or other debts owed by inmates.

The appropriation hereinabove for Drug Courts shall be transferred to the appropriate agencies in the amounts necessary to implement this initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Drug Courts account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Of the sums appropriated hereinabove for Video Teleconferencing, an amount shall be transferred to the Judiciary and the Office of the Public Defender for telephone line charges, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums appropriated hereinabove for Video Teleconferencing, the Commissioner of the Department of Corrections, with the approval of the Director of the Division of Budget and Accounting, shall transfer or credit to this account, an amount up to $200,000 from other appropriations in the department to reflect savings in central transportation operations due to the use of video teleconferencing equipment.

The unexpended balance as of June 30, 1999 in the Civilly Committed Sexual Offender Facility account is appropriated for the same purposes.

In addition to the sums appropriated above, funds may be transferred from the Victims of Crime Compensation Board to the Department of Corrections for the department's new computer system, which will facilitate the collection of monies owed by inmates, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Mandatory Staff Training account is appropriated for the same purposes.

GRANTS-IN-AID

13-7025 Institutional Program Support $148,802,000
Total Grants-in-Aid Appropriation, System-Wide Program Support $148,802,000

Grants-in-Aid:
13 Purchase of Service for Inmates Incarcerated
In County Penal Facilities ..... ($94,228,000)
13 Purchase of Service for Inmates
Incarcerated In Out-of State Facilities ..... (100,000)
13 Purchase of Community Services ..... (52,824,000)
13 AMER-I-CAN Program ..... (1,650,000)

A portion of the total amount appropriated in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is available for operational costs of additional State facilities for inmate housing which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

7040 New Jersey State Prison
DIRECT STATE SERVICES

07-7040 Institutional Control and Supervision $40,933,000
08-7040 Institutional Care and Treatment 12,374,000
99-7040 Administration and Support Services 6,904,000
Total Direct State Services Appropriation,
New Jersey State Prison $60,211,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($45,824,000)
Food in Lieu of Cash ..... (195,000)
Materials and Supplies ..... (6,838,000)
Services Other Than Personal ..... (6,467,000)
Maintenance and Fixed Charges ..... (759,000)
Additions, Improvements and Equipment ..... (128,000)

7045 Vroom Central Reception and Assignment Facility
DIRECT STATE SERVICES

07-7045 Institutional Control and Supervision $19,024,000
08-7045 Institutional Care and Treatment 11,437,000
99-7045 Administration and Support Services 2,454,000
Total Direct State Services Appropriation, Vroom
Central Reception and Assignment Facility $32,915,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($23,535,000)
Food in Lieu of Cash ..... (111,000)
Materials and Supplies ..... (4,863,000)
Services Other Than Personal ..... (3,749,000)
Maintenance and Fixed Charges ..... (529,000)
Additions, Improvements and Equipment ..... (128,000)

7050 East Jersey State Prison
DIRECT STATE SERVICES

07-7050 Institutional Control and Supervision	$41,788,000
08-7050 Institutional Care and Treatment	15,432,000
99-7050 Administration and Support Services	6,796,000
Total Direct State Services Appropriation, East Jersey State Prison	$64,016,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($40,853,000)
Food in Lieu of Cash	(178,000)
Materials and Supplies	(7,084,000)
Services Other Than Personal	(8,516,000)
Maintenance and Fixed Charges	(1,126,000)
Special Purpose:	
07 Other Additional Bedspaces	(1,184,000)
07 Northern Regional Pre-Release Center	(4,402,000)
07 Past Due Parole Eligibility Staffing	(539,000)
Other Special Purpose	(6,000)
Additions, Improvements and Equipment	(128,000)

7055 South Woods State Prison
DIRECT STATE SERVICES

07-7055 Institutional Control and Supervision	$41,950,000
08-7055 Institutional Care and Treatment	22,512,000
99-7055 Administration and Support Services	10,660,000
Total Direct State Services Appropriation, South Woods State Prison	$75,122,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($49,548,000)
Food in Lieu of Cash	(265,000)
Materials and Supplies	(11,436,000)
Services Other Than Personal	(11,329,000)
Maintenance and Fixed Charges	(1,379,000)
Special Purpose:	
07 Other Additional Bedspaces	(682,000)
08 State Match -- Edward Byrne Drug Treatment Grant	(355,000)
Additions, Improvements and Equipment	(128,000)

7060 Bayside State Prison
DIRECT STATE SERVICES

07-7060 Institutional Control and Supervision	$31,446,000
08-7060 Institutional Care and Treatment	14,810,000
99-7060 Administration and Support Services	5,979,000
Total Direct State Services Appropriation, Bayside State Prison	$52,235,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($35,748,000)
Food in Lieu of Cash ..... (163,000)
Materials and Supplies ..... (6,171,000)
Services Other Than Personal ..... (8,196,000)
Maintenance and Fixed Charges ..... (1,648,000)
Special Purpose:
07 Other Additional Bedspaces ..... (180,000)
Other Special Purpose ..... (1,000)
Additions, Improvements and Equipment ..... (128,000)

7065 Southern State Correctional Facility
DIRECT STATE SERVICES

07-7065 Institutional Control and Supervision $27,788,000
08-7065 Institutional Care and Treatment 10,009,000
99-7065 Administration and Support Services 4,714,000
Total Direct State Services Appropriation, Southern State Correctional Facility $42,511,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($30,844,000)
Food in Lieu of Cash ..... (138,000)
Materials and Supplies ..... (4,274,000)
Services Other Than Personal ..... (5,581,000)
Maintenance and Fixed Charges ..... (1,155,000)
Special Purpose:
07 Other Additional Bedspaces ..... (390,000)
Other Special Purpose ..... (1,000)
Additions, Improvements and Equipment ..... (128,000)

7070 Mid-State Correctional Facility
DIRECT STATE SERVICES

07-7070 Institutional Control and Supervision $11,329,000
08-7070 Institutional Care and Treatment 4,749,000
99-7070 Administration and Support Services 2,682,000
Total Direct State Services Appropriation, Mid-State Correctional Facility $18,760,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($14,075,000)
Food in Lieu of Cash ..... (68,000)
Materials and Supplies ..... (1,892,000)
Services Other Than Personal ..... (2,318,000)
Maintenance and Fixed Charges ..... 279,000)
Additions, Improvements and Equipment ..... (128,000)

7075 Riverfront State Prison
DIRECT STATE SERVICES

07-7075 Institutional Control and Supervision	$18,070,000
08-7075 Institutional Care and Treatment	9,105,000
99-7075 Administration and Support Services	3,580,000
Total Direct State Services Appropriation, Riverfront State Prison	$30,755,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($21,476,000)
Food in Lieu of Cash	(106,000)
Materials and Supplies	(3,381,000)
Services Other Than Personal	(5,176,000)
Maintenance and Fixed Charges	(487,000)
Special Purpose:	
Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(128,000)

7080 Edna Mahan Correctional Facility for Women
DIRECT STATE SERVICES

07-7080 Institutional Control and Supervision	$18,086,000
08-7080 Institutional Care and Treatment	8,666,000
99-7080 Administration and Support Services	5,194,000
Total Direct State Services Appropriation, Edna Mahan Correctional Facility for Women	$31,946,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($22,660,000)
Food in Lieu of Cash	(121,000)
Materials and Supplies	(4,173,000)
Services Other Than Personal	(4,091,000)
Maintenance and Fixed Charges	(732,000)
Special Purpose:	
08 State Match -- Social Services Block Grant	(41,000)
Additions, Improvements and Equipment	(128,000)

7085 Northern State Prison
DIRECT STATE SERVICES

07-7085 Institutional Control and Supervision	$46,579,000
08-7085 Institutional Care and Treatment	19,776,000
99-7085 Administration and Support Services	6,178,000
Total Direct State Services Appropriation, Northern State Prison	$72,533,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($46,110,000)
Food in Lieu of Cash	(193,000)
Materials and Supplies	(7,206,000)

Services Other Than Personal ..... (11,920,000)
Maintenance and Fixed Charges ..... (1,771,000)
Special Purpose:
07 Gang Management Unit ..... (500,000)
07 Minimum Security Unit ..... (4,704,000)
Other Special Purpose ..... (1,000)
Additions, Improvements and Equipment ..... (128,000)

7090 Adult Diagnostic and Treatment Center, Avenel
DIRECT STATE SERVICES

07-7090 Institutional Control and Supervision $13,066,000
08-7090 Institutional Care and Treatment 6,525,000
99-7090 Administration and Support Services 2,508,000
Total Direct State Services Appropriation, Adult Diagnostic and Treatment Center, Avenel $22,099,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($15,032,000)
Food in Lieu of Cash ..... (74,000)
Materials and Supplies ..... (1,897,000)
Services Other Than Personal ..... (3,979,000)
Maintenance and Fixed Charges ..... (375,000)
Special Purpose:
07 Other Additional Bedspaces ..... (614,000)
Additions, Improvements and Equipment ..... (128,000)

7110 Garden State Youth Correctional Facility
DIRECT STATE SERVICES

07-7110 Institutional Control and Supervision $24,198,000
08-7110 Institutional Care and Treatment 13,824,000
99-7110 Administration and Support Services 3,462,000
Total Direct State Services Appropriation, Garden State Youth Correctional Facility $41,484,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($27,888,000)
Food in Lieu of Cash ..... (119,000)
Materials and Supplies ..... (4,339,000)
Services Other Than Personal ..... (7,924,000)
Maintenance and Fixed Charges ..... (584,000)
Special Purpose:
07 Other Additional Bedspaces ..... (216,000)
08 State Match -- Residential Substance Abuse Treatment Grant ..... (285,000)
Other Special Purpose ..... (1,000)
Additions, Improvements and Equipment ..... (128,000)

7120 Albert C. Wagner Youth Correctional Facility
DIRECT STATE SERVICES

07-7120 Institutional Control and Supervision	$27,587,000
08-7120 Institutional Care and Treatment	9,941,000
99-7120 Administration and Support Services	4,178,000
Total Direct State Services Appropriation, Albert C. Wagner Youth Correctional Facility	$41,706,000

Direct State Services:

Personal Services:	
Salaries and Wages	($27,659,000)
Food in Lieu of Cash	(133,000)
Materials and Supplies	(3,589,000)
Services Other Than Personal	(5,412,000)
Maintenance and Fixed Charges	(483,000)
Special Purpose:	
07 Adult Offender Boot Camp	(4,237,000)
07 Other Additional Bedspaces	(55,000)
Other Special Purpose	(10,000)
Additions, Improvements and Equipment	(128,000)

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance as of June 30, 1999 are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

7130 Mountainview Youth Correctional Facility
DIRECT STATE SERVICES

07-7130 Institutional Control and Supervision	$20,048,000
08-7130 Institutional Care and Treatment	8,060,000
99-7130 Administration and Support Services	4,978,000
Total Direct State Services Appropriation, Mountainview Youth Correctional Facility	$33,086,000

Direct State Services:

Personal Services:	
Salaries and Wages	($23,650,000)
Food in Lieu of Cash	(115,000)
Materials and Supplies	(3,683,000)
Services Other Than Personal	(4,577,000)
Maintenance and Fixed Charges	(771,000)
Special Purpose:	
99 Sewage Hauling and Disposal Costs	(161,000)
Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(128,000)

10 Public Safety and Criminal Justice
17 Parole
7010 Office of Parole
DIRECT STATE SERVICES

03-7010 Parole $40,480,000
Total Direct State Services Appropriation, Office of Parole .. $40,480,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($22,842,000)
Materials and Supplies ..... (174,000)
Services Other Than Personal ..... (395,000)
Maintenance and Fixed Charges ..... (313,000)
Special Purpose:
03 Payments to Inmates Discharged from Facilities ..... (100,000)
03 Parolee Electronic Monitoring Program ..... (4,170,000)
03 Intensive Supervision/Surveillance Program .... (4,493,000)
03 High Impact Diversion Program ..... (4,032,000)
03 Parolee Drug Treatment ..... (2,639,000)
03 State Match -- Truth in Sentencing Grant ..... (650,000)
03 Violent Offender Fugitive Recovery Unit ..... (507,000)
03 Sexual Offender Surveillance/Recovery Unit Enhancement ..... (122,000)
Additions, Improvements and Equipment ..... (43,000)

7280 State Parole Board
DIRECT STATE SERVICES

05-7280 State Parole Board $9,583,000
Total Direct State Services Appropriation, State Parole Board . $9,583,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($8,237,000)
Materials and Supplies ..... (167,000)
Services Other Than Personal ..... (350,000)
Maintenance and Fixed Charges ..... (115,000)
Special Purpose:
05 Parole Board Information System ..... (251,000)
05 Additional Parole Board Panel ..... .(265,000)
05 Eligibility Determinations and Monitoring ..... (100,000)
Additions, Improvements and Equipment ..... (98,000)

10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management
DIRECT STATE SERVICES

99-7000 Administrative Support Services $17,476,000
Total Direct State Services Appropriation, Division of Management and General Support $17,476,000

Direct State Services
Personal Services:
Salaries and Wages ..... ($14,331,000)
Materials and Supplies ..... (489,000)
Services Other Than Personal ..... (1,787,000)
Maintenance and Fixed Charges ..... (470,000)
Special Purpose:
99 Affirmative Action and Equal Employment Opportunity ..... (225,000)
Additions, Improvements and Equipment ..... (174,000)

CAPITAL CONSTRUCTION
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation

Capital Project:
Riverfront State Prison
Replace Facilities Systems Computer $900,000
Northern State Prison
Water Line Replacement 200,000
Albert C. Wagner Youth Correctional Facility
Upgrade Water Treatment Plant 1,422,000

19 Central Planning, Direction and Management

Capital Project:
Division of Management and General Support
Critical Repairs $1,000,000
Emergency Generators 1,000,000
Fire Safety Code Compliance 2,000,000
Perimeter Security Enhancements, Various Facilities 2,746,000
Permanent Secure Housing Construction 8,000,000
Roof Replacement/Repairs 1,000,000
Security Improvements 4,656,000
Highpoint Cleanup 600,000
Sewage Separators and System Upgrades 1,033,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Corrections, Total State Appropriation $922,630,000

Balances on hand as of June 30, 1999 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.1 et seq.).

Of the amount hereinabove for the Department of Corrections, no sums shall be charged to the State Lottery Fund.

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $749,271,000
Grants-In-Aid 148,802,000
Capital Construction 24,557,000
Appropriation by Fund:
General Fund $922,630,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development
31 Direct Educational Services and Assistance

DIRECT STATE SERVICES

04-5064 Adult and Continuing Education $364,000
05-5064 Bilingual Education and Equity Issues 369,000
07-5065 Special Education 173,000
Total Direct State Services Appropriation, Direct Educational Services and Assistance $906,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($554,000)
Materials and Supplies ..... (21,000)
Services Other Than Personal ..... (69,000)
Maintenance and Fixed Charges ..... (1,000)
Special Purpose:
General Education Development -- GED ..... (261,000)

STATE AID

01-5120 General Formula Aid $3,804,027,000
(From General Fund ..... $124,414,000)
(From Property Tax Relief Fund ..... 3,679,613,000)
02-5120 Nonpublic School Aid 88,540,000
03-5064 Miscellaneous Grants-in-Aid 95,271,000
(From General Fund ..... 67,839,000)
(From Property Tax Relief Fund ..... 27,432,000)
04-5064 Adult and Continuing Education 2,448,000
05-5064 Bilingual Education and Equity Issues 55,473,000
(From Property Tax Relief Fund)
06-5064 Programs for Disadvantaged Youths 190,491,000
(From Property Tax Relief Fund)
07-5065 Special Education 692,251,000
(From Property Tax Relief Fund)
Total State Aid Appropriation, Direct Educational Services and Assistance $4,928,501,000
(Total From General Fund ..... $283,241,000)
(Total From Property Tax Relief Fund ..... 4,645,260,000)
State Aid:
01 Core Curriculum Standards Aid ..... ($114,439,000)

01 Core Curriculum Standards Aid (PTRF) .... (2,730,623,000)
01 Rewards and Recognition ..... (9,975,000)
01 Abbott v. Burke Parity Remedy (PTRF) ..... (254,433,000)
01 Abbott Supplemental Funding (PTRF) ..... (37,000,000)
01 Supplemental Core Curriculum Standards Aid (PTRF) ..... (143,741,000)
01 Additional Supplemental Core Curriculum Standards Aid (PTRF) ..... (32,952,000)
01 Early Childhood Aid (PTRF) ..... (312,707,000)
01 Instructional Supplement (PTRF) ..... (16,600,000)
01 Stabilization Aid (PTRF) ..... (31,470,000)
01 County Special Services Tuition Stabilization (PTRF) ..... (500,000)
01 Supplemental Stabilization Aid (PTRF) ..... (53,025,000)
01 Large Efficient District Aid (PTRF) ..... (7,500,000)
01 Supplemental School Tax Reduction Aid (PTRF) ..... (10,387,000)
01 Aid for Districts with High Senior Citizen Populations (PTRF) ..... (921,000)
01 Stabilization Aid II (PTRF) ..... (32,125,000)
01 Stabilization Aid III (PTRF) ..... (34,796,000)
01 Aid for Enrollment Adjustments (PTRF) ..... (11,896,000)
02 Nonpublic Textbook Aid ..... (8,973,000)
02 Nonpublic Handicapped Aid ..... (25,071,000)
02 Nonpublic Auxiliary Services Aid ..... (31,880,000)
02 Nonpublic Auxiliary/Handicapped Transportation Aid ..... (2,084,000)
02 Nonpublic Nursing Services Aid ..... (12,502,000)
02 Nonpublic School Technology Aid ..... (8,000,000)
02 Emergency Fund ..... (100,000)
02 Payments for Institutionalized Children -- Unknown District of Residence ..... (12,356,000)
02 St. Bartholomew Interparochial School -- Science Lab, Scotch Plains ..... (30,000)
03 Adult and Postsecondary Education Grants (PTRF) ..... (26,712,000)
03 Distance Learning Network Aid ..... (54,473,000)
03 Distance Learning Network Grants -- County Special Services School Districts (PTRF) ..... (120,000)
03 Consolidation of Services Grant ..... (600,000)
03 Totowa Board of Education -- ADA Improvements ..... (85,000)
03 Hunterdon Central Regional High School -- Elevator Construction ..... (250,000)
03 Sussex -- Wantage Regional School -- Elevator for ADA Compliance ..... (100,000)
03 Wallington -- Total Language Immersion Program ..... (75,000)

03 Educational Information and Resource Center ..... (400,000)
04 Evening School for the Foreign Born ..... (211,000)
04 High School Equivalency ..... (1,213,000)
04 Adult Literacy ..... (1,024,000)
05 Bilingual Education Aid (PTRF) ..... (55,473,000)
06 Demonstrably Effective
Program Aid (PTRF) ..... (190,491,000)
07 Special Education Aid (PTRF) ..... (682,251,000)
07 Extraordinary Special Education
Costs Aid (PTRF) ..... (10,000,000)

Less:
Stabilization Growth Limitation (PTRF) 31,063,000

Of the amount hereinabove for Core Curriculum Standards Aid, an amount equal to the total earnings of investments of the School Fund shall first be charged to such fund.

Notwithstanding the provisions of section 8 of P.L.1991, c.226 (C.18A:40-30), the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 1998.

Notwithstanding the provisions of any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of these children in such private schools.

Notwithstanding any other law to the contrary, special education aid for pupils classified as eligible for day training shall be paid directly to the resident school district; provided however, that for pupils under contract for service in a regional day school operated by or under contract with the Department of Human Services, tuition shall be withheld and paid to the Department of Human Services.

Notwithstanding the provisions of section 29 of P.L.1996, c.138 (C.18A:7F-29), the amount appropriated hereinabove for Rewards and Recognition shall be made available to qualifying schools based upon a per pupil amount for the projected number of pupils enrolled in qualifying schools for the budget year in the grade levels eligible to take the most recent eighth grade early warning test and the high school proficiency test.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 1999-2000 school year for the purposes of computing nonpublic auxiliary services aid shall equal $730.73.

Of the amount hereinabove in the High School Equivalency and the Adult Literacy accounts, such sums as are necessary may be transferred to an applicant State department.

Notwithstanding any other provision of P.L.1996, c.138 (C.18A:7F-1 et seq.) the County Special Services School Districts' tuition losses provided for in subsection b. of section 3 of P.L.1971, c.271 (C.18A:46-31) as amended by section 77 of P.L.1996, c.138 shall be calculated by using the enrollment counts taken on October 15 in order to compare the budget to the pre-budget year.

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46A-19.8) for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts shall be: $1,135.24 for an initial evaluation or reevaluation for examination and classification: $340.39 for an annual review for examination and classification; and $862.76 for speech correction.

Nonpublic School Technology Initiative Aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of $40 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

In addition to the aid provided hereinabove, there is appropriated such amount as may be necessary to enable the department to distribute supplementary State aid to reimburse any school district which was previously involved in a sending-receiving relationship with an "Abbott district" for the education of its grade 9-12 students but which subsequently joined a limited purpose regional school district for grades 9-12 as approved by both school districts during the 1996-97 school year. The additional aid shall be distributed to the district to fund any remaining tuition obligation to the "Abbott district" which the district incurred through the 1996-97 school year and any outstanding tuition obligation to the limited purpose regional school district which the district incurred for the 1997-98 school year. The additional aid received shall be an adjustment to the district's spending growth limitation. A district receiving aid pursuant to this provision may apply some or all of the additional funds to its originally certified General fund tax levy for the 1999-2000 school year and shall file a revised certificate and report of school taxes from A4P with its county board of taxation.

Notwithstanding any other law to the contrary, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding any other law to the contrary, Special Education Aid for pupils classified as eligible for day training shall be paid directly to the resident school district; provided however, that for pupils under contract for service in a regional day school operated by or under contract with the Department of Human Services, tuition shall be withheld and paid to the Department of Human Services.

The Commissioner of Education shall not authorize the disbursement of funds to any "Abbott district" until the commissioner is satisfied that all educational expenditures in the district will be spent effectively and efficiently in order to enable those students to achieve the Core Curriculum Content Standards. The commissioner shall be authorized to take any necessary action to fulfill this responsibility. The commissioner may deduct from the State aid of any "Abbott district" the expenses required to manage, control and supervise the implementation of that State aid. In order to expeditiously fulfill the responsibilities of the commissioner under the Abbott order, determinations by the commissioner hereunder shall be considered to be final agency action and appeal of that action shall be directly to the Appellate Division of the Superior Court.

The unexpended balances as of June 30, 1999, in the Abbott v. Burke Parity Remedy account shall be held in escrow and the Commissioner of Education shall disburse the funds in such amounts as the commissioner deems necessary for the purpose of implementing whole school reform initiatives in the "Abbott districts."

The unexpended balances due to enrollment adjustments made pursuant to the fiscal year 1999 appropriations act, as of June 30, 1999 in the Abbott v. Burke Parity Remedy account is appropriated for the same purpose and with the same conditions as are applied to the fiscal year 2000 appropriation for this purpose.

Notwithstanding any other law to the contrary, "district income" for the purposes of section 14 of P.L.1996, c.138 (C.18A:7F-14) shall mean the aggregate of total income reported on NJ-1040 for 1996 and all public assistance including Aid for Families with Dependent Children for 1996 of the residents of the taxing district or taxing districts.

Notwithstanding any other law to the contrary, State aid for each "Abbott district" whose per pupil regular education expenditure for 1999-2000 under P.L.1996, c.138 is below the estimated per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1999-2000 shall be increased. The amount of increase shall be appropriated as Abbott v. Burke Parity Remedy Aid and shall be determined as follows: funds shall be allocated in the amount of the difference between each "Abbott district's" per pupil regular education expenditure for 1999-2000 and the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99 indexed by the actual percentage increase in the per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99 over the per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1997-98. In calculating the per pupil regular education expenditure of each "Abbott district" for 1999-2000, regular education expenditure shall equal the sum of the general fund tax levy for 1998-99, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid and all forms of stabilization aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10); enrollments shall initially be those resident enrollments for preschool through grade 12 contained on the Application for State School Aid for 1999-2000 indexed by the annual growth rates used to determine the estimated enrollments of October 1999 for calculation of Core Curriculum Standards Aid and T & E budgets for 1999-2000; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments. State aid shall be adjusted upon receipt of resident enrollment for the "Abbott districts" as of October 15, 1999 as reflected on the Application for State School Aid for 2000-2001. State aid shall also be adjusted based on the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1999-2000. In calculating the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1999-2000, regular education expenditure shall equal the sum of the general fund tax levy for 1999-2000, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid and all forms of stabilization aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10); enrollments shall be the resident enrollment for preschool through grade 12 as of October 15, 1999 as reflected on the

Application for State School Aid for 2000-2001; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments in districts receiving Early Childhood program aid.

The expenditures associated with the amounts appropriated herein for Abbott v. Burke Parity Remedy Aid shall not be included in the calculation of the actual cost per pupil for tuition purposes, pursuant to a sending/ receiving agreement.

Notwithstanding any other law to the contrary, as a condition of receiving Abbott v. Burke Parity Remedy Aid, an "Abbott district" shall raise a general fund tax levy which shall be no less than the difference between the product of the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99 indexed by the actual percentage increase in the per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99 over the per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1997-98 multiplied by each "Abbott district's" estimated "resident enrollment" for October 15, 1999 less one half of kindergarten enrollments and the sum of Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, all forms of stabilization aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10) and Abbott v. Burke Parity Remedy Aid.

Pursuant to subsections c. and h. of section 10 of P.L.1996, c.138 (C.18A:7F-10), any district which received Supplemental Stabilization Aid in 1998-99 shall receive an amount equal to that received in 1998-99.

Pursuant to subsection b. of section 5 of P.L.1996, c.138 (C.18A:7F-5), any district which received Supplemental Core Curriculum Standards Aid pursuant to subsection b. of section 5 of P.L.1996, c.138 (C.18A:7F-5) in 1998-99 shall receive an amount equal to that received in 1998-99.

Notwithstanding any other provision of P.L.1996, c.138 (C.18A:7F-1 et seq.) the County Special Services School Districts' tuition losses provided for in subsection b. of section 3 of P.L.1971, c.271 (C.18A:46-31) as amended by section 77 of P.L.1996, c.138 shall be calculated by using the enrollment counts taken on October 15 in order to compare the budget to the pre-budget year.

Pursuant to subsection a. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the net amount hereinabove appropriated for 1998-99 enrollment adjustments in the Aid for Enrollment Adjustments and Debt Service account shall be determined by using the actual October 15, 1998 pupil counts to recalculate the State aid amounts payable to each district for the 1998-99 school year, for each aid category impacted by enrollment under the provisions of the "Comprehensive Educational Improvement and Financing Act of 1996," other than rewards and recognition, and comparing the recalculated amounts to the amounts originally determined as payable to the district for the 1998-99 school year for each aid category based upon the projected October 15, 1998 pupil counts. For the purposes of this recalculation, the State's Core Curriculum Standards Aid contribution for the 1998-99 school year shall be determined by indexing the amount for the 1997-98 school year by the sum of 1.0, the CPI and the actual State average enrollment growth percentage between the 1998-99 and 1997-98 school years and the Core Curriculum Standards Aid amount payable to each district shall be calculated using the October 15, 1998 pupil counts, the formulas and criteria contained in

sections 12 through 15 of P.L.1996, c.138 (C.18A:7F-12 through 18A:7F-15) and based upon this indexed amount of Statewide available Core Curriculum Standards Aid. Corrections made after January 27, 1999 to Core Curriculum Standards Aid and Debt Service Aid resulting from a correction of the October 15, 1998 pupil counts, district income or any other discrepancy shall be calculated using the multipliers and county shares established on January 27, 1999 pursuant to subsection a. of section 14 of P.L.1996, c.138 (C.18A:7F-14) and the other language in this paragraph. The percentage concentration of low income pupils for each district or each individual school used for the purposes of recalculating Early Childhood program aid, Demonstrably Effective Program Aid and Instructional Supplement Aid shall remain the same as the percentage concentration originally determined for the 1998-99 school year. The percentage concentration of low income pupils for individual schools in operation on October 15, 1998 that would otherwise qualify for Demonstrably Effective Program Aid that were not in operation on October 15, 1997 shall be redetermined based upon the actual October 15, 1998 pupil counts for the school.

Notwithstanding any other law to the contrary, districts shall receive Stabilization Aid II in an amount to limit the decrease between the sum of Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Abbott v. Burke Parity Remedy Aid, Stabilization Aid, additional Supplemental Stabilization Aid, Supplemental School Tax Reduction Aid, Distance Learning Network Aid, categorical aids for Special Education programs, Bilingual Education programs, and County Vocational Programs, Early Childhood Program Aid, Demonstrably Effective Program Aid, Instructional Supplement Aid, Transportation Aid, Aid for Adult, Postgraduate and Post-Secondary Programs, and Academic Achievement rewards received in the 1998-99 school year and the sum of the same categories to be received in 1999-2000 school year to 1 percent of the district's net budget for the 1998-99 school year. For this purpose the Abbott v. Burke Parity Remedy Aid adjustments for the 1998-99 school year shall be applied to state aid payable for the 1999-2000 school year.

Notwithstanding any other law to the contrary, when calculating the State aid adjustments for 1998- 1999 pursuant to subsection a. of section 5 of P.L.1996, c.138 (C.18A:7F-5) , districts which did not experience a projected or actual decline in enrollment between October 15, 1997 and October 15, 1998 shall receive stabilization aid in the amount of any decrease between the sum of Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Abbott v. Burke Parity Remedy Aid, Stabilization Aid, additional Supplemental Stabilization Aid, Supplemental School Tax Reduction Aid, Distance Learning Network Aid, categorical aids for Special Education programs, Bilingual Education programs, and County Vocational Programs, Early Childhood Program Aid, Demonstrably Effective Program Aid, Instructional Supplement Aid, Transportation Aid, Aid for Adult, Postgraduate and Post-Secondary Programs, and Academic Achievement rewards received in the 1997-98 school year and the adjusted sum of the same categories for 1998-99 including additional Supplemental Stabilization Aid for districts which had pupils placed in a county special services school district.

Notwithstanding section 11 of P.L.1996, c.138 (C.18A:7F-11), $5,000,000 of the State's Core Curriculum Standards Aid contribution for the 1999-2000 school year shall be held in reserve pending the determination of income appeals filed pursuant to section 15 of P.L.1996, c.138 (C.18A:7F-15). In addition to the amount appropriated hereinabove for Core Curriculum Standards Aid, there is appropriated $5,000,000 for such purpose. In determining income appeals the property value multiplier and income multipliers shall be the same as originally calculated.

Notwithstanding the provisions of subsection d. of section 10 of P.L.1996, c.318 (C.18A:7F-10), each school district which receives State aid pursuant to the provisions of that subsection shall be entitled to receive aid in the amount of an additional $750,000 per school district.

Notwithstanding any other law to the contrary, districts which experienced an average annual increase in enrollment over the past 6 years from October 15, 1998 and October 15, 1992 as determined by the commissioner shall receive Stabilization Aid III in the amount of any decrease between the sum of Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Abbott v. Burke Parity Remedy Aid, Stabilization Aid, additional Supplemental Stabilization Aid, Supplemental School Tax Reduction Aid, Distance Learning Network Aid, categorical aids for Special Education programs, Bilingual Education programs, and County Vocational Programs, Early Childhood Program Aid, Demonstrably Effective Program Aid, Instructional Supplement Aid, Transportation Aid, Aid for Adult, Postgraduate and Post-Secondary Programs, Academic Achievement Rewards and Stabilization Aid II received in the 1998-99 school year and the sum of the same categories to be received in the 1999-2000 school year, when the amount of the aid decrease divided by the district's equalized valuation determined pursuant to section 3 of P.L.1996 c.138 (C.18A:7F-3) rounds to an amount that is equal to or greater than .0002. For this purpose the amount of Stabilization Aid II received in the 1999-2000 school year shall be calculated as if the decrease in aid in accordance with the requirements of that paragraph had limited the decrease to 2 percent of the district's net budget for the 1998-99 school year and the Abbott v. Burke Parity Remedy Aid adjustments for the 1998-99 school year shall be applied to State aid payable for the 1999-2000 school year.

Notwithstanding any other law to the contrary, districts that were subject to a Stabilization Aid reduction in 1997-98 pursuant to subsection a. of section 10 of P.L.1996, c.138 (C.18A:7F-10) that will receive a State aid increase in excess of 75 percent, shall be permitted to increase their maximum permitted spending for the 1999-2000 school year beyond the level established in section 5 of P.L.1996, c.138 (C.18A:7F-5) by an amount equal to 50 percent of the projected increase in aid.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf $10,138,000

13-5011 Program For Behaviorally Difficult Deaf Pupils 862,000
Total Appropriation, State and All Other Funds $11,000,000
Less:
All Other Funds
Marie H. Katzenbach School for the Deaf $7,035,000
Program for Behaviorally Difficult Deaf Pupils 862,000
Total Deductions $7,897,000
Total Direct State Services Appropriation, Operations and Support of Educational Institutions $3,103,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($8,549,000)
Employee Benefits ..... (100,000)
Materials and Supplies ..... (1,054,000)
Services Other Than Personal ..... (316,000)
Maintenance and Fixed Charges ..... (542,000)
Special Purpose:
12 Transportation Expenses for Students ..... (39,000)
Additions, Improvements and Equipment ..... (400,000)
Less:
All Other Funds 7,897,000

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other statute, for the 1999-2000 academic year, local boards of education shall reimburse the Marie H. Katzenbach School for the Deaf at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility and for capital costs at the school, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999, in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance as of June 30, 1999, in the receipt account of the Positive Learning Understanding Support (PLUS) program is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

The unexpended balance as of June 30, 1999, of receipts derived from charges at the regional schools for the handicapped is appropriated for the costs associated with the regional schools' facilities.

33 Supplemental Education and Training Programs
DIRECT STATE SERVICES

20-5062 General Vocational Education $469,000
Total Direct State Services Appropriation, Direct Supplemental Education and Training Programs $469,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($412,000)
Materials and Supplies ..... (26,000)
Services Other Than Personal ..... (31,000)

STATE AID

20-5062 General Vocational Education $39,549,000
(From General Fund ..... $5,460,000)
(From Property Tax Relief Fund ..... 34,089,000)
Total State Aid Appropriation, Direct Supplemental Education and Training Programs $39,549,000
(Total From General Fund ..... $5,460,000)
(Total From Property Tax Relief Fund ..... 34,089,000)
State Aid:
20 Vocational Education ..... (5,460,000)
20 County Vocational Program Aid (PTRF) ..... (34,089,000)

34 Educational Support Services
DIRECT STATE SERVICES

29-5029 Educational Technology $289,000
30-5063 Academic Programs and Standards 17,794,000
31-5060 Grants Management and Development 245,000
32-5061 Professional Development and Licensure 1,692,000
33-5067 Service to Local Districts 4,872,000
36-5120 Pupil Transportation 391,000
38-5120 Facilities Planning and School Building Aid 305,000
40-5064 Health, Safety and Community Services 3,566,000
Total Direct State Services Appropriation, Educational Support Services $29,154,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($12,122,000)
Materials and Supplies ..... (336,000)
Services Other Than Personal ..... (677,000)
Maintenance and Fixed Charges ..... (59,000)
Special Purpose:
30 Improved Basic Skills/Special Review Assessment ..... (95,000)
30 Statewide Assessment Program (Grades 4, 8, 11) ..... (14,729,000)
30 Core Curriculum Standards ..... (100,000)
30 Professional Development -- Training Centers .... (200,000)
30 Charter School Innovation Network ..... (150,000)
30 Continuing Education ..... (242,000)
40 Advisory Council on Holocaust Education ..... (201,000)
Additions, Improvements and Equipment ..... (243,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1999, are appropriated for the operation of the Professional Development and Licensure programs.

The unexpended balance as of June 30, 1999, in the Inspection of school construction account and receipts in excess of the amount anticipated, are appropriated for the operation of the school construction inspection program.

The unexpended balance as of June 30, 1999 in the Statewide Assessment Program (Grades 4, 8, 11) is appropriated for the operation of the assessment program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there is appropriated an amount not to exceed $1,500,000 for the costs of implementing the Statewide Assessment Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1999 of such receipts, are appropriated for the cost of operation.

GRANTS-IN-AID

30-5063 Academic Programs and Standards $2,713,000
Total Grants-in-Aid Appropriation, Educational Support Services $2,713,000

Grants-in-Aid:

30 Statewide Systemic Initiative to Reform Mathematics and Science Education ..... ($158,000)
30 Governor's School ..... (955,000)
30 Professional Development Training Centers ..... (750,000)
30 Arts Programs for Teenagers ..... (100,000)
30 The Children's Institute ..... (150,000)
30 Community School of Bergen County ..... (200,000)
30 New Jersey Business/Industry Science Education Consortium ..... (150,000)
30 Liberty Science Center -- School Visit Subsidy Program ..... (250,000)

The amount appropriated hereinabove for the Governor's School is payable to the four Governor's Schools: The College of New Jersey - Governor's School of the Arts, The Richard Stockton College of New Jersey - Governor's School on the Environment, Monmouth University - Governor's School on Public Issues, and Drew University - Governor's School in the Sciences.

STATE AID

36-5120 Pupil Transportation $266,789,000
(From General Fund ..... $1,000,000)
(From Property Tax Relief Fund ..... 265,789,000)
38-5120 Facilities Planning and School Building Aid 156,264,000
(From General Fund ..... 7,147,000)
(From Property Tax Relief Fund ..... 149,117,000)
39-5095 Teachers' Pension and Annuity Assistance 700,429,000
(From General Fund ..... 19,922,000)

(From Property Tax Relief Fund . . . . . 680,507,000)
Total State Aid Appropriation, Educational Support Services $1,123,482,000
(Total From General Fund . . . . . 28,069,000)
(Total From Property Tax Relief Fund . . . . . 1,095,413,0000)

State Aid:

36 School Bus Crossing Arms . . . . . ($1,000,000)
36 Transportation Aid (PTRF) . . . . . (265,789,000)
38 School Building Aid Debt Service . . . . . (7,147,000)
38 School Building Aid (PTRF) . . . . . (149,117,000)
39 Minimum Pension for Pre-1955 Retirees . . . . . (6,000)
39 Additional Health Benefits . . . . . (19,916,000)
39 Teachers' Pension and Annuity Fund (PTRF) . . . . . (119,948,000)
39 Social Security Tax (PTRF) . . . . . (491,368,000)
39 Debt Service on Pension Obligation Bonds (PTRF) . . . . . (69,191,000)

The unexpended balance as of June 30, 1999 in the School Construction and Renovation Fund is appropriated for the same purpose.

In addition to the amounts hereinabove for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Each district shall be entitled to School Building Aid for school bond and lease purchase agreement payments for interest and principal payable during the 1999-2000 school year by using the district State share percentage of the district's Core Curriculum Standards Aid amount determined pursuant to subsection d. of section 15 of P.L.1996, c.138 (C.18A:7F-15) to its T & E budget, determined pursuant to subsection d. of section 13 of P.L.1996, c.138 (C:18A:7F-13). Debt service shall also be adjusted for corrections to the 1997-98 principal and interest amounts.

Notwithstanding section 25 of P.L.1996, c.138 (C.18A:7F-25), the Commissioner of Education shall apportion Transportation Aid among the districts by providing each district 93.47 percent of the amount of transportation aid that would have been apportioned to the district had the full amount of State aid required by section 25 of P.L.1996, c.138 (C.18A:7F-25) been appropriated.

In addition to the amount appropriated hereinabove for Pupil Transportation, there is appropriated an amount determined by the Commissioner of Education to be necessary, subject to the approval of the Director of the Division of Budget and Accounting, to reimburse school districts for payments made for the expanded eligibility for transportation costs as provided as follows: Notwithstanding the provisions of N.J.S.18A:39-1 to the contrary, if a school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the most recent federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

35 Education Administration and Management

DIRECT STATE SERVICES

42-5120 School Finance	$2,664,000
43-5092 Compliance and Auditing	1,040,000
99-5010 Management and Administrative Services	8,310,000
Total Direct State Services Appropriation, Education Administration and Management	$12,014,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($9,785,000)
Materials and Supplies	(318,000)
Services Other Than Personal	(1,040,000)
Maintenance and Fixed Charges	(76,000)
Special Purpose:	
99 State Board of Education Expenses	(62,000)
99 Affirmative Action and Equal Employment Opportunity	(49,000)
99 Information Technology -- Abbott Support	(335,000)
Additions, Improvements and Equipment	(349,000)

Such sums as may be necessary for the operating costs of the audit of enrollment registers are appropriated from revenues that may be received or are receivable for this program, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated, such sums as may be necessary for the Department of Education to conduct comprehensive compliance investigations are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Additional sums as may be necessary for the Department of Education for the cost of the internal audit function in a State-operated school district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1999 of such receipts are appropriated for the cost of operation.

The unexpended balance as of June 30, 1999 in the CEIFA Implementation account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

42-5120 School Finance	$5,000,000
(From Property Tax Relief Fund	*$5,000,000)*

Total State Aid Appropriation, Education Administration and Management $5,000,000
(Total From Property Tax Relief Fund ..... $5,000,000)
State Aid:
42 Whole School Reform Incentive Grants ..... ($5,000,000)

CAPITAL CONSTRUCTION

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
5011 Marie H. Katzenbach School for the Deaf

Capital Project:
Marie H. Katzenbach School for the Deaf:
Bathroom Renovations $51,000
Fire Protection 97,000
Re-Roofing of Various Buildings 99,000
Replace Windows and Doors 213,000

30 Educational, Cultural and Intellectual Development
35 Education Administration and Management
5095 Division of Administration

Capital Project:
Division of Administration:
Preservation Projects, Regional Day Schools 110,000
Roof Replacement and HVAC Repairs, Regional Day Schools 1,280,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Education, Total State Appropriation $6,146,741,000

Of the amount hereinabove from the General Fund for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page I-45 in the Governor's Budget Recommendation Document dated January 25, 1999 first shall be charged to the State Lottery Fund.

The unexpended balances as of June 30, 1999 in the State Aid General Fund accounts, not to exceed $650,000, are appropriated to the State Aid Supplemental Funding account.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, providing unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Budget Accounting may transfer from one account in the appropriations for the Department of Education in the Property Tax Relief Fund to another account in the same Department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State aid to local school districts and provided that sufficient funds are available in the appropriations for that department.

Notwithstanding any other provision of law to the contrary, the repayment by the Hudson Association for Retarded Citizens to the Department of Education of the unexpended balance of a Special Education Programs grant from federal funds received from a fiscal year 1990 appropriation made pursuant to the early intervention program, Part H, under a grant agreement for an AIDS infant-parent pilot program, and of any other funds remaining to be paid to the department from unexpended balances from fiscal year 1990 State appropriations shall be deferred during fiscal year 2000.

In order to ensure that State appropriations for public schools are expended to support a thorough and efficient system of education, for the purposes of subsection d. of section 4 of P.L.1995, c.426 (C.18A:36A-4), a decision rendered by the State Board of Education within 45 days of the receipt of an appeal shall be regarded as having been rendered within 30 days.

Any surplus funds of a regional school district dissolved on June 30, 1997 received by a former constituent of said regional school district where the equalized school tax rate for the 1997-98 school year was more than 120 percent of the combined local and regional equalized school tax rate for 1996-97 shall be returned to the State as reimbursement for State aid provided to such district in the 1998-99 school year to reduce the school tax increase resulting from the dissolution, provided however, that the return to the State shall not be paid prior to the 2000-2001 fiscal year.

Summary of Department of Education Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$45,646,000
Grants-in-Aid	2,713,000
State Aid	6,096,532,000
Capital Construction	1,850,000
Appropriation by Fund:	
General Fund	$366,979,000
Property Tax Relief Fund	5,779,762,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
DIRECT STATE SERVICES

11-4870	Forest Resource Management	$6,836,000
12-4875	Parks Management	36,490,000
13-4880	Hunters' and Anglers' License Fund	11,529,000
14-4885	Shellfish and Marine Fisheries Management	1,313,000

20-4880	Wildlife Management	546,000
21-4895	Natural Resources Engineering	1,433,000
24-4876	Palisades Interstate Park Commission	2,026,000
	Total Direct State Services Appropriation, Natural Resource Management	$60,173,000

Direct State Services:

Personal Services:	
Salaries and Wages	($40,170,000)
Materials and Supplies	(3,678,000)
Services Other Than Personal	(1,854,000)
Maintenance and Fixed Charges	(3,629,000)
Special Purpose:	
11 Fire Fighting Costs	(1,905,000)
12 Additional Park Staff	(1,500,000)
12 Site Restoration and Maintenance	(500,000)
12 Open Space Administrative Costs	(350,000)
12 Green Acres Administration	(4,054,000)
12 Liberty State Park Commission	(22,000)
12 Expenses of the Delaware and Raritan Canal Commission	(389,000)
12 Staffing Increase -- Cape May Point State Park	(85,000)
12 Natural Lands Trust	(135,000)
12 Natural Areas Council	(5,000)
20 Endangered Species Tax Check-Off Donations	(346,000)
20 Black Bear Response Team	(200,000)
21 Dam Repair Administrative Costs	(284,000)
Additions, Improvements and Equipment	(1,067,000)

An amount equivalent to 75% of receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance as of June 30, 1999 of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1985, c.533 (C.13:1E-99.1 et seq.) or any other law to the contrary, of the amount hereinabove for Parks Management $725,000 is appropriated from the Clean Communities Fund to offset the cost of Parks' litter pickup program.

The unexpended balance as of June 30, 1999 in the Delaware and Raritan Canal Commission, Canal Corridor, Base Maps account is appropriated.

The amount hereinabove for the Green Acres Administration account is appropriated from the 1995 New Jersey Green Acres Fund and the 1995 New Jersey Green Trust Fund pursuant to the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, together with an amount not to exceed $1,880,000 subject to the approval of the Director of the Division of Budget and Accounting, for the administration of the Green Acres program.

Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance as of June 30, 1999 of such receipts, are appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund is payable out of that Fund and any amount remaining therein and the unexpended balance as of June 30, 1999 in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such sums as may be necessary to offset revenue losses associated with the issuance of free hunting and fishing licenses to active members of the New Jersey State National Guard. The amount to be appropriated shall be certified by the Division of Fish, Game and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account as of June 30, 1999, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

An amount not to exceed $1,579,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $280,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

The amount hereinabove for the Dam Repair Administrative Costs accounts is appropriated from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, together with an amount not to exceed $160,000 subject to the approval of the Director of the Division of Budget and Accounting, for administrative costs related to this bond fund.

GRANTS-IN-AID

21-4895 Natural Resources Engineering	$200,000
Total Grants-in-Aid Appropriation, Natural Resource Management	$200,000
Grants-in-Aid:	
21 Surf City Bulkhead Project	($100,000)
21 Bulkhead Replacement/Restoration -- Ocean Township (Ocean County)	(100,000)

43 Science and Technical Programs
DIRECT STATE SERVICES

01-4820 Radiation Protection	$4,961,000
02-4801 Air Pollution Control	2,063,000
05-4810 Water Supply and Watershed Management	507,000
07-4850 Water Monitoring and Planning	1,175,000
18-4810 Science and Research	2,733,000
22-4861 Water Quality Management	398,000
29-4815 Environmental Remediation and Monitoring	5,000,000

90-4801 Watershed Management Planning	1,999,000
Total Direct State Services Appropriation, Science and Technical Programs	$18,836,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($6,930,000)
Materials and Supplies	(190,000)
Services Other Than Personal	(987,000)
Maintenance and Fixed Charges	(221,000)
Special Purpose:	
01 Nuclear Emergency Response	(1,744,000)
01 Quality Assurance -- Lab Certification Programs	(887,000)
05 Safe Drinking Water Fund	(507,000)
07 Monmouth County Clam Depuration and Relay	(150,000)
18 Environmental Indicators and Monitoring	(700,000)
18 Hazardous Waste Research	(500,000)
29 Water Resources Monitoring and Planning -- Constitutional Dedication	(5,850,000)
Additions, Improvements and Equipment	(170,000)

There is allocated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from the Motor Vehicle Inspection Fund, established in subsection j. of R.S.39:8-2 such sums as may be necessary to administer and implement the Inspection and Maintenance program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances as of June 30, 1999 in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed $759,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII,

Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 1999 in the Water Resources Monitoring and Planning-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

07-4850 Water Monitoring and Planning $300,000
Total State Aid Appropriation, Science and Technical Programs $300,000

State Aid:
07 Englishtown Borough -- Lake Dredging Project ..... ($100,000)
07 Medford Township -- Lake Restoration ..... (200,000)

44 Site Remediation

DIRECT STATE SERVICES

19-4815 Publicly-Funded Site Remediation $5,090,000
27-4815 Responsible Party Site Remediation 21,887,000
29-4815 Environmental Remediation and Monitoring 5,800,000
Total Direct State Services Appropriation, Site Remediation $32,777,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($7,588,000)
Materials and Supplies ..... (276,000)
Services Other Than Personal ..... (1,849,000)
Maintenance and Fixed Charges ..... (473,000)
Special Purpose:
27 Hazardous Discharge Site Cleanup Fund -- Responsible Party ..... (15,386,000)
27 Underground Storage Tanks ..... (714,000)
29 Clean-up Projects Administrative Costs -- Constitutional Dedication ..... (5,800,000)
Additions, Improvements and Equipment ..... (691,000)

In addition to site specific charges, the amounts hereinabove for the Publicly-Funded Site Remediation and the Responsible Party Site Remediation program classifications, excluding the Hazardous Discharge Site Cleanup Fund-Responsible Party, and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed $4,662,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program class, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for

damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed $7,550,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Underground Storage Tanks is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 1999 in the Cleanup Projects Administrative Costs-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

GRANTS-IN-AID

19-4815 Publicly-Funded Site Remediation	$70,000
Total Grants-in-Aid Appropriation, Site Remediation	$70,000

Grants-in-Aid:

19 Edgewater Park Township --
Soil Removal ($70,000)

45 Environmental Regulation

DIRECT STATE SERVICES

02-4892 Air Pollution Control	$5,807,000
05-4840 Water Supply and Watershed Management	7,187,000
08-4891 Water Pollution Control	7,419,000
09-4860 Public Wastewater Facilities	2,782,000
15-4890 Land Use Regulation	6,818,000
23-4910 Solid and Hazardous Waste Management	9,966,000
Total Direct State Services Appropriation, Environmental Regulation	$39,979,000

Direct State Services:

Personal Services:
Salaries and Wages ($21,971,000)
Materials and Supplies (447,000)
Services Other Than Personal (3,867,000)
Maintenance and Fixed Charges (241,000)

Special Purpose:
05 Administrative Costs Water Supply Bond Act of 1981 -- Management ..... (985,000)
05 Administrative Costs Water Supply Bond Act of 1981 -- Watershed and Aquifer ..... (1,270,000)
05 Administrative Costs Water Supply Bond Act of 1981 -- Planning and Standards ..... (836,000)
05 Water/Wastewater Operators Licenses ..... (43,000)
05 Office of Rivermaster ..... (58,000)
05 Safe Drinking Water Fund ..... (1,517,000)
09 1992 Wastewater Treatment Fund ..... (2,782,000)
15 Tidelands Resource Council ..... (25,000)
15 Tidelands Peak Demands ..... (1,896,000)
15 Office of Permit Information and Assistance ..... (534,000)
23 Pollution Prevention ..... (1,625,000)
23 Sanitary Landfill Facility Contingency Fund -- Administration ..... (416,000)
23 Major Hazardous Waste Facilities Siting Act -- Siting Commission ..... (60,000)
23 Administration of Resource Recovery and Solid Waste Disposal Facility Fund ..... (224,000)
23 Recycling of Solid Waste ..... (959,000)
Additions, Improvements and Equipment ..... (223,000)

The amounts hereinabove for the Administrative Costs Water Supply Bond Act of 1981 - Water Supply Management; Watershed and Aquifer; and Planning and Standards accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount, not to exceed $1,290,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount hereinabove for the Water Supply and Watershed Management program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

The amount hereinabove for the 1992 Wastewater Treatment Fund account is appropriated from the 1992 Wastewater Treatment Fund, created pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, together with an amount not to exceed $1,199,000, for costs attributable to the administration of wastewater treatment system projects, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund - Administration account is appropriated from the Sanitary Landfill Facility

Contingency Fund, together with an amount not to exceed $177,000, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Administration of Resource Recovery and Solid Waste Disposal Facility Fund account is appropriated from the Resource Recovery and Solid Waste Disposal Facility Fund, together with an amount not to exceed $35,000, for administrative costs related to the Resource Recovery and Solid Waste Disposal Facility program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1981, c.278 (C.13:1E-92 et seq.), as amended by P.L.1985, c.533, the amount hereinabove for the Recycling of Solid Waste account is appropriated from the State Recycling Fund, together with an amount not to exceed $375,000, for the administration of the Recycling of Solid Waste program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of P.L.1985, c.533 (C.13:1E-99.1 et seq.) or any other law to the contrary, all sums in the Clean Communities Account Fund, other than the amounts appropriated from the fund for Parks Management to offset the cost of Parks' litter pickup program and for the Department of Transportation to offset the cost of litter pickup along State highways, shall be distributed as grants to municipalities and counties in accordance with the same criteria used for distribution of grants from the fund pursuant to the fiscal year 1996 appropriations act, P.L.1995, c.164, as determined by the Director of the Division of Budget and Accounting in consultation with the Commissioner of the Department of Environmental Protection.

There are appropriated from the State Recycling Fund and the Clean Communities Account Fund such sums as may be required to carry out the provisions of the "Clean Communities and State Recycling Act," P.L.1981, c.278, as amended by P.L.1985, c.533 (C.13:1E-92 et seq.).

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

The unexpended balance as of June 30, 1999 in the Major Hazardous Waste Facilities Siting Act-Siting Commission account is appropriated.

The amount hereinabove for the Pollution Prevention account is appropriated from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed $547,000, subject to the approval of the Director of the Division of Budget and Accounting, for administration of the Pollution Prevention program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

GRANTS-IN-AID

05-4840 Water Supply and Watershed Management	$278,000
Total Grants-in-Aid Appropriation, Environmental Regulation . .	$278,000

Grants-in-Aid:
05 Green Hills School Site Remediation
and Water Supply ..... ($278,000)

46 Environmental Planning and Administration
DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs $1,890,000
99-4800 Administration and Support Services 15,795,000
Total Direct State Services Appropriation, Environmental
Planning and Administration $17,685,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($13,411,000)
Materials and Supplies ..... (169,000)
Services Other Than Personal ..... (1,494,000)
Maintenance and Fixed Charges ..... (149,000)
Special Purpose:
99 Affirmative Action and Equal
Employment Opportunity ..... (98,000)
Additions, Improvements and Equipment ..... (2,364,000)

GRANTS-IN-AID

99-4800 Administration and Support Services $350,000
Total Grants-in-Aid Appropriation, Environmental
Planning and Administration $350,000
Grants-in-Aid:
99 Black Fly Treatment -- Delaware River ..... ($350,000)
The unexpended balance as of June 30, 1999 in the Black Fly Treatment - Delaware River account is appropriated.

STATE AID

99-4800 Administration and Support Services $10,809,000
Total State Aid Appropriation, Environmental
Planning and Administration $10,809,000
State Aid:
99 Mosquito Control, Research,
Administration and Operations ..... ($470,000)
99 Payments in Lieu of Taxes ..... (4,520,000)
99 Administration, Planning and Development
Activities of the Pinelands Commission ..... (2,654,000)
99 Pinelands Development Credits ..... (3,000,000)
99 Grants to Local Environmental Commissions ..... (165,000)
Receipts derived from the rental of property acquired pursuant to P.L.1969, c.138 (C.58:21A-1 et seq.); P.L.1970, c.147 (C.58:21B-1 et seq.); P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1989, c.183; P.L.1992, c.88; and P.L.1995, c.204, and the unexpended balance as of June 30, 1999 of

such receipts, not to exceed $100,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

If the amount appropriated herein for Payments in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for conservation and recreation purposes, as determined according to the formula for payments in lieu of taxes in the "Garden State Preservation Trust Act," P.L.1999, c.152 such additional sums as are necessary are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The expenditure of funds appropriated hereinabove for Pinelands Development Credits shall be based on the submission of a spending plan by the Commissioner of the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

47 Enforcement Policy

DIRECT STATE SERVICES

02-4825	Air Pollution Control	$4,063,000
02-4855	Air Pollution Control	3,541,000
04-4835	Pesticide Control	1,925,000
08-4855	Water Pollution Control	5,396,000
15-4855	Land Use Regulation	1,643,000
23-4855	Solid and Hazardous Waste Management	3,714,000
	Total Direct State Services Appropriation, Enforcement Policy	$20,282,000

Direct State Services:

Personal Services:	
Salaries and Wages	($13,673,000)
Materials and Supplies	(167,000)
Services Other Than Personal	(1,101,000)
Maintenance and Fixed Charges	(432,000)
Special Purpose:	
02 Toxic Catastrophe Prevention	(830,000)
02 Worker and Community Right to Know Act	(949,000)
02 Oil Spill Prevention	(2,284,000)
15 Tidelands Peak Demands	(711,000)
Additions, Improvements and Equipment	(135,000)

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Trust Fund, and that receipts in excess of the amount anticipated, not to exceed $222,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Oil Spill Prevention program is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those

anticipated, not to exceed $947,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in an amount not to exceed $600,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed $200,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed $50,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and an amount not to exceed $150,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of $1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

STATE AID

08-4855 Water Pollution Control	$2,453,000
Total State Aid Appropriation, Enforcement Policy	$2,453,000
State Aid:	
08 County Environmental Health Act	($2,453,000)

The unexpended balance as of June 30, 1999 in the Operation Clean Shores State Aid account is appropriated for State and local costs attributable to the Cooperative Coastal Monitoring Program, Sewerage Infrastructure Improvement Act monitoring of stormwater systems, and integrated Geographical Information System watershed baseline mapping.

CAPITAL CONSTRUCTION

40 Community Development and Environmental Management
42 Natural Resource Management

Capital Project:	
Bureau of Parks	
Buildings -- Rehabilitation and Renovation	$350,000
Dam Repairs and Inspections	325,000
Day Use Areas -- Development, Rehabilitation and Repairs	350,000
Demolition of Unused Structures	500,000
Ellis Island	2,000,000
Health, Safety and Environmental Compliance	1,250,000
Historical Preservation/Renovation -- Buildings, Structures and Monuments	3,225,000
Overnight Facilities -- Development, Rehabilitation, Improvement and Repair	500,000

Recreational Areas -- Development, Rehabilitation, Improvement and Repair 150,000
Road, Bridge and Parking Area Repairs 500,000
Sanitary Facilities 950,000
Shore Stabilization -- Cape May Point 100,000
Site Areas/Facilities -- Development, Rehabilitation, Improvement and Repair 250,000
Palisades Interstate Park Commission
Sanitary Facilities -- Various Locations 250,000
State Parks and Forests
Maintenance and Restoration 2,000,000
Division of Fish and Game
Dam Repair, Maintenance and Renovation 400,000
Demolition of Unused Structures 1,000,000
Pequest Hatchery Water Treatment 150,000
Natural Resource Engineering:
Shore Protection Fund Projects 25,000,000

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

The amount hereinabove for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed $1,100,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

From the amount hereinabove for Ellis Island, up to $2,000,000 shall be made available to the National Park Service as "matching funds" for the cost and expense of stabilizing buildings and structures on Ellis Island, New Jersey, in accordance with the "South Side Building Stabilization Plan" of the National Park Service, dated December 1997. The moneys appropriated herein shall be a match, on a dollar for dollar basis, for funds appropriated by the Federal Government, in addition to the $2,000,000 appropriated in Fiscal Year 1999, and any other private or public moneys made available to the National Park Service to implement the stabilization plan. The State matching funds shall be made available to the National Park Service pursuant to the terms of an agreement by and between the National Park Service and the Commissioner of the Department of Environmental Protection. The agreement shall provide that the State matching funds appropriated herein shall be disbursed to the National Park Service in such amounts, and at such times, as shall be determined by the Commissioner of the Department of Environmental Protection, with the approval of the Director of the Division of Budget and Accounting. The agreement shall also provide that the commissioner shall have reasonable access to documents and records pertaining to the stabilization project, to ensure that the State matching funds are expended as provided herein. The funding agreement may include such other provisions as the commissioner deems appropriate.

40 Community Development and Environmental Management
44 Site Remediation

Capital Project:
Office of Hazardous Substance Control
Hazardous Substance Discharge Remediation --
Constitutional Dedication $31,310,000
Private Underground Tank Remediation --
Constitutional Dedication 21,440,000

The amounts hereinabove for Hazardous Substance Discharge Remediation - Constitutional Dedication and Private Underground Tank Remediation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L. 1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication, such sums as are necessary, as determined by the Director of the Division of Budget and Accounting, shall be made available for site remediation costs associated with State-owned underground storage tanks.

40 Community Development and Environmental Management
45 Environmental Regulation

Capital Project:
Water Supply and Flood Plain Management
Flood Control HR6 Projects $2,324,000

In addition to the amount hereinabove appropriated for Flood Control HR6 Projects, there is appropriated an amount not to exceed $2,000,000 subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management
*46 Environmental Planning and Administration***Capital Project:**
Administrative Operations
Mosquito Control Equipment $120,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Environmental Protection, Total State Appropriation $298,636,000

The amounts hereinabove for the Safe Drinking Water Fund account are payable out of receipts, and receipts in excess of the amount anticipated, not to exceed $868,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Tidelands Peak Demands account are appropriated from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, together with an amount not to exceed $1,440,000, subject to the

approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any other law, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department's purview.

Notwithstanding the provisions of the "Environmental Fee Fund Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise dedicated herein, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding any other provisions in this act, of the Federal Fund amounts appropriated for the programs included in the Performance Partnership Grant Agreement with the Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$189,732,000
Grants-in-Aid	898,000
State Aid	13,562,000
Capital Construction	94,444,000
Appropriation by Fund:	
General Fund	$298,636,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services
DIRECT STATE SERVICES

01-4215 Vital Statistics	$1,409,000
02-4220 Family Health Services	6,862,000
03-4230 Public Health Protection Services	14,141,000
04-4240 Alcoholism, Drug Abuse and Addiction Services	19,249,000
08-4280 Laboratory Services	4,547,000
12-4245 AIDS Services	2,703,000
Total Direct State Services Appropriation, Health Services	$48,911,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($15,251,000)
Materials and Supplies	(2,508,000)
Services Other Than Personal	(1,121,000)
Maintenance and Fixed Charges	(209,000)

Special Purpose:

01	Electronic Death Certificate	(250,000)
02	WIC Farmers Market Program	(87,000)
02	Emergency Medical Services	(79,000)
02	Emergency Medical Services for Children	(50,000)
02	Service Recognition Program for EMT Volunteers	(25,000)
02	First Response EMT Cardiac Training Program	(500,000)
02	Youth Trauma Initiative	(500,000)
02	Identification System for Children's Health and Disabilities	(900,000)
02	Public Awareness Campaign for Black Infant Mortality	(500,000)
02	Cancer Screening -- Early Detection and Education Program	(2,700,000)
03	Timely Issuance of Export of Certificates of Free Sale	(50,000)
03	Evaluation of Human Exposure to Hazardous Waste	(200,000)
03	Cancer Registry	(400,000)
03	New Jersey State Commission on Cancer Research	(1,000,000)
03	Medical Waste Management Program	(813,000)
03	Rabies Control Program	(502,000)
03	Animal Population Control Program	(557,000)
03	Worker and Community Right to Know Program	(1,992,000)
04	Middle School Survey on Substance Abuse	(155,000)
04	Youth Anti-Tobacco Awareness Media Campaign	(7,262,000)
04	Smoking Cessation Programs for Addicted Adults and Youths	(2,600,000)
04	Research, Surveillance, Evaluation and Assistance for Anti-Smoking Programs	(1,700,000)
04	School Based Programs for the Prevention of Tobacco Use	(2,200,000)
04	Community Based Tobacco Control Programs	(4,800,000)

In addition to the amount appropriated above for Emergency Medical Services for Children Program, $150,000 is appropriated from the annual .53% assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62) for the same purpose.

The unexpended balance as of June 30, 1999, in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

The unexpended balance as of June 30, 1999, in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health and Senior Services pursuant to the provisions of the

"Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), is appropriated.

The unexpended balance as of June 30, 1999, in the Rabies Control Program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Rabies Control Program account is payable out of the Rabies Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1999, in the Animal Population Control Program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Animal Population Control Program account is payable out of the "Animal Population Control Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), $1,362,000 of the amount hereinabove for the Worker and Community Right to Know account is payable out of the "Worker and Community Right to Know Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount appropriated above, an amount not to exceed $1,300,000 is appropriated from the "Worker and Community Right to Know Fund," subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balance as of June 30, 1999, in the New Jersey State Commission on Cancer Research account is appropriated.

Amounts deposited in the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Addiction Services is authorized to bill a patient, a patient's estate, or the person chargeable for a patient's support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism or drug abuse or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1999 from these billings and fees are appropriated to the Department of Health and Senior Services, Division of Addiction Services, for the support of the alcohol and drug abuse programs.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

There is transferred from the "Drug Enforcement and Demand Reduction Fund" $350,000 to carry out P.L.1995, c.318 (C.26:2B-37 et seq.) to establish an "Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" within the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $350,000 from the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15, to the Department of Health and Senior Services for a grant to "Partnership for a Drug Free New Jersey" pursuant to P.L.1997, c.174.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance of such fees as of June 30, 1999, are appropriated.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

02-4220 Family Health Services	$13,280,000
(From General Fund	*$12,790,000)*
(From Casino Revenue Fund	*500,000)*
03-4230 Public Health Protection Services	2,097,000
04-4240 Addiction Services	25,760,000
12-4245 AIDS Services	13,989,000
Total Grants-in-Aid Appropriation, Health Services	$55,126,000
(From General Fund	*$43,344,0000)*
(From Casino Revenue Fund	*500,000)*
Grants-in-Aid:	
02 Family Planning Services	($3,269,000)
02 Hemophilia Services	(937,000)
02 Testing for Specific Hereditary Diseases	(118,000)
02 Tourette Syndrome Association of New Jersey -- Education and Awareness Campaign	(133,000)
02 Special Health Services for Handicapped Children	(1,748,000)
02 Chronic Renal Disease Services	(379,000)
02 Pharmaceutical Services for Adults with Cystic Fibrosis	(280,000)
02 St. Peter's Hospital Community Health Unit	(145,000)
02 Jersey City Medical Center -- Pediatric Services	(998,000)
02 Birth Defects Registry	.(25,000)
02 Statewide Birth Defects Registry (CRF)	(500,000)
02 Cost of Living Adjustment, Family Health Services	(392,000)
02 Cost of Living Adjustment, Deferred Cost -- Family Health Services	(392,000)

02 Early Intervention Program of Monmouth and Ocean Counties -- Emergency Funding ..... (75,000)
02 Meridian Health System -- Pediatric Asthma Education and Resource Center ..... (100,000)
02 Maternity and Child Health Center at St. Clare's Hospital, Denville ..... (100,000)
02 Family Health Center at Monmouth Medical Center, Long Branch ..... (100,000)
02 Parenting Resources Education Network of Southern New Jersey ..... (25,000)
02 Sexual Assault Nurse Examiner Program, Monmouth County ..... (90,000)
02 Center for Hope Hospice, Union County ..... (350,000)
02 Child Federation of Atlantic City ..... (25,000)
02 Karen Ann Quinlan Center of Hope Hospice ..... (50,000)
02 Mary's Manor Group Home ..... (25,000)
02 Birth Haven Inc., Newton ..... (50,000)
02 Camden Optometric Eye Center ..... (150,000)
02 Best Friends Inc., Newark ..... (50,000)
02 Interagency Council on Osteoporosis ..... (300,000)
02 New Jersey Institute for Parent Education, Inc. ..... (40,000)
02 Maternal and Child Health Services ..... (271,000)
02 Emergency Medical Services -- COLA ..... (58,000)
02 Primary care Services -- Dover Free Clinic ..... (225,000)
02 Lead Poisoning Program ..... (344,000)
02 Poison Control Center ..... (425,000)
02 Cleft Palate Programs ..... (562,000)
02 Newborn Screening Follow-Up and Treatment for Hemoglobins ..... (136,000)
02 SIDS Assistance Act ..... (155,000)
02 Services to Victims of Huntington's Disease ..... (258,000)
03 Tuberculosis Services ..... (712,000)
03 Cost of Living Adjustment, Public Health Protection ..... (117,000)
03 Cost of Living Adjustment, Deferred Cost -- Public Health Protection ..... (117,000)
03 Immunization Services ..... (247,000)
03 AIDS Communicable Disease Control ..... (372,000)
03 Worker and Community Right to Know ..... (268,000)
03 "To Your Health" Program, Community Health Law Project ..... (75,000)
03 Children's Hospital of New Jersey Pediatric Mobile Van ..... (100,000)
03 St. Clare's Health Services -- Homeless Health Outreach Program ..... (89,000)
04 Substance Abuse Treatment for DYFS/ WorkFirst Mothers -- Pilot Project ..... (1,250,000)

04 National Council on Alcohol and Drug Dependency of N.J. -- Treatment Centers ..... (450,000)
04 Drugs are Ugly and Uncool Campaign ..... (200,000)
04 Cost of Living Adjustment, Addiction Services .... (626,000)
04 Salary Supplement for Direct Service Workers .. (1,764,000)
04 Community Based Substance Abuse Treatment and Prevention -- State Share ..... (16,593,000)
04 Vocational Adjustment Centers ..... (95,000)
04 Cost of Living Adjustment, Deferred Cost -- Addiction Services ..... (595,000)
04 Compulsive Gambling ..... (617,000)
04 Freedom House, Glen Gardner ..... (400,000)
04 RAPT Foundation, Inc., Perth Amboy ..... (65,000)
04 Atlantic Prevention Resources ..... (25,000)
04 Epiphany House ..... (50,000)
04 Good News Home for Women, Flemington ..... (75,000)
04 AWARE Program -- Monmouth Medical Center ... (100,000)
04 Sunrise House, Lafayette -- In Patient Adolescent Substance Abuse Treatment ..... (25,000)
04 Daytop New Jersey -- Female Adolescent Substance Abuse Program ..... (400,000)
04 Mutual Agreement Parolee Rehabilitation Project for Substance Abusers ..... (620,000)
04 In-State Juvenile Residential Treatment Services ..... (1,810,000)
12 Cost of Living Adjustment, AIDS Services ..... (370,000)
12 Cost of Living Adjustment, Deferred Cost -- AIDS Services ..... (370,000)
12 Angel Connection, Inc. ..... (50,000)
12 AIDS Grants ..... (13,199,000)

The unexpended balance as of June 30, 1999 in the Pharmaceutical Services For Adults with Cystic Fibrosis account is appropriated.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1) such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program created pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $1,830,000 is appropriated to the Department of Health and Senior Services from monies deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to fund the Infant Mortality Reduction Program.

There is appropriated $570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

The unexpended balance as of June 30, 1999 in the Trenton Detox Center-Drug Rehabilitation and Intensive Aftercare/Transition Facility account is appropriated

as a pass through grant to the city of Trenton for up to one-half of the cost of construction of a new facility for the United Progress Inc., Trenton Treatment Center upon satisfactory demonstration by the city of Trenton that matching funds are available. Construction of the new facility shall be completed under the supervision of the Department of the Treasury in such a manner as is agreed upon by the Department of the Treasury and the Department of Health and Senior Services, United Progress Inc., and the City of Trenton.

The unexpended balance of appropriations, as of June 30, 1999, made to the Department of Health and Senior Services by section 20 of P.L.1989, c.51 for State licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, there is transferred $1,000,000 to the Department of Health and Senior Services from the "Drug Enforcement and Demand Reduction Fund" for drug abuse services for individuals with HIV.

Notwithstanding the provisions of any law to the contrary, there is transferred $500,000 to the Department of Health and Senior Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

An amount not to exceed $600,000 collected by the Casino Control Commission is payable to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145). The unexpended balance as of June 30, 1999 in the Compulsive Gambling account is appropriated to the Department of Health and Senior Services to provide funds for compulsive gambling grants.

The unexpended balance as of June 30, 1999, in the New Hope Discovery Foundation/Relocation account is appropriated.

There is appropriated $420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities - Expansion account.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et al.) or any other law to the contrary, the unexpended balance in the Alcohol, Education, Rehabilitation and Enforcement Fund as of June 30, 1999 is appropriated and shall be distributed to counties for the treatment of alcohol and drug abusers and for education purposes.

The unexpended balance as of June 30, 1999 in the Cord Blood Resource Center account is appropriated.

The amount hereinabove for Salary Supplement for Direct Service Workers account shall only be expended for direct service workers' cost of living adjustments throughout the Department of Health and Senior Services.

STATE AID

02-4220 Family Health Services	$19,469,000
03-4230 Public Health Protection Services	4,165,000
Total State Aid Appropriation, Health Services	$23,634,000
State Aid:	
02 Early Childhood Intervention Program	($19,469,000)

03 Public Health Priority Funding ..... (4,165,000)

The capitation is set not to exceed 40 cents for the year ending June 30, 2000 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

In addition to the amount hereinabove, receipts from the federal Medicaid (Title XIX) Program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the Early Childhood Intervention program, such additional sums as may be required are appropriated from the General Fund to cover additional costs of the program to maintain federal compliance, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection (k) of section 3 of P.L.1966, c.36 (C.26:2F-3) to the contrary, the "minimum population" necessary for a local health agency to receive Public Health Priority Funding from the amount appropriated hereinabove shall be reduced from 25,000 to 20,000.

22 Health Planning and Evaluation

DIRECT STATE SERVICES

06-4260 Long Term Care Systems Development and Quality Assurance	$4,402,000
07-4270 Health Care Systems Analysis	1,973,000
Total Direct State Services Appropriation, Health Planning and Evaluation	$6,375,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($3,946,000)
Materials and Supplies	(60,000)
Services Other Than Personal	(220,000)
Maintenance and Fixed Charges	(94,000)
Special Purpose:	
06 Nursing Home Background Checks	(900,000)
06 Resident Satisfaction System -- Long Term Care ...	(155,000)
07 Implementation of Statewide Health Information Network	(1,000,000)

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Planning and Evaluation, in excess of those anticipated, are appropriated.

Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance of such fees as of June 30, 1999, are appropriated.

From the amount appropriated for the Implementation of Statewide Health Information Network, no amount shall be expended for costs of administrative services within the Department of Health and Senior Services.

In addition to the amount appropriated above for the Implementation of Statewide Information Network, $1,000,000 is appropriated from the annual .53% assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62) for the same purpose.

From the amount appropriated for the Implementation of Statewide Health Information Network, $250,000 shall be allocated for a grant to the New Jersey Institute of Technology and $250,000 shall be allocated for a grant to Thomas A. Edison State College.

Available funds are appropriated to the Health Care Facilities Improvement Fund to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1999, are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis	$102,900,000
Total Grants-in-Aid Appropriation, Health Planning and Evaluation	$102,900,000
Grants-in-Aid:	
07 Kimball Medical Center's Neighborhood Health Center	($200,000)
07 Southern New Jersey Emergency Medicine Center, Cooper Health System	(1,000,000)
07 Pediatric Trauma Education Program, Cooper Health System	(1,000,000)
07 Family Medicine/Preventative Medicine Center, Cooper Health System	(1,000,000)
07 Health Care Subsidy Fund Payments (P.L.1997, c.263)	(99,700,000)

There are appropriated such sums as are necessary to pay prior year obligations of programs within the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, $20,400,000 of the amount hereinabove within the Health Care Subsidy Fund Payments account supporting Charity Care payments to hospitals is appropriated from the Admission Charge Hospital Assessment revenue item.

Notwithstanding any provision of law to the contrary, and notwithstanding the terms of any repayment agreement with the Department of Health and Senior Services concerning charity care overpayments, the department shall forgive any repayment due to be made to the department in fiscal year 2000 as repayment of a charity care overpayment that is due from a hospital which meets the following conditions: (a) the hospital received in 1995 less than 50% of that hospital's 1993 "Charity Care" Subsidy payments, exclusive of any supplemental payments received during fiscal year 1996, (b) the hospital receives less than 33% of that hospital's total uncompensated care in subsidy, (c) the hospital did not receive any subsidy payments under the "Other Uncompensated Care" subsidy account in 1995, and (d) the hospital treats a substantial amount of problem billed cases measured by having

received at least $9,000,000 from the Hospital Relief Fund in the Division of Medical Assistance and Health Services in the Department of Human Services during fiscal year 1999.

25 Health Administration

DIRECT STATE SERVICES

99-4210 Administration and Support Services $2,282,000
Total Direct State Services Appropriation, Health Administration $2,282,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($1,863,000)
Materials and Supplies ..... (49,000)
Services Other Than Personal ..... (248,000)
Maintenance and Fixed Charges ..... (38,000)
Special Purpose:
99 Affirmative Action and Equal Employment Opportunity ..... (84,000)

26 Senior Services

DIRECT STATE SERVICES

22-4275 Medical Services for the Aged $4,715,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled 6,674,000
28-4275 Lifeline 1,994,000
55-4275 Programs for the Aged 1,863,000
(From General Fund ..... $992,000)
(From Casino Revenue Fund ..... 871,000)
56-4275 Office of the Ombudsman 601,000
57-4275 Office of the Public Guardian 734,000
Total Direct State Services Appropriation, Senior Services .. $16,581,000
(Total From General Fund ..... $15,710,0000)
(Total From Casino Revenue Fund ..... 871,000)

Direct State Services:

Personal Services:
Salaries and Wages ..... ($8,986,000)
Salaries and Wages (CRF) ..... (658,000)
Employee Benefits (CRF) ..... (138,000)
Materials and Supplies ..... (339,000)
Materials and Supplies (CRF) ..... (14,000)
Services Other Than Personal ..... (1,820,000)
Services Other Than Personal (CRF) ..... (47,000)
Maintenance and Fixed Charges ..... (849,000)
Maintenance and Fixed Charges (CRF) ..... (2,000)
Special Purpose:
22 Fiscal Agent -- Medical Services for the Aged ..... (119,000)
22 Special Purpose -- Community Choice/ Acuity Audits ..... (703,000)

24 Payments to Fiscal Agent -- PAA ..... (2,134,000)
55 New Jersey Easy Access Single Point-of-Entry (NJEASE) ..... (100,000)
55 Federal Programs for the Aging (State Share) ..... (410,000)
Additions, Improvements and Equipment ..... (250,000)
Additions, Improvements and Equipment (CRF) ..... (12,000)

Receipts from the Office of the Public Guardian are appropriated.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health and Senior Services program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

The unexpended balances as of June 30, 1999, in the Payments to Fiscal Agent-PAA account are appropriated.

GRANTS-IN-AID

22-4275 Medical Services for the Aged $633,267,000
(From General Fund ..... 629,021,000)
(From Casino Revenue Fund ..... 4,246,000)
24-4275 Pharmaceutical Assistance to the Aged and Disabled 242,536,000
(From General Fund ..... 28,850,000)
(From Casino Revenue Fund ..... 213,686,000)
28-4275 Lifeline 70,840,000
(From General Fund ..... 36,171,000)
(From Casino Revenue Fund ..... 34,669,000)
55-4275 Programs for the Aged 22,632,000
(From General Fund ..... 10,031,000)
(From Casino Revenue Fund ..... 12,601,000)
Total Grants-in-Aid Appropriation, Senior Services $969,275,000
(Total From General Fund ..... 704,073,000)
(Total From Casino Revenue Fund ..... 265,202,000)

Grants-in-Aid:
22 Community Care Alternatives ..... ($24,447,000)
22 Community Care Alternatives (CRF) ..... (3,253,000)
22 Payments for Medical Assistance Recipients -- Nursing Homes ..... (560,397,000)

22 Medical Day Care Services ..... (21,840,000)
22 Medicaid High Occupancy -- Nursing Homes .... (9,000,000)
22 Home Care Expansion (CRF) ..... (743,000)
22 ElderCare Initiatives ..... (10,337,000)
22 Hearing Aid Assistance for the Aged and Disabled (CRF) ..... (250,000)
22 Personal Care Attendants -- Background Checks .... (500,000)
22 Personal Care Attendants COLA ..... (2,500,000)
24 Pharmaceutical Assistance to the Aged -- Claims ..... (28,850,000)
24 Pharmaceutical Assistance to the Aged and Disabled Claims (CRF) ..... (213,686,000)
28 Payments for Lifeline Credits (CRF) ..... (34,669,000)
28 Payments for Tenants Assistance Rebates ..... (36,171,000)
55 Purchase of Social Services ..... (7,539,000)
55 Cost-of-Living Adjustment, Senior Services ..... (440,000)
55 Cost-of-Living Adjustment, Deferred Cost, Senior Services ..... (440,000)
55 Demonstration Adult Day Care Center Program --Alzheimer's Disease (CRF) ..... (1,612,000)
55 Alzheimer's Disease Program ..... (657,000)
55 Adult Protective Services ..... (768,000)
55 Adult Protective Services (CRF) ..... (1,718,000)
55 Senior Citizen Housing -- Safe Housing and Transportation (CRF) ..... (1,610,000)
55 Respite Care for the Elderly (CRF) ..... (4,841,000)
55 Congregate Housing Support Services (CRF) ..... (1,870,000)
55 American Red Cross, UCPA Chapter ..... (50,000)
55 Interfaith Caregivers, Inc. of Burlington Co. ..... (37,000)
55 Adult Day Health Center, St. Barnabas Medical Center ..... (100,000)
55 Home Delivered Meals Expansion (CRF) ..... (950,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2000 are

appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Medical Services for the Aged Grants-in-Aid accounts from initiatives included in the fiscal year 2000 budget may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Medical Assistance and Health Services in the Department of Human Services and the Department of Health and Senior Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The division and Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Funding for community care alternative initiatives is made available from the Payments for Medical Assistance Recipients-Nursing Homes account, subject to both federal waiver approval and approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the department within the Medical Services for the Aged program classification subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, no funds appropriated for Medicaid nursing facility reimbursement shall be expended for administrator or assistant administrator costs or non-food general costs in excess of 100% of the median for those cost centers, subject to the notice provisions of 42 CFR 447.205.

Notwithstanding any other law to the contrary, effective July 1, 1996, reimbursement for nursing facility services shall be 90% of the per diem rate when a Medicaid beneficiary is hospitalized. As in the past, these payments shall be limited to be the first ten days of the hospitalization. Medicaid reimbursement for nursing facility services shall be discontinued beyond the 10th day of the hospitalization.

The funds appropriated hereinabove for Payments for Medical Assistance Recipients - High Medicaid Occupancy Nursing Homes shall be distributed for patient services among those nursing homes where the Medicaid patient day occupancy level is at or above 75%. Each such facility shall receive its distribution through a prospective per diem rate adjustment according to the following formula: E = A Medicaid days/ T Medicaid days x F; where E is the entitlement for a specific nursing home resulting from this allocation; A Medicaid days is an individual nursing home's reported Medicaid days on June 30, 1999; T Medicaid days is the total reported Medicaid days for all affected nursing homes; and F is the total amount of State and federal funds to be distributed. No nursing home shall receive a total allocation greater than the amount lost, due to adjustments in Medicaid reimbursement methodology, which became effective April 1, 1995.

Any balances remaining undistributed from the abovementioned amount, shall be deposited in a reserve account in the General Fund.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $5.00.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall continue throughout fiscal year 2000. All revenues from such rebates during the fiscal year ending June 30, 2000, are appropriated for the PAAD program.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled program for Maximum Allowable Cost (MAC) drugs shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provisions of any law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled program pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services through the Department of Human Services providing for the payment of rebates to the State.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999 consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription and a 34-day or 100 unit dose supply, whichever is greater, for any prescription refill.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999 consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the

Aged and Disabled program classification shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 10% discount; (b) prescription drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for the initial prescription and a 34-day or 100 unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 in effect on June 30, 1999 shall remain in effect through fiscal year 2000, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services.

Notwithstanding any laws to the contrary, payments for Pharmaceutical Assistance for the Aged and Disabled Programs shall not cover quantities of impotence therapy medication in excess of four treatments per month. Moreover, payment will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.

From the amount appropriated for the Payments for Medical Assistance Recipients - Nursing Home account, funds shall be available to develop and implement a new nursing home rate setting system, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2000, are appropriated for payments to providers in the same program class from which the recovery originated.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.), funds appropriated for the Home Care Expansion (HCE) Program shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Community Care Program for the Elderly and Disabled or alternative programs, and only for so long as those individuals require services covered by the HCE Program. Individuals enrolled in the HCE Program as of June 30, 1996, and eligible for the Community Care Program for the Elderly and Disabled may apply to be enrolled in that program.

New Jersey State Library

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), or the provisions of P.L.1981, c.210 (C.48:2-29.30 et seq.), or any other law to the contrary, the benefits of the "Lifeline Credit Program" and the "Tenants' Lifeline Assistance Program" may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season, and therefore applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-in-Aid accounts from initiatives included in the fiscal year 2000 budget may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments in the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $5.00.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall continue throughout fiscal year 2000. All revenues from such rebates during the fiscal year ending June 30, 2000, shall be appropriated for the cost of the PAAD program.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled program for Maximum Allowable Cost (MAC) drugs shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provisions of any law to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department

of Health and Senior Services through the Department of Human Services providing for the payment of rebates to the State.

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 1999 consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription and a 34-day or 100 unit dose supply, whichever is greater, for any prescription refill.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, private for profit agencies shall be eligible grantees for funding from the Demonstration Adult Day Care Center Program - Alzheimer's Disease account.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999 consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 10% discount; (b) prescription drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription and a 34-day or 100 unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 in effect on June 30, 1999 shall remain in effect through fiscal year 2000, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services.

The amounts hereinabove for payments for the Lifeline Credit Program and payments for Tenants Lifeline Assistance Rebates are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Lifeline program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any laws to the contrary, payments for the Pharmaceutical Assistance for the Aged and the Disabled Program shall not cover quantities of impotence therapy medication in excess of four treatments per month. Moreover, payment will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.

The unexpended balance as of June 30, 1999 in the Demonstration Adult Day Care Center Program - Alzheimer's Disease account is appropriated.

STATE AID

55-4275 Programs for the Aged	$3,713,000
Total State Aid Appropriation, Senior Services	$3,713,000
State Aid:	
55 County Offices on Aging	($1,163,000)
55 Older Americans Act -- State Share	(2,550,000)

CAPITAL CONSTRUCTION
20 Physical and Mental Health
***21 Health Services*Capital Project:**

Division of Public Health and Environmental Laboratories
Clinical Laboratory Services $450,000
Improvements to Laboratories and Installed Equipment 800,000
Laboratory Equipment 258,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Health and Senior Services,
Total State Appropriation $1,230,305,000

There is appropriated to the Department of Health and Senior Services from the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) an amount to continue to fund programs established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47)and section 12 of P.L.1992, c.160 (C.26:2H-18.62), through the annual .53 percent assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62). However, available funding shall first provide for the Community Care Program for the Elderly and Disabled, the expansion of Medicaid to 185 percent of poverty, and the Infant Mortality Reduction Program. The remaining available funds may be used to fund programs established by section 25 of P.L.1991, c.187 (C.26:2H-18.47) and section 12 of P.L.1992, c.160 (C.26:2H-18.62), as determined by the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Any unexpended balance as of June 30, 1999 in the Health Care Subsidy Fund received through the .53 percent annual assessment on hospitals made during fiscal year 1999 is appropriated.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1995, c.133, or any other law to the contrary, the first $1,200,000 in per adjusted admission charge assessment revenues, attributable to $10.00 per adjusted admission charge assessments made by the Department of Health and Senior Services shall be anticipated as revenue in the General Fund available for health related-purposes. Furthermore, it is recommended that the remaining revenue attributable to this fee shall be available to carry out the provisions of P.L.1995, c.133 as determined by the Commissioner of Health and Senior Services and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding Medicaid, by the State arising from a

review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Notwithstanding the provisions of any other law to the contrary, the Commissioner of Health and Senior Services shall devise, at the commissioner's discretion, rules or guidelines that allocate reductions in health service grants to the extent possible toward administration and not client services.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health and Senior Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding any laws to the contrary, fees, fines, penalties and assessments owed to the Department of Health and Senior Services shall be offset against payments due and owing from other appropriated funds.

In order to permit flexibility in implementing the ElderCare Initiatives within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-in-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Of the amounts hereinabove appropriated for cost of living adjustments throughout the Department of Health and Senior Services, 70% shall be expended for direct service workers' salaries, effective July 1, 1999.

Summary of Department of Health and Senior Services Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$74,149,000
Grants-in-Aid	1,127,301,000
State Aid	27,347,000
Capital Construction	1,508,000
Appropriation by Fund:	
General Fund	$963,732,000
Casino Revenue Fund	266,573,000

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Mental Health Services
7700 Division of Mental Health Services
DIRECT STATE SERVICES

08-7700 Community Services	$4,386,000
99-7700 Administration and Support Services	4,498,000
Total Direct State Services Appropriation, Division of Mental Health Services	$8,884,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($7,503,000)

Materials and Supplies ..... (21,000)
Services Other Than Personal ..... (528,000)
Maintenance and Fixed Charges ..... (155,000)
Special Purpose:
99 Fraud and Abuse Initiative ..... (300,000)
Additions, Improvements and Equipment ..... (377,000)

GRANTS-IN-AID

08-7700 Community Services $208,012,000
Total Grants-in-Aid Appropriation, Division of Mental Health Services $208,012,000
Grants-in-Aid:
08 Community Care ..... ($185,182,000)
08 Community Mental Health Center -- University of Medicine and Dentistry, Newark ..... (6,205,000)
08 Community Mental Health Center -- University of Medicine and Dentistry, Piscataway .. (11,860,000)
08 Cost of Living Adjustment, Deferred Cost -- Community Services ..... (1,674,000)
08 Cost of Living Adjustment -- Community Services ..... (2,053,000)
08 Direct Care Salary Supplement ..... (1,038,000)

With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and the Robert Wood Johnson Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

The amount appropriated hereinabove for the Community Mental Health Centers and the amount appropriated to the Department of State for the University of Medicine and Dentistry of New Jersey are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

From the amount appropriated hereinabove for the Community Care grant account, $1,000,000 shall be allocated for after-hours crisis coverage.

STATE AID

08-7700 Community Services $87,171,000
Total State Aid Appropriation, Division of Mental Health Services $87,171,000
State Aid:
08 Support of Patients in County Psychiatric Hospitals ..... ($87,171,000)

The unexpended balance as of June 30, 1999, in the Support of Patients in County Psychiatric Hospitals account is appropriated.

The appropriation for the Support of Patients in County Psychiatric Hospitals account is available to pay liabilities applicable to prior fiscal years, subject to the approval of the Director of the Division of Budget and Accounting.

With the exception of all past, present and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to defray the costs of maintaining patients in State and county psychiatric hospitals and facilities for the developmentally disabled shall be based on the same percent as costs are shared.

State aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997.

7710 Greystone Park Psychiatric Hospital
DIRECT STATE SERVICES

10-7710	Patient Care and Health Services	$35,621,000
99-7710	Administration and Support Services	11,334,000
	Total Direct State Services Appropriation, Greystone Park Psychiatric Hospital	$46,955,000
Direct State Services:		
Personal Services:		
	Salaries and Wages	($40,744,000)
Materials and Supplies		(3,343,000)
Services Other Than Personal		(1,338,000)
Maintenance and Fixed Charges		(948,000)
Special Purpose:		
10	Interim Assistance	(50,000)
Additions, Improvements and Equipment		(532,000)

7720 Trenton Psychiatric Hospital
DIRECT STATE SERVICES

10-7720	Patient Care and Health Services	$33,039,000
99-7720	Administration and Support Services	10,156,000
	Total Direct State Services Appropriation, Trenton Psychiatric Hospital	$43,195,000
Direct State Services:		
Personal Services:		
	Salaries and Wages	($36,636,000)
Materials and Supplies		(3,006,000)
Services Other Than Personal		(2,124,000)
Maintenance and Fixed Charges		(799,000)
Special Purpose:		
10	Interim Assistance	(150,000)
Additions, Improvements and Equipment		(480,000)

7725 Ann Klein Forensic Center
DIRECT STATE SERVICES

10-7725 Patient Care and Health Services $12,234,000
99-7725 Administration and Support Services 2,603,000
Total Direct State Services Appropriation, Ann Klein Forensic Center $14,837,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($12,815,000)
Materials and Supplies ..... (960,000)
Services Other Than Personal ..... (409,000)
Maintenance and Fixed Charges ..... (98,000)
Special Purpose:
10 Competency Evaluations (P.L.1998, c.111) ..... (455,000)
Additions, Improvements and Equipment ..... (100,000)

There is appropriated from the General Fund up to $2,600,000 to pay for the start up and operational costs associated with the Ann Klein Forensic Center expansion, should construction be completed prior to June 30, 2000 and the facility is ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

7740 Ancora Psychiatric Hospital
DIRECT STATE SERVICES

10-7740 Patient Care and Health Services $41,062,000
99-7740 Administration and Support Services 11,950,000
Total Direct State Services Appropriation, Ancora Psychiatric Hospital $53,012,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($45,638,000)
Materials and Supplies ..... (3,646,000)
Services Other Than Personal ..... (2,065,000)
Maintenance and Fixed Charges ..... (927,000)
Special Purpose:
10 Interim Assistance ..... (120,000)
Additions, Improvements and Equipment ..... (616,000)

7750 Arthur Brisbane Child Treatment Center
DIRECT STATE SERVICES

10-7750 Patient Care and Health Services $6,854,000
99-7750 Administration and Support Services 2,031,000
Total Direct State Services Appropriation, Arthur Brisbane Child Treatment Center $8,885,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($7,825,000)
Materials and Supplies ..... (461,000)
Services Other Than Personal ..... (327,000)

Maintenance and Fixed Charges ..... (132,000)
Additions, Improvements and Equipment ..... (140,000)

7760 Senator Garrett W. Hagedorn Gero-Psychiatric Hospital
DIRECT STATE SERVICES

10-7760 Patient Care and Health Services $15,612,000
99-7760 Administration and Support Services 6,255,000
Total Direct State Services Appropriation, Senator Garrett W. Hagedorn Gero-Psychiatric Hospital $21,867,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($18,449,000)
Materials and Supplies ..... (1,689,000)
Services Other Than Personal ..... (1,138,000)
Maintenance and Fixed Charges ..... (292,000)
Special Purpose:
10 Interim Assistance ..... (14,000)
Additions, Improvements and Equipment ..... (285,000)

Division of Mental Health Services

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 2000 are appropriated for the same purpose.

The unexpended balances as of June 30, 1999, in the interim assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State aid for the costs of county facility operations first are charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

24 Special Health Services
7540 Division of Medical Assistance and Health Services
DIRECT STATE SERVICES

21-7540 Health Services Administration and Management .. $23,342,000
Total Direct State Services Appropriation, Division of Medical Assistance and Health Services $23,342,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($12,300,000)
Materials and Supplies ..... (184,000)
Services Other Than Personal ..... (3,408,000)
Maintenance and Fixed Charges ..... (317,000)
Special Purpose:
21 Payments to Fiscal Agents ..... (4,654,000)
21 Professional Standards Review Organization--Utilization Review ..... (2,179,000)

21 Drug Utilization Review Board --
Administrative Costs ..... (90,000)
Additions, Improvements and Equipment ..... (210,000)

The unexpended balances as of June 30, 1999, in the Payments to Fiscal Agents account are appropriated.

The unexpended balances as of June 30, 1999, in the Managed Health Care Initiative account are appropriated to the Medicaid Managed Care Initiative (Health Benefits Coordinator) account.

The unexpended balances as of June 30, 1999, not to exceed $400,000 in the Salaries and Wages account, related to Medicaid fraud and abuse initiatives are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Sufficient funds from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1992, c.160 (C.26:2H-18.51 et al.), and for subsidized children's health insurance in the NJ KidCare program (Children's Healthcare Coverage Program) as defined in P.L.1997, c.272 (C.30:4I-1 et seq.) to maximize federal Title XXI funding.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching of the Medicaid eligibility file and/or adjudicated claims against that third party's eligibility file and/or adjudicated claims for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

The Division of Medical Assistance and Health Services, in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

Notwithstanding the provisions of any law to the contrary, all past, present and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited in the General Fund and may be expended only upon appropriation by law.

Notwithstanding the provisions of any law to the contrary, all revenues received from health maintenance organizations shall be deposited in the General Fund.

Additional federal Title XIX revenue generated from the claiming of family planning services payments on behalf of individuals enrolled in the Medicaid managed care

program is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

21-7540 Health Services Administration and Management .. $16,609,000
22-7540 General Medical Services 1,403,306,000
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services $1,419,915,000

Grants-in-Aid:

21 Eligibility Determination ..... ($7,230,000)
21 Health Benefits Coordinator ..... (9,379,000)
22 Payments for Medical Assistance Recipients - Personal Care ..... (100,567,000)
22 Managed Care Initiative ..... (357,115,000)
22 Payments for Medical Assistance Recipients - Waiver Initiatives ..... (14,358,000)
22 Payments for Medical Assistance Recipients - Other Treatment Facilities ..... (5,891,000)
22 Payments for Medical Assistance Recipients - Inpatient Hospital ..... (211,447,000)
22 Payments for Medical Assistance Recipients - Prescription Drugs ..... (229,740,000)
22 Payments for Medical Assistance Recipients - Outpatient Hospital ..... (178,534,000)
22 Payments for Medical Assistance Recipients - Physician ..... (32,462,000)
22 Payments for Medical Assistance Recipients - Home Health ..... (34,720,000)
22 Payments for Medical Assistance Recipients - Medicare Premiums ..... (62,934,000)
22 Payments for Medical Assistance Recipients - Dental ..... (9,064,000)
22 Payments for Medical Assistance Recipients - Psychiatric Hospital ..... (11,585,000)
22 Payments for Medical Assistance Recipients - Medical Supplies ..... (19,232,000)
22 Payments for Medical Assistance Recipients - Clinic ..... (70,115,000)
22 Payments for Medical Assistance Recipients - Transportation ..... (39,639,000)
22 Payments for Medical Assistance Recipients - Other Services ..... (8,840,000)
22 New Jersey ACCESS ..... (7,500,000)
22 Unit Dose Contract Services ..... (7,665,000)
22 Consulting Pharmacy Services ..... (1,898,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

The State appropriation is based on a federal financial participation rate of 48.7%; provided however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance for the Aged program is eliminated; provided however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2000 are appropriated for payments to providers in the same program class from which the recovery originated.

The amount appropriated hereinabove for the Division of Medical Assistance and Health Services first is to be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-in-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to federal approval, the Commissioner of Human Services is authorized to develop and introduce Optional Service Plan Innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

Notwithstanding the provision of any other law or regulation to the contrary, and in order to more prudently purchase, the Commissioner of Human Services is authorized to competitively bid managed care contracts, which provide for the

medical care of those eligible for the Medical Assistance program, in such manner as the commissioner, in consultation with the State Treasurer, determines to be in the best interest of the State.

The Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.

The Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and that the funds necessary for the contracted utilization review of these hospital services is made available from the Payments for Medical Assistance Recipients-Inpatient Hospital account subject to the approval of the Director of the Division of Budget and Accounting.

Rebates from pharmaceutical manufacturing companies during the fiscal year ending June 30, 2000 for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the Payments for Medical Assistance Recipients-Prescription Drugs account.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, or at the earliest date thereafter consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated in the Payments for Medical Assistance Recipients-Prescription Drugs account shall be expended except under the following conditions: (a) reimbursement for the cost of legend and non-legend drugs excluding nutritional supplements shall not exceed their Average Wholesale Price (AWP) less a 10% volume discount; (b) prescription quantities of legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription, and 34-day supply or 100-unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 in effect on June 30, 1999 shall remain in effect through fiscal year 2000, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services.

Notwithstanding any law to the contrary, prescription drug benefits provided to eligible beneficiaries in the General Medical Services program shall be subject to computer-based Point-of-Sale review.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, Personal Care Assistant services shall be limited to no more than 25 hours per week. Additional hours, up to 40 per week, shall be authorized by the Division of Medical Assistance and Health Services prior to the provision of services not provided by clinics under contract with the Division of Mental Health Services. The hourly weekend rate shall not exceed $16.

Notwithstanding any law to the contrary, the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payments of the residual claims from the Garden State Health Plan.

Notwithstanding any law to the contrary, such sums are appropriated as are necessary for the development and implementation of a Medicaid Disease State Management demonstration project, based on a plan approved in advance by the Director of the Division of Budget and Accounting.

Premiums received from families enrolled in the NJ KidCare program (Children's Healthcare Coverage Program) P.L.1997, c.272 (C.30:4I-1 et seq.) are appropriated for NJ KidCare payments.

Notwithstanding any laws or regulations to the contrary, payments from the Medical Assistance Payments - Prescription Drug account, or the General Assistance drug program, shall not cover quantities of impotence drug therapies, in excess of four treatments per month. Moreover, payments will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.

Notwithstanding any laws or regulations to the contrary, Medicaid fee-for-service payments for Graduate Medical Education (GME), including Indirect Medical Education (IME), shall not exceed $20,000,000 of combined State and federal funds. GME payments shall not be subject to final reconciliation. Allocations to hospitals shall be made based on adopted regulations. Any payments that would have been made prior to the adoption date had the regulations been in place the entire fiscal year shall be made subsequent to the adoption date.

The Division of Medical Assistance and Health Services (DMAHS) is authorized to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by DMAHS (including but not limited to the New Jersey Medicaid and N.J. KidCare programs), or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or Work First New Jersey General Public Assistance programs. Rewards are to be paid only when the reports result in a recovery by DMAHS, and shall be limited to 10% of the recovery or $1,000, whichever is less. Notwithstanding any State law to the contrary, but subject to any necessary federal approval, receipt of such rewards shall not affect an individual's financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, effective July 1, 1999, approved nutritional supplements will be

reimbursed in accordance with a fee schedule set by the Director of the Division of Medical Assistance and Health Services.

In addition to the amounts hereinabove for payments to providers on behalf of medical assistance recipients, such additional sums as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children in the Medicaid (Title XIX) program, subject to the approval of the Director of the Division of Budget and Accounting.

Combined State and federal funding for the development and implementation of a Medicaid Care Management Program not to exceed $1,000,000 is made available from accounts within the General Medical Services program classification, based on a plan approved in advance by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, each prescription order for protein nutritional supplements and specialized infant formulas dispensed in the Medicaid and NJ KidCare programs shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Of the amount hereinabove for Eligibility Determination, an amount not to exceed $630,000 is allocated for increased eligibility determination costs related to immigrant services.

The unexpended balances as of June 30, 1999, in the Managed Health Care Initiative account are appropriated to the Medicaid Managed Care Initiative (Health Benefits Coordinator) account.

Of the amount hereinabove for Payments for Medical Assistance Recipients - Clinic, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care for legal immigrant pregnant women who are not eligible for any other State or federal health insurance program.

Of the amount hereinabove for Payments for Medical Assistance Recipients - Outpatient Hospital, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care for legal immigrant pregnant women who are not eligible for any other State or federal health insurance program.

Notwithstanding any law to the contrary, no funds appropriated for the New Jersey ACCESS program may be expended for individuals who were not enrolled in the program on July 1, 1998, or for individuals who are eligible for New Jersey KidCare or Title XIX medical coverage.

Notwithstanding any law to the contrary, all revenues received from health maintenance organizations covering ACCESS clients shall be deposited into the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the New Jersey ACCESS program, such additional sums as may be required are appropriated from the General Fund to cover health insurance costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the New Jersey KidCare program, such additional sums as may be required are appropriated from the General Fund to cover health insurance costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, all appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Health and Senior Services in connection with the administration of the New Jersey ACCESS program shall be transferred to the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsections (b) and (c) of N.J.A.C.10:60-1.13 to the contrary, a person receiving the maximum number of Early and Periodic Screening and Diagnosis and Treatment/ Private Duty Nursing (EPST/ PDN) services, that is, 16 hours in any 24-hour period, may be authorized to receive additional PDN hours if private health insurance is available to cover the cost of the additional hours and appropriate medical documentation is provided which indicates that additional PDN hours are required and that the primary caregiver is not qualified to provide the additional PDN hours.

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities
DIRECT STATE SERVICES

99-7600 Administration and Support Services	$9,339,000
Total Appropriation, State and Federal Funds	$9,339,000
Less:	
Federal Funds	
Administration and Support Services	**$5,961,000**
Total Deductions	**$5,961,000**
Total Direct State Services Appropriation, Division of Developmental Disabilities	$3,378,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($7,574,000)
Materials and Supplies	(64,000)
Services Other Than Personal	(241,000)
Maintenance and Fixed Charges	(99,000)
Special Purpose:	
99 Foster Grandparents Program	(669,000)
99 Developmental Disabilities Council	(306,000)
Additions, Improvements and Equipment	(386,000)
Less:	
All Other Funds	**5,961,000**

7601 Community Programs
DIRECT STATE SERVICES

01-7601 Purchased Residential Care	$2,575,000
02-7601 Social Supervision and Consultation	18,752,000
03-7601 Adult Activities	1,775,000
04-7601 Education and Day Training	29,305,000
Total Appropriation, State, Federal and All Other Funds	$52,407,000

Less:
Federal Funds
Purchased Residential Care $1,585,000
Social Supervision and Consultation 11,107,000
Adult Activities 819,000
Education and Day Training 1,105,000
Total Federal Funds $14,616,000
Other Funds
Education and Day Training $18,538,000
Total Other Funds $18,538,000
Total Direct State Services Appropriation, Division of Developmental Disabilities $19,253,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($46,133,000)
Materials and Supplies ..... (1,299,000)
Services Other Than Personal ..... (1,090,000)
Maintenance and Fixed Charges ..... (3,259,000)
Special Purpose:
02 Guardianship Program ..... (285,000)
02 Homemaker Services (State Share) ..... (167,000)
Additions, Improvements and Equipment ..... (174,000)
Less:
Federal Funds 14,616,000
All Other Funds 18,538,000

GRANTS-IN-AID

01-7601 Purchased Residential Care $367,193,000
(From General Fund ..... $357,140,000)
(From Casino Revenue Fund ..... 10,053,000)
02-7601 Social Supervision and Consultation 26,054,000
(From General Fund ..... 23,846,000)
(From Casino Revenue Fund ..... 2,208,000)
03-7601 Adult Activities 95,507,000
(From General Fund ..... 88,133,000)
(From Casino Revenue Fund ..... 7,374,000)
Total State, Federal and All Other Funds Appropriation $488,754,000
Less:
Federal Funds
Purchased Residential Care $143,849,000
Social Supervision and Consultation 3,097,000
Adult Activities 57,339,000
Total Federal Funds $204,285,000
Less:
All Other Funds
Purchased Residential Care $38,000,000
Total All Other Funds $38,000,000

Total Grants-in-Aid Appropriation,
Community Programs $246,469,000
(Total From General Fund ..... $226,834,000)
(Total From Casino Revenue Fund ..... 19,635,000)
Grants-in-Aid:
01 Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children ..... ($714,000)
01 Private Institutional Care ..... (26,963,000)
01 Private Institutional Care (CRF) ..... (1,311,000)
01 Skill Development Homes ..... (20,004,000)
01 Skill Development Homes (CRF) ..... (1,141,000)
01 Group Homes ..... (204,131,000)
01 Group Homes (CRF) ..... (7,473,000)
01 Family Care ..... (5,087,000)
01 Family Care (CRF) ..... (128,000)
01 Direct Care Salary Supplement ..... (1,541,000)
01 Community Services Waiting List Reduction Initiatives -- FY 1997 ..... (32,000,000)
01 Community Services Waiting List Reduction Initiatives -- FY 1998 ..... (19,000,000)
01 Community Services Waiting List Reduction Initiative -- FY 1999 ..... (32,500,000)
01 Community Services Waiting List Reduction Initiative -- FY 2000 ..... (15,000,000)
01 Community Access Unlimited, Inc. (Union Co.) .... (200,000)
02 The Arc of Bergen and Passaic Counties -- Expanded Respite Care Services for Families with Autistic Children ..... (75,000)
02 Essex ARC -- Expanded Respite Care Services for Families with Autistic Children ..... (175,000)
02 Community Options, Inc. ..... (400,000)
02 Developmental Disabilities Council ..... (1,170,000)
02 Home Assistance ..... (17,728,000)
02 Home Assistance (CRF) ..... (2,208,000)
02 Social Services ..... (3,859,000)
02 Case Management ..... (439,000)
03 LARC School, Inc. -- Special Needs Adult Program ..... (160,000)
03 Purchase of Adult Activity Services ..... (80,885,000)
03 Purchase of Adult Activity Services (CRF) ..... (7,374,000)
03 Arc of Union County ..... (100,000)
03 The Arc, Ocean County Chapter -- Bus ..... (84,000)
03 ARC -- Salem County ..... (200,000)
03 The Arc of Somerset County ..... (45,000)
03 Cost of Living Adjustment, Deferred Cost -- Community Programs ..... (3,194,000)

03 Cost of Living Adjustment --
Community Programs ..... (3,465,000)
Less:
Federal Funds 204,285,000
All Other Funds 38,000,000

A portion of the total amount appropriated in the Community Services Waiting List Reduction Initiative - FY 2000 is available for the operational costs of developing community placements, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.

The total amount appropriated in the Community Services Waiting List Reduction Initiatives - FY 1997, FY 1998, FY 1999 and FY 2000 are available for transfer to community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Director of the Division of Developmental Disabilities is authorized to waive statutory, regulatory or licensing requirements for the implementation of a self determination pilot program included in the Community Services Waiting List Reduction Initiatives - FY 1997, FY 1998, FY 1999 and FY 2000 accounts, subject to the approval of a plan by the Director of the Division of Developmental Disabilities, which will allow an individual to be removed from the waiting list.

Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999, in the Home Assistance account is appropriated for the same purpose.

Notwithstanding any law to the contrary, the State Treasurer, in consultation with the Commissioner of Human Services, may transfer pursuant to the terms and conditions the State Treasurer deems to be in the best interest of the State, the operation, care, custody, maintenance and control of State-owned buses utilized for transportation of clients of the Adult Activity Centers funded from appropriations in the Adult Activities program classification within the Division of Developmental Disabilities to any party under contract with the Department of Human Services to operate an Adult Activity Center. That transfer shall be for a time to run concurrent with the contract for the operation of the Adult Activity Center. That transfer as a non-cash award, and in conjunction with a cash appropriation shall complete the terms of any contract with the Department of Human Services for the operation of the Adult Activity Center. Upon termination

of any contract for the operation of an Adult Activity Center, the operation, care, custody, maintenance and control of the State-owned buses shall revert to the State. The State Treasurer shall execute any agreements necessary to effectuate the purpose of this provision.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Skill development home cost recoveries during the fiscal year ending June 30, 2000, not to exceed $12,500,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Developmentally disabled patients' and residents' cost recoveries during the fiscal year ending June 30, 2000, not to exceed $5,500,000, are appropriated for the continued operation of the Group Homes program, and an additional amount, not to exceed $20,000,000, is appropriated for Community Services Waiting List Reduction Initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

7610 Green Brook Regional Center
DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services	$5,493,000
99-7610 Administration and Support Services	3,098,000
Total Appropriation, State and Federal Funds	$8,591,000
Less:	
Federal Funds	
Residential Care and Habilitation Services	**$5,023,000**
Administration and Support Services	**1,872,000**
Total Deductions	**$6,895,000**
Total Direct State Services Appropriation, Green Brook Regional Center	$1,696,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($6,895,000)
Materials and Supplies	(892,000)
Services Other Than Personal	(263,000)
Maintenance and Fixed Charges	(210,000)
Special Purpose:	
99 Green Brook Bond Payments	(313,000)
Additions, Improvements and Equipment	(18,000)
Less:	
All Other Funds	**6,895,000**

7620 Vineland Developmental Center
DIRECT STATE SERVICES

05-7620 Residential Care and Habilitation Services	$52,303,000
99-7620 Administration and Support Services	12,581,000
Total Appropriation, State and Federal Funds	$64,884,000

Less:
Federal Funds
Residential Care and Habilitation Services $19,138,000
Administration and Support Services 1,856,000
Total Deductions $20,994,000
Total Direct State Services Appropriation, Vineland Developmental Center $43,890,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($57,616,000)
Materials and Supplies ..... (5,075,000)
Services Other Than Personal ..... (1,469,000)
Maintenance and Fixed Charges ..... (673,000)
Special Purpose:
05 Family Care ..... (6,000)
Additions, Improvements and Equipment ..... (45,000)
Less:
Federal Funds 20,994,000

The unexpended balances as of June 30, 1999 in the Reward for Identification of Person(s) Responsible for the Assault on Client account are appropriated for the same purpose.

7630 North Jersey Developmental Center
DIRECT STATE SERVICES

05-7630 Residential Care and Habilitation Services $29,807,000
99-7630 Administration and Support Services 7,636,000
Total Appropriation, State, Federal and All Other Funds $37,443,000
Less:
Federal Funds
Residential Care and Habilitation Services $12,224,000
Administration and Support Services 1,492,000
Total Federal Funds $13,716,000
Less:
All Other Funds
Residential Care and Habilitation Services $131,000
Total All Other Funds $131,000
Total Direct State Services Appropriation, North Jersey Developmental Center $23,596,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($31,823,000)
Materials and Supplies ..... (2,953,000)
Services Other Than Personal ..... (2,060,000)
Maintenance and Fixed Charges ..... (587,000)
Additions, Improvements and Equipment ..... (20,000)
Less:
Federal Funds 13,716,000
All Other Funds 131,000

7640 Woodbine Developmental Center
DIRECT STATE SERVICES

05-7640 Residential Care and Habilitation Services $35,896,000
99-7640 Administration and Support Services 10,598,000
Total Appropriation, State and Federal Funds $46,494,000
Less:
Federal Funds
Residential Care and Habilitation Services $11,887,000
Administration and Support Services 2,710,000
Total Federal Funds $14,597,000
Total Direct State Services Appropriation,
Woodbine Developmental Center. $31,897,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($39,957,000)
Materials and Supplies ..... (4,414,000)
Services Other Than Personal ..... (1,417,000)
Maintenance and Fixed Charges ..... (576,000)
Additions, Improvements and Equipment ..... (130,000)
Less:
Federal Funds 14,597,000

7650 New Lisbon Developmental Center
DIRECT STATE SERVICES

05-7650 Residential Care and Habilitation Services $41,259,000
99-7650 Administration and Support Services 8,756,000
Total Appropriation, State, Federal and
All Other Funds $50,015,000
Less:
Federal Funds
Residential Care and Habilitation Services $22,523,000
Administration and Support Services 3,417,000
Total Federal Funds $25,940,000
Total Direct State Services Appropriation,
New Lisbon Developmental Center $24,075,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($45,096,000)
Materials and Supplies ..... (3,308,000)
Services Other Than Personal ..... (1,080,000)
Maintenance and Fixed Charges ..... (511,000)
Additions, Improvements and Equipment ..... (20,000)
Less:
Federal Funds 25,940,000

7660 Woodbridge Developmental Center
DIRECT STATE SERVICES

05-7660 Residential Care and Habilitation Services $35,942,000

99-7660 Administration and Support Services 7,119,000
Total Appropriation, State, Federal and All Other Funds $43,061,000
Less:
Federal Funds
Residential Care and Habilitation Services $15,117,000
Administration and Support Services 1,302,000
Total Federal Funds $16,419,000
Less:
All Other Funds
Residential Care and Habilitation Services $104,000
Total All Other Funds $104,000
Total Direct State Services Appropriation, Woodbridge Developmental Center $26,538,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($37,876,000)
Materials and Supplies ..... (3,613,000)
Services Other Than Personal ..... (1,050,000)
Maintenance and Fixed Charges ..... (468,000)
Additions, Improvements and Equipment ..... (54,000)
Less:
Federal Funds 16,419,000
All Other Funds 104,000

7670 Hunterdon Developmental Center
DIRECT STATE SERVICES

05-7670 Residential Care and Habilitation Services $34,914,000
99-7670 Administration and Support Services 11,581,000
Total Appropriation, State, Federal and All Other Funds $46,495,000
Less:
Federal Funds
Residential Care and Habilitation Services $9,879,000
Administration and Support Services 3,018,000
Total Federal Funds $12,897,000
Less:
All Other Funds
Residential Care and Habilitation Services $202,000
Total All Other Funds $202,000
Total Direct State Services Appropriation, Hunterdon Developmental Center $33,396,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($39,381,000)
Materials and Supplies ..... (5,554,000)
Services Other Than Personal ..... (967,000)
Maintenance and Fixed Charges ..... (567,000)
Additions, Improvements and Equipment ..... (26,000)

Less:
Federal Funds 12,897,000
All Other Funds 202,000

Division of Developmental Disabilities

In addition to the amount hereinabove for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental accounts for employee benefits, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

The State appropriation is based on ICF/MR revenues of $173,902,000, provided that if the ICF/MR revenues exceed $173,902,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services. Notwithstanding any other law to the contrary, only the federal share of funds anticipated from these assessments shall be available to the Department of Human Services for the purposes set forth in P.L.1998, c.40 (C.30:6D-43 et seq.).

33 Supplemental Education and Training Programs
7560 Commission for the Blind
DIRECT STATE SERVICES

11-7560 Services for the Blind and Visually Impaired	$6,105,000
99-7560 Administration and Support Services	1,281,000
Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired	$7,386,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($5,744,000)
Materials and Supplies	(124,000)
Services Other Than Personal	(573,000)
Maintenance and Fixed Charges	(80,000)
Special Purpose:	
11 Technology for the Visually Impaired	(848,000)
Additions, Improvements and Equipment	(17,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped;" provided however, that each local board shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local

board in accordance with a schedule adopted by the Commissioners of Education and Human Services; and further the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State aid payments to the local boards of education.

There is appropriated from funds recovered from audits or other collection activities an amount sufficient to pay vendors fees to compensate the recoveries, and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of $130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of such receipts as of June 30, 1999 are appropriated.

The unexpended balances as of June 30, 1999 in the Technology for the Visually Impaired account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired	$4,190,000
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired	$4,190,000

Grants-in-Aid:

11 Camp Marcella	($51,000)
11 Psychological Counseling	(151,000)
11 Recording for the Blind, Inc.	(51,000)
11 Educational Services for Children	(2,126,000)
11 Services to Rehabilitation Clients	(1,738,000)
11 Cost of Living Adjustment -- Habilitation and Rehabilitation	(33,000)
11 Deferred Cost of Living Adjustment -- Habilitation and Rehabilitation	(37,000)
11 Direct Care Salary Supplement	(3,000)

The unexpended balances as of June 30, 1999 in the Camp Marcella grant-in-aid account are appropriated subject to the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Family Development
DIRECT STATE SERVICES

15-7550 Income Maintenance Management	$102,694,000
Total Appropriation, State, Federal and All Other Funds	$102,694,000
Less:	
Federal Funds	
Income Maintenance Management	**$63,770,000**
Total Federal Funds	**$63,770,000**
Total Direct State Services Appropriation, Division of Family Development	$38,924,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($23,947,000)
Materials and Supplies ..... (779,000)
Services Other Than Personal ..... (19,523,000)
Maintenance and Fixed Charges ..... (1,304,000)
Special Purpose:
15 Income Maintenance Management ..... (302,000)
15 Electronic Benefit Transfer/Distribution System . (6,883,000)
15 Non Public Assistance Legal Services, Child Support ..... (5,000)
15 Hospital Paternity Program ..... (1,612,000)
15 Work First New Jersey Child Support Initiatives ..... (19,044,000)
15 Work First New Jersey -- Technology Investment ..... (28,974,000)
Additions, Improvements and Equipment ..... (321,000)
Less:
Federal Funds 63,770,000

Any federal funds received by the Division of Family Development for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1999 are appropriated.

The unexpended balances as of June 30, 1999 in the Income Maintenance Management program classification direct state services accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for the Work First New Jersey-Technology Investment account, such additional sums as may be required are appropriated from the General Fund, not to exceed $4,100,000, to meet the timely implementation of Work First New Jersey technology initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

GRANTS-IN-AID

15-7550 Income Maintenance Management $422,350,000
Total Appropriation, State and Federal Funds $422,350,000
Less:
Federal Funds
Income Maintenance Management $275,750,000
Total Federal Funds $275,750,000
Total Grants-in-Aid Appropriation, Division of Family Development $146,600,000

Grants-in-Aid:
15 Restricted Grants ..... ($1,060,000)
15 Work First New Jersey --
Training Related Expenses ..... (30,885,000)
15 Work First New Jersey -- Work Activities ..... (104,378,000)
15 Work First New Jersey --
Community Housing for Teens ..... (711,000)
15 Work First New Jersey --
Breaking the Cycle Pilots ..... (5,866,000)
15 Work First New Jersey -- Child Care ..... (244,380,000)
15 Family Day Care Provider Registration Act ..... (481,000)
15 Minority Male Initiative ..... (200,000)
15 Social Services for the Homeless ..... (8,009,000)
15 Cost of Living Adjustment ..... (1,391,000)
15 Deferred Cost of Living ..... (248,000)
15 Mini Child Care Center Project Grants ..... (316,000)
15 Kinship Care ..... (500,000)
15 Bright Beginnings Expansion ..... (5,000,000)
15 Project Self-Sufficiency, Sparta ..... (175,000)
15 Substance Abuse Initiatives ..... (18,750,000)
Less:
Federal Funds 275,750,000

The Commissioner of Human Services shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

Notwithstanding any law to the contrary, in addition to the amounts hereinabove for the Work First New Jersey-Work Activity and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed $19,000,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L. 1992, c.43 (C.34:15D-9).

Notwithstanding any law to the contrary, of the amounts hereinabove for Work First New Jersey-Work Activity and Work First New Jersey-Training Related Expenses, $25,400,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9).

The unexpended balances as of June 30, 1999 in the Income Maintenance Management program classification grants-in-aid accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

STATE AID

15-7550 Income Maintenance Management $723,780,000
Total State and Federal Funds Appropriation $723,780,000
Less:
Federal Funds
Income Maintenance Management $384,755,000
Total Federal Funds $384,755,000
Less:
All Other Funds
Income Maintenance Management $5,594,000
Total All Other Funds $5,594,000
Total State Aid Appropriation, Division of Family Development $306,713,000

State Aid:

15 Miscellaneous State Aid ..... ($4,939,000)
15 County Administration Funding ..... (186,734,000)
15 Work First New Jersey -- Client Benefits ..... (209,714,000)
15 Federal Energy Assistance Program ..... (23,123,000)
15 Cost of Living Adjustment ..... (185,000)
15 General Assistance Emergency Assistance Program ..... (34,657,000)
15 Payments to Municipalities for Cost of General Assistance ..... (95,371,000)
15 Work First New Jersey -- Emergency Assistance . (22,971,000)
15 Payments for Supplemental Security Income .... (61,519,000)
15 State Supplemental Security Income Administrative Fee to SSA ..... (10,268,000)
15 General Assistance County Administration ..... (9,863,000)
15 Food Stamp Administration -- State ..... (9,500,000)
15 Food Stamps for Legal Aliens ..... (1,000,000)
15 Fair Labor Standards Act -- Minimum Wage Requirements (TANF) ..... (500,000)
15 Child Support Consolidation ..... (26,718,000)

Less:
Federal Funds 384,755,000
All Other Funds 5,594,000

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-4 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.) and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 1999 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1999 are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the provisions of section 3 of P.L.1973, c.256 (C.44:7-87), the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible persons in this State, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

Notwithstanding any law to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances as of June 30, 1999 in the Income Maintenance Management program classification State Aid accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, or at the earliest date thereafter consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated for the General Assistance (GA) program for pharmaceutical services shall be expended except under the following conditions: (a) reimbursement for the cost of legend and non-legend drugs, excluding nutritional supplements, shall not exceed their Average Wholesale Price (AWP) less a 10 percent volume discount; (b) prescription quantities of legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a 34-day supply for an initial prescription, and 34-day or 100-unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 in effect on June 30, 1999 shall remain in effect through fiscal 2000, including the current increments for patient consultation, impact allowances and allowances for 24 hour emergency services.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, the following provisions shall apply to the dispensing of prescription drugs through the Payments to Municipalities for the Cost of General Assistance account: (a) for all Maximum Allowable Cost (MAC) drugs dispensed, the prescription order shall state "Brand Medically Necessary" in the prescriber's

own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

The unexpended balances in the Exxon Oil Overcharge and Stripper Well accounts previously appropriated to the Department of Human Services are transferred to the Department of Transportation for the purpose of funding light rail and alternative fuel vehicles programs.

Notwithstanding the provisions of any law to the contrary, no funds appropriated for the General Assistance (GA) for pharmaceutical services shall be expended unless participating pharmacies are also Medicare providers.

Notwithstanding the provisions of subsection a. of section 4 of P.L.1997, c.37 (C.44:10-74), for cash assistance benefits to recipients with dependent children, the State and federal governments' share shall be at the rate of 87.5% for the period of January 1 through June 30, 1999, and at a rate of 102.5% for the period of July 1 through December 31, 1999; except that the total payment of the State and federal share of expenditures during January through December 31, 1999 shall not exceed 95%.

Of the amount appropriated hereinabove for Work First New Jersey - Client Benefits, $7,600,000 is available to offset the costs of section 14 of P.L.1991, c.63 (C.44:10-5). The matching rates will be maintained at 95 percent State/federal and 5 percent county, as stated in subsection a. of section 4 of P.L.1997, c.37 (C.44:10-74).

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, effective July 1, 1999, approved nutritional supplements will be reimbursed in accordance with a fee schedule set by the Director of the Division of Medical Assistance and Health Services (DMAHS).

Notwithstanding any law to the contrary, the unexpended balances as of June 30, 1999 in the Work First New Jersey Contingency Fund are available for unanticipated public assistance caseload growth, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, each prescription order for protein nutritional supplements dispensed in the General Assistance program shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

7570 Division of Youth and Family Services

DIRECT STATE SERVICES

16-7570 Services to Children and Families	$148,009,000
99-7570 Administrative and Support Services	21,644,000
Total Appropriation, State and Federal Funds	$169,653,000
Less:	
Federal Funds	
Services to Children and Families	**$115,984,000**

Administration and Support Services 14,723,000
Total Federal Funds $130,707,000
All Other Funds
Services to Children and Families $1,948,000
Total All Other Funds 1,948,000
Total Direct State Services Appropriation, Division of Youth and Family Services $36,998,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($122,649,000)
Materials and Supplies ..... (1,929,000)
Services Other Than Personal ..... (8,313,000)
Maintenance and Fixed Charges ..... (9,354,000)
Special Purpose:
16 Services to Families and Children ..... (412,000)
16 Foster Care and Permanency Initiative ..... (6,822,000)
16 Child Protection Initiative ..... (12,204,000)
Additions, Improvements and Equipment ..... (7,970,000)
Less:
Federal Funds 130,707,000
All Other Funds 1,948,000

GRANTS-IN-AID

16-7570 Services to Families and Children $316,725,000
(From General Fund ..... $312,991,0000)
(From Casino Revenue Fund ..... 3,734,000)
99-7570 Administration and Support Services 912,000
Total Appropriation, State, Federal and All Other Funds ... $317,637,000
(From General Fund ..... $313,903,0000)
(From Casino Revenue Fund ..... 3,734,000)
Less:
Federal Funds
Services to Families and Children $54,726,000
Administration and Support Services 912,000
Total Federal Funds $55,638,000
All Other Funds
Services to Families and Children $3,254,000
Total All Other Funds $3,254,000
Total Grants-in-Aid Appropriation, Division of Youth and Family Services $258,745,000
(From General Fund ..... $255,011,0000)
(From Casino Revenue Fund ..... 3,734,000)
Grants-in-Aid:
16 Services to Children and Families ..... ($5,066,000)
16 Group Homes ..... (20,296,000)
16 Treatment Homes ..... (14,562,000)
16 Public Awareness for Child Abuse Prevention Programs ..... (252,000)

16 Cost of Living Adjustment -- Services to Families and Children ..... (2,003,000)
16 Deferred Cost of Living Adjustment ..... (2,650,000)
16 Other Residential Placements ..... (12,029,000)
16 Regional Diagnostic and Treatment Centers ..... (1,500,000)
16 Residential Placements ..... (57,931,000)
16 Family Support Services ..... (41,593,000)
16 Child Abuse Prevention ..... (10,318,000)
16 Foster Care ..... (44,996,000)
16 Subsidized Adoption ..... (34,723,000)
16 Restricted Grants ..... (3,649,000)
16 Morris/Sussex Sexual Abuse Victims' Program ..... (319,000)
16 Recruitment of Adoptive Parents ..... (608,000)
16 Domestic Violence Program ..... (3,928,000)
16 Foster Care and Permanency Initiative ..... (15,270,000)
16 Jersey City Women, Infants and Children Program ..... (120,000)
16 Certified Drug and Alcohol Counselors Model .... (1,500,000)
16 Office of Refugee Resettlement -- Social Services . (2,894,000)
16 County Human Services Advisory Boards -- Formula Funding ..... (7,168,000)
16 Family and Children's Services, Monmouth County ..... (100,000)
16 Children and Families Initiative ..... (1,191,000)
16 Family Friendly Centers ..... (2,500,000)
16 Personal Assistance Services Program ..... (2,528,000)
16 Personal Assistance Services Program (CRF) ... (3,734,000)
16 Direct Care Salary Supplement ..... (618,000)
16 Children's Services for Victims of Domestic Violence ..... (253,000)
16 Purchase of Social Services ..... (11,461,000)
16 Robin's Nest ..... (60,000)
16 Family Day Care of Gloucester and Cape May ..... (65,000)
16 Somerset Hills School ..... (175,000)
16 Collier Services, Collier Group Home ..... (35,000)
16 School Based Youth Services Program ..... (7,865,000)
16 Juvenile Suicide Prevention Program ..... (500,000)
16 Domestic Violence Assessment Center of Sussex County ..... (165,000)
16 Sussex and Morris County Child Advocacy Centers, St. Clare's Hospital ..... (1,020,000)
16 Counseling for Families of Young Crime Victims -- Pilot Program ..... (30,000)
16 Amanda's Easel -- Women's Center of Monmouth County, Inc. ..... (100,000)
16 Monmouth County Day Care Center, Red Bank ..... (50,000)
16 Senator Wynona M. Lipman Child Advocacy Center ..... (900,000)

99 Administration and Support Services ..... (57,000)
99 Children's Justice Act ..... (245,000)
99 National Center for Child Abuse and Neglect ..... (610,000)
Less:
Federal Funds 55,638,000
All Other Funds 3,254,000

The sums hereinabove for the Residential/Group Home Placements, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Foster Care and Subsidized Adoption, the Division of Youth and Family Services may expend up to $225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

Receipts in the Marriage License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Program, $1,309,000 is payable out of the Marriage License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The Department of Human Services shall provide a list of the County Human Services Advisory Boards contracts to the Director of the Division of Budget and Accounting on or before September 30, 1999. The listing shall segregate out the administrative costs of such contracts.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 2000, are appropriated.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Group Home Placements account to the appropriate Substitute Care or General Social Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1999 of funds in the Juvenile Suicide Prevention Program - Mercer County account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

7580 Division of the Deaf and Hard of Hearing
DIRECT STATE SERVICES

23-7580 Services for the Deaf $436,000
Total Direct State Services Appropriation, Division of Deaf and Hard of Hearing $436,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($257,000)
Materials and Supplies ..... (41,000)
Services Other Than Personal ..... (41,000)
Maintenance and Fixed Charges ..... (1,000)
Special Purpose:
23 Services to Deaf Clients ..... (40,000)
23 Communication Access Services ..... (55,000)
Additions, Improvements and Equipment ..... (1,000)

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget
DIRECT STATE SERVICES

96-7500 Institutional Security Services $4,216,000
99-7500 Administration and Support Services 7,925,000
Total Direct State Services Appropriation, Management and Budget $12,141,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($8,575,000)
Materials and Supplies ..... (58,000)
Services Other Than Personal ..... (1,168,000)
Maintenance and Fixed Charges ..... (72,000)
Special Purpose:
99 Clinical Services Scholarships ..... (150,000)
99 Affirmative Action and Equal Employment Opportunity ..... (255,000)
99 Transfer to State Police for Fingerprinting/ Background Checks of Job Applicants ..... (200,000)
99 State Office on Disability Services ..... (450,000)
99 Institutional Staff Background Checks ..... (407,000)
99 Integrated Children's Services Initiatives ..... (750,000)
Additions, Improvements and Equipment ..... (56,000)

Notwithstanding the provision of any law to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the Department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting in accordance with a plan approved by the Director of the Division of Budget and Accounting.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed $1,375,000 and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

A portion of the amount hereinabove appropriated for the Division of Management and Budget, not to exceed $100,000, is available for transfer to the Department of Health and Senior Services for salary costs related to the Nursing Home Audit function.

GRANTS-IN-AID

99-7500 Administration and Support Services $12,042,000
Total Grants-in-Aid Appropriation, Division of Management and Budget $12,042,000

Grants-in-Aid:

99 Office for Prevention of Mental Retardation and Developmental Disabilities ..... ($648,000)
99 Interagency Task Force on the Prevention of Lead Poisoning ..... (200,000)
99 New Jersey Youth Corp ..... (3,104,000)
99 Cost of Living Adjustment ..... (24,000)
99 Salary Supplement for Direct Service Workers ... (8,060,000)
99 Deferred Cost of Living Adjustment ..... (6,000)

Notwithstanding any law to the contrary, of the amount hereinabove for New Jersey Youth Corps, $1,850,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9).

Of the amounts hereinabove appropriated for cost of living adjustments throughout the Department of Human Services, 70% shall be expended for direct service workers' salaries, effective July 1, 1999.

The amount hereinabove for Salary Supplement for Direct Service Workers account shall only be expended for direct service workers' cost of living adjustments throughout the Department of Human Services.

CAPITAL CONSTRUCTION
20 Physical and Mental Health
23 Mental Health Services

Capital Project:
Greystone Park Psychiatric Hospital
Infrastructure Improvements, Institutions and Community Facilities $2,000,000
Trenton Psychiatric Hospital
Drake Building Ceiling 325,000
Ann Klein Forensic Center
Construction of Residential Buildings 7,500,000
Ancora Psychiatric Hospital
Sewage Treatment Plant 1,500,000
Senator Garrett W. Hagedorn Gero-Psychiatric Hospital
Life Safety Improvements, Various Institutions and Community Facilities 504,000

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions

Capital Project:
Vineland Developmental Center
HVAC Improvements $1,634,000
Renovations and Improvements 3,500,000
Woodbridge Developmental Center
Electrical Switchgear Repairs 250,000
Hunterdon Developmental Center
Replace Electrical Main Feeder 1,900,000

70 Government Direction, Management and Control
76 Management and Administration

Capital Project:
Division of Management and Budget
Fire Safety Code Compliance Projects $3,607,000
Preservation Improvements, Institutions and
Community Facilities 315,000
Preservation and Infrastructure Projects,
Regional Schools 765,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Human Services,
Total State Appropriation $3,238,238,000

A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health and Senior Services to enable these departments to implement programs funded by this block grant.

Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page I-45 in the Governor's Budget Recommendation Document dated January 25, 1999 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1999 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding any other provision of law to the contrary, receipts from payments collected from clients receiving services from the department, and collected from

their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting and accounting of payments from clients receiving services from this department and from their chargeable relatives pursuant to R.S.30:1-12 subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended State balances as of June 1 of each fiscal year may be transferred among the Income Maintenance Management program classification accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program, section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey-Client Benefits account in order to comply with Pub.L.104-193, as required by section 4 of P.L.1997, c.38 (C.44:10-58).

Summary of Department of Human Services Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$524,581,000
Grants-in-Aid	2,295,973,000
State Aid	393,884,000
Capital Construction	23,800,000
Appropriation by Fund:	
General Fund	$3,214,869,000
Casino Revenue Fund	23,369,000

62 DEPARTMENT OF LABOR
50 Economic Planning, Development and Security
51 Economic Planning and Development
DIRECT STATE SERVICES

18-4570 Planning and Analysis	$260,000
99-4565 Management and Administrative Services	501,000
Total Direct State Services Appropriation, Economic Planning and Development	$761,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($414,000)
Materials and Supplies	(12,000)
Services Other Than Personal	(242,000)

Maintenance and Fixed Charges ..... (28,000)
Special Purpose:
99 Affirmative Action and Equal Employment Opportunity ..... (62,000)
Additions, Improvements and Equipment ..... (3,000)

Such sums as may be necessary to collect the contributions to the Health Care Subsidy Fund, pursuant to section 29 of the "Health Care Reform Act of 1992," P.L.1992, c.160 (C.43:21-7b), are appropriated from the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Planning and Analysis program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount necessary to provide administrative costs incurred by the Department of Labor to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated hereinabove for Management and Administration, there are appropriated from the New Jersey Redevelopment Investment Fund and the Economic Development Fund an amount of $142,000 to provide for administrative costs incurred by the Department of Labor for activities related to the New Jersey Redevelopment Authority and the New Jersey Economic Development Authority programs, as determined by the Director of the Division of Budget and Accounting.

53 Economic Assistance and Security
DIRECT STATE SERVICES

03-4520 State Disability Insurance Plan $19,845,000
04-4520 Private Disability Insurance Plan 3,670,000
05-4525 Workers' Compensation 11,332,000
06-4530 Special Compensation 1,581,000
Total Direct State Services Appropriation, Economic Assistance and Security $36,428,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($23,913,000)
Materials and Supplies ..... (374,000)
Services Other Than Personal ..... (4,055,000)
Maintenance and Fixed Charges ..... (1,995,000)
Special Purpose:
03 Reimbursement to Unemployment Insurance for Joint Tax Reimbursement ..... (5,176,000)
06 Special Compensation ..... (60,000)
Additions, Improvements and Equipment ..... (855,000)

Such sums as may be necessary to administer the Unemployment Insurance program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan there is appropriated from the State Disability Fund an amount not to exceed $5,615,000, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Special Compensation shall be payable out of the Second Injury Fund and, notwithstanding the $12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Second Injury Fund such additional sums as may be required for costs of administration and beneficiary payments.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed $1,000,000 to be deposited to the credit of the "uninsured employer's fund" for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next "uninsured employer's fund" surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and such amount shall be returned to the Second Injury Fund without interest. Furthermore, any amount so transferred shall be included in "net assets" pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

Receipts in excess of the amount anticipated for the Workers' Compensation program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts to administer the "uninsured employer's fund" are appropriated from the "uninsured employer's fund," subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is hereby authorized to transfer such sums as are necessary between the Department of Labor and the Department of the Treasury for the administration of revenue collection and processing functions related to the Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, and Special Compensation programs.

In addition to the amounts appropriated hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

From the funds made available to the State under section 903 of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, the sum of $4,500,000, or so much thereof as may be necessary, is to be used for the administration of the Unemployment Insurance Program. These funds shall be made available for obligations until June 30, 2002.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535	Vocational Rehabilitation Services	$2,408,000
09-4545	Employment Services	6,667,000
12-4550	Workplace Standards	5,299,000
16-4556	Public Sector Labor Relations	2,848,000
17-4560	Private Sector Labor Relations	484,000
	Total Direct State Services Appropriation, Manpower and Employment Services	$17,706,000

Direct State Services:

Personal Services:	
Salaries and Wages	($16,526,000)
Materials and Supplies	(55,000)
Services Other Than Personal	(192,000)
Maintenance and Fixed Charges	(111,000)
Special Purpose:	
12 Worker and Community Right-to-Know Act	(42,000)
12 Public Employees Occupational Safety	(420,000)
12 Mine Safety Program Expansion	(160,000)
Additions, Improvements and Equipment	(200,000)

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amounts hereinabove for the Workforce Development Partnership Program shall be appropriated from receipts received pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional sums as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.), the Commissioner of the Department of Labor, in consultation with the Director of the Division of Budget and Accounting, may allocate an additional amount, not to exceed $10,000,000, from the balance in the Workforce Development Partnership Fund to adequately fund the Customized Training program.

The amount hereinabove for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "unemployment compensation law," R.S.43:21-1 et seq., such amounts as may be necessary to implement technology

improvements in the Workplace Standards program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right To Know Act account is payable out of the "Worker and Community Right To Know Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove, there are appropriated out of the "Worker and Community Right To Know Fund" such additional sums, not to exceed $8,400, to administer the Right To Know program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

Notwithstanding the provisions of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.), an amount not to exceed $500,000 is authorized from the balance in the Workforce Development Partnership Fund to be used by the Department to promote training of women and minorities in the construction trades.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services	$21,360,000
(From General Fund	*$18,920,000)*
(From Casino Revenue Fund	*2,440,000)*
Total Grants-in-Aid Appropriation, Manpower and Employment Services	$21,360,000
(Total From General Fund	*$18,920,000)*
(Total From Casino Revenue Fund	*2,440,000)*
Grants-in-Aid:	
07 Services to Clients (State Share)	($3,891,000)
07 Supported Employment Services	(450,000)
07 Sheltered Workshop Support	(12,354,000)
07 Sheltered Workshop -- Transportation (CRF)	(2,440,000)
07 Sheltered Workshop Employment Placement Incentive Program	(1,250,000)
07 Deferred Cost of Living Adjustment -- Sheltered Workshops	(94,000)
07 Cost of Living Adjustment -- Sheltered Workshops	(97,000)
07 Services for Deaf Individuals	(170,000)
07 Independent Living Centers	(515,000)
07 Salary Supplement for Direct Service Workers	(85,000)
07 Cost of Living Adjustment -- Independent Living Centers	(10,000)
07 Training (State Share)	(4,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed $18,835,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

The unexpended balances in the Sheltered Workshop Employment Placement Incentive Program account and the Sheltered Workshop Support account, as of June 30, 1999, are appropriated for Sheltered Workshop Support.

The amount hereinabove for Salary Supplement for Direct Service Workers shall only be expended for direct service workers' cost of living adjustments throughout the Department of Labor.

Of the amounts hereinabove for cost of living adjustments throughout the Department of Labor, 70% shall be expended only on direct service workers' salaries, effective July 1, 1999.

Department of Labor, Total State Appropriation $76,255,000

Summary of Department of Labor Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $54,895,000
Grants-in-Aid 1,360,000
Appropriation by Fund:
General Fund $73,815,000
Casino Revenue Fund 2,440,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement
DIRECT STATE SERVICES

06-1200 State Police Operations $179,308,000
09-1200 Criminal Justice 23,691,000
11-1200 State Medical Examiner 211,000
30-1200 Gaming Enforcement 32,251,000
(From Casino Control Fund ..... $32,251,000)
99-1200 Administration and Support Services 23,779,000
Total Direct State Services Appropriation,
Law Enforcement $259,240,000
(Total From General Fund ..... $226,989,000)
(Total From Casino Control Fund ..... 32,251,000)
Direct State Services:
Personal Services:
Salaries and Wages ..... ($154,537,000)
Salaries and Wages (CCF) ..... (21,463,000)
Cash in Lieu of Maintenance ..... (18,456,000)
Cash in Lieu of Maintenance (CCF) ..... (813,000)
Employee Benefits (CCF) ..... (3,673,000)
Materials and Supplies ..... (7,273,000)
Materials and Supplies (CCF) ..... (405,000)

Services Other Than Personal ..... (5,301,000)
Services Other Than Personal (CCF) ..... (1,841,000)
Maintenance and Fixed Charges ..... (5,268,000)
Maintenance and Fixed Charges (CCF) ..... (2,440,000)
Special Purpose:
06 Nuclear Emergency Response Program ..... (1,988,000)
06 Drunk Driver Fund Program ..... (962,000)
06 Noncriminal Record Checks ..... (1,014,000)
06 COPS Universal Grant -- State Match Account ... .(700,000)
06 Megan's Law DNA Testing ..... (200,000)
06 Urban Search and Rescue ..... (1,500,000)
06 State Police -- Forensic/DNA Lab Testing ..... (380,000)
06 State Police Vehicles -- FY 2000 Lease/Purchase ..... (5,700,000)
09 Division of Criminal Justice -- State Match ..... (1,500,000)
09 Human Relations Council ..... (250,000)
09 Government Integrity and Corruption Unit ..... (650,000)
09 Health Insurance Fraud Unit ..... (1,500,000)
09 Expenses of State Grand Jury ..... (356,000)
09 Medicaid Fraud Investigation-- State Match ..... (375,000)
30 Gaming Enforcement (CCF) ..... (1,185,000)
99 State Police -- Enhanced Systems and Procedures ..... (3,700,000)
99 State Police Recruit Training ..... (1,800,000)
99 Affirmative Action and Equal Employment Opportunity ..... (193,000)
99 N.C.I.C. 2000 Project ..... (4,700,000)
Additions, Improvements and Equipment ..... (8,686,000)
Additions, Improvements and Equipment (CCF) ..... .(431,000)

The unexpended balance as of June 30, 1999 in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

There are appropriated such sums as are collected pursuant to section 19 of P.L.1981, c.279 (C.13:1E-67); section 3 of P.L.1988, c.61 (C.58:10A-49); section 9 of P.L.1970, c.39 (C.13:1E-9); section 2 of P.L.1987, c.158 (C.13:1E-9.2); sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24) and section 15 of P.L.1987, c.333 (C.13:1E-191) as are required to pay awards authorized by these laws and for public awareness programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to P.L.1993, c.227, are appropriated for law enforcement purposes designated by the Attorney General.

The unexpended balance as of June 30, 1999 in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated

for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to insure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), that in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of $2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for Patrol Activities and Crime Control, there is appropriated an amount not to exceed $1,200,000 from indirect cost recoveries, for the purpose of offsetting the costs of the provision of State Police services.

The unexpended balance as of June 30, 1999 in the Drunk Driver Fund program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk Driver Fund program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1999, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Noncriminal Record Checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance as of June 30, 1999 in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear Emergency Response Program account is payable from receipts received pursuant to the assessment of electrical utility

companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance as of June 30, 1999 in the Nuclear Emergency Response Program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

Of the amount hereinabove for State Police Operations, $464,000 shall be transferred to the State Capitol Joint Management Commission to pay for security services at the State Museum.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by Division of State Police and Division of Criminal Justice personnel are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and Department of Transportation-Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

All fees and receipts collected, pursuant to paragraph (7) of subsection l. of N.J.S.2C:39-6, and the unexpended balance as of June 30, 1999, are appropriated to offset the costs of administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the State Police - Enhanced Systems and Procedures account, there is appropriated an amount not to exceed $10,000,000 to implement initiatives related to expanded staff, promotional opportunities, data processing, enhanced recruiting and other recommendations of the Profiling Study, as shall be identified in a comprehensive plan submitted by the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations	$265,000
09-1200 Criminal Justice	1,750,000
Total Grants-in-Aid Appropriation, Criminal Justice	$2,015,000
Grants-in-Aid:	
06 Nuclear Emergency Response Program	($265,000)
09 Hamilton Township (Mercer) -- Community Policing Project	(750,000)
09 Human Relations Council	(1,000,000)

STATE AID

09-1200 Criminal Justice	$3,600,000
Total State Aid Appropriation, Criminal Justice	$3,600,000
State Aid:	
09 Safe and Secure Neighborhoods Program	($3,600,000)

13 Special Law Enforcement Activities
DIRECT STATE SERVICES

03-1160 Office of Highway Traffic Safety	$338,000
17-1420 Election Law Enforcement	2,537,000
20-1450 Review and Enforcement of Ethical Standards	529,000
21-1400 Regulation of Alcoholic Beverages	1,260,000
25-1421 Election Management and Coordination	400,000
Total Direct State Services Appropriation, Special Law Enforcement Activities	$5,064,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($3,198,000)
Materials and Supplies	(214,000)
Services Other Than Personal	(719,000)
Maintenance and Fixed Charges	(40,000)
Special Purpose:	
03 Federal Highway Safety Program -- State Match	(338,000)
17 Per Diem Payment to Members of Election Law Enforcement Commission	(15,000)
20 Document Storage and Retrieval	(80,000)
Additions, Improvements and Equipment	(460,000)

The unexpended balance in the Federal Highway Safety Program--State Match account, including the accounts of the several departments, as of June 30, 1999, is appropriated for such highway safety projects.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the

Director of Alcoholic Beverage Control in excess of $2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

From the receipts derived from uncashed pari-mutuel winning tickets, the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such sums as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that the costs of imaging projects are reduced, funds appropriated to individual departments for the purchase of imaging related projects may be available for reallocation to a centralized function, as the Director of the Division of Budget and Accounting shall determine.

Of the receipts derived from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examination of voting machines by Election Management and Coordination and the unexpended balance as of June 30, 1999 of those receipts are appropriated for the costs of making such examinations.

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund to the Gubernatorial Elections Fund such sums as may be required.

18 Juvenile Services
1500 Division of Juvenile Services
DIRECT STATE SERVICES

34-1500	Juvenile Community Programs	$17,609,000
40-1400	Aftercare Programs	3,621,000

99-1500 Administration and Support Services 3,749,000
Total Direct State Services Appropriation, Juvenile Services . $24,979,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($19,031,000)
Materials and Supplies ..... (1,670,000)
Services Other Than Personal ..... (1,919,000)
Maintenance and Fixed Charges ..... (947,000)
Special Purpose:
34 Juvenile Justice Initiatives ..... (770,000)
34 Social Services Block Grant -- State Match ..... (42,000)
99 Juvenile Justice -- State Matching Funds ..... (406,000)
Additions, Improvements and Equipment ..... (194,000)

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of contracting of community programs may be transferred to the Contract Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the contracting of community programs shall be transferred from the Inter-Departmental Employee Benefits program classification to the Contract Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the contracting of community programs shall be transferred from the Inter-Departmental Salary and Other Benefits program classification to the Contract Services account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums appropriated hereinabove for Salaries and Wages within Administration and Support Services, the Director of the Juvenile Justice Commission, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to this account an amount up to $226,000 from other appropriations in Juvenile Community Programs to reflect savings for the contracting of community programs.

GRANTS-IN-AID

34-1500 Juvenile Community Programs $15,747,000
Total Grants-in-Aid Appropriation, Criminal Justice $15,747,000
Grants-in-Aid:
34 Alternatives to Juvenile Incarceration Programs .. ($2,321,000)
34 Crisis Intervention Program ..... (3,688,000)
34 State/Community Partnership Grants ..... (6,900,000)
34 Purchase of Services for Juvenile Offenders ..... (1,300,000)
34 Salary Supplement for Direct Service Workers ..... (91,000)
34 Youth Services Commission ..... (325,000)
34 Cost of Living Adjustment -- Alternative to
Juvenile Incarceration Programs ..... (19,000)

34 Deferred Cost of Living Adjustment --
Alternative to Juvenile Incarceration Programs ..... (18,000)
34 Expansion of Delinquency Programs --
Boys and Girls Clubs of New Jersey ..... (1,000,000)
34 Cost of Living Adjustment --Crisis
Intervention/State Community Partnership ..... (85,000)

A portion of the total amount appropriated in the Purchase of Services for Juvenile Offenders account is available for costs of additional State facilities for juvenile offender and other programs to provide services for juvenile offenders, as determined to be appropriate by the Juvenile Justice Commission, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance of June 30, 1999 in the Purchase of Services for Juvenile Offenders account is appropriated for the same purposes, and of the balance, an amount not to exceed $50,000 shall be allocated for the establishment of an historic monument for and by the New Jersey Manual Training and Industrial School "Ironsides" Centennial Foundation, Inc., as the Attorney General shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Salary Supplement for Direct Service Workers account shall only be expended for direct service workers' salary cost of living adjustments throughout the Department of Law and Public Safety, Division of Juvenile Services.

Of the amounts appropriated for cost of living adjustments throughout the Department of Law and Public Safety, Division of Juvenile Services, 70% shall be expended for direct service workers' salaries, effective July 1, 1999.

1505 New Jersey Training School for Boys
DIRECT STATE SERVICES

35-1505	Institutional Control and Supervision	$13,324,000
36-1505	Institutional Care and Treatment	5,578,000
99-1505	Administration and Support Services	3,492,000
	Total Direct State Services Appropriation, New Jersey Training School for Boys	$22,394,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($17,383,000)
Food in Lieu of Cash ..... (87,000)
Materials and Supplies ..... (1,746,000)
Services Other Than Personal ..... (2,431,000)
Maintenance and Fixed Charges ..... (624,000)
Special Purpose:
99 Administration and Support Services ..... (2,000)
Additions, Improvements and Equipment ..... (121,000)

Receipts derived from the Eyeglass Program at the New Jersey Training School for Boys and any unexpended balance as of June 30, 1999 are appropriated for the operation of the program.

1510 Juvenile Medium Security Center
DIRECT STATE SERVICES

35-1510 Institutional Control and Supervision	$13,214,000
36-1510 Institutional Care and Treatment	1,164,000
99-1510 Administration and Support Services	2,257,000
Total Direct State Services Appropriation, Juvenile Medium Security Center	$16,635,000

Direct State Services:

Personal Services:	
Salaries and Wages	($7,543,000)
Food in Lieu of Cash	(35,000)
Materials and Supplies	(459,000)
Services Other Than Personal	(430,000)
Maintenance and Fixed Charges	(112,000)
Special Purpose:	
35 New Facilities -- Start Up Costs	(500,000)
35 Juvenile Boot Camp	(3,933,000)
35 Female Secure Care Program -- Johnstone	(2,800,000)
99 Johnstone Facility Maintenance	(702,000)
Additions, Improvements and Equipment	(121,000)

In addition to the amount hereinabove, such funds from other Juvenile Justice Commission facility appropriations shall be transferred as are required to cover operational costs of new facilities constructed for the Juvenile Medium Security Center, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management
DIRECT STATE SERVICES

88-1000 Institutional Control and Supervision	$581,000
99-1000 Administration and Support Services	6,329,000
Total Direct State Services Appropriation, Central Planning, Direction and Management	$6,910,000

Direct State Services:

Personal Services:	
Salaries and Wages	($5,788,000)
Materials and Supplies	(362,000)
Services Other Than Personal	(391,000)
Maintenance and Fixed Charges	(88,000)
Special Purpose:	
99 Affirmative Action and Equal Employment Opportunity	(198,000)
Additions, Improvements and Equipment	(83,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to P.L.1993, c.227, are appropriated for law enforcement purposes designated by the Attorney

General; provided however, that receipts in excess of $2,000,000 up to $1,900,000 shall lapse to the General Fund.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 1999 and February 1, 2000, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance as of June 30, 1999, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et seq., subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, of the amount appropriated in the Youth Trauma Initiative special purpose account in the Department of Health and Senior Services, an amount not to exceed $250,000 shall be transferred to the Department of Law and Public Safety, Commission to Deter Criminal Activity for costs associated with a media campaign to reduce youth and school violence in New Jersey, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control
74 General Government Services
DIRECT STATE SERVICES

12-1010 Legal Services		$52,867,000
Total All Operations		$52,867,000
Less:		
Reimbursement From Other Sources	**$36,464,000**	
Total Deductions		**$36,464,000**
Total Direct State Services Appropriation, General Government Services		$16,403,000
Personal Services:		
Salaries and Wages	($15,265,000)	
Materials and Supplies	(122,000)	
Services Other Than Personal	(721,000)	
Maintenance and Fixed Charges	(262,000)	

Additions, Improvements and Equipment ..... (33,000)
Expense:
Reimbursements From Other Sources ..... (36,464,000)
Less:
Reimbursement From Other Sources 36,464,000

In addition to the $36,464,000 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch, or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch, or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

The unexpended balance as of June 30, 1999 in the Division of Law Legal Services Client Agency Agreement program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

14-1310	Consumer Affairs	$12,613,000
15-1326	Board of Nursing	2,992,000
	(From General Fund ..... $2,900,000)	
	(From Casino Revenue Fund ..... 92,000)	
15-1320	Board of Accountancy	691,000
15-1321	Board of Architects and Certified Landscape Architects	435,000
15-1322	Board of Dentistry	725,000
15-1323	Board of Mortuary Science	244,000
15-1324	Board of Professional Engineers and Land Surveyors ...	798,000
15-1325	Board of Medical Examiners	3,670,000
15-1327	Board of Optometrists	257,000
15-1328	Board of Pharmacy	1,150,000
15-1329	Board of Veterinary Medical Examiners	157,000
15-1330	Board of Shorthand Reporting	76,000
15-1331	Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	189,000
15-1332	Board of Cosmetology and Hairstyling	2,029,000
15-1333	Board of Professional Planners	120,000
15-1334	Board of Examiners of Electrical Contractors	481,000
15-1335	Board of Psychological Examiners	431,000

15-1335 Board of Examiners of Master Plumbers 331,000
15-1337 Board of Marriage Counselor Examiners 150,000
15-1338 Board of Chiropractic Examiners 481,000
15-1339 Board of Public Movers and Warehousemen 228,000
15-1340 Board of Physical Therapy 246,000
15-1341 Audiology and Speech-Language Pathology Advisory Committee 87,000
15-1342 State Real Estate Appraiser Board 312,000
15-1343 State Board of Respiratory Care 134,000
15-1344 State Board of Social Work Examiners 490,000
15-1345 Orthotics and Prosthetics Board 32,000
15-1346 Occupational Therapy and Therapy Assistants 57,000
15-1347 New Jersey Cemetery Board 140,000
16-1350 Protection of Civil Rights 4,492,000
19-1440 Victims of Crime Compensation Board 5,416,000
Total Direct State Services Appropriation, Protection of Citizens' Rights $39,654,000
(Total From General Fund ..... $39,562,000)
(Total From Casino Revenue Fund ..... 92,000)
Personal Services:
Salaries and Wages ..... ($10,225,000)
Salaries and Wages (CRF) ..... (70,000)
Employee Benefits (CRF) ..... (12,000)
Materials and Supplies ..... (555,000)
Materials and Supplies (CRF) ..... (2,000)
Services Other Than Personal ..... (12,773,000)
Services Other Than Personal (CRF) ..... (7,000)
Maintenance and Fixed Charges ..... (1,924,000)
Special Purpose:
14 Consumer Affairs Legalized Games of Chance .. (1,390,000)
14 Securities Enforcement Fund ..... (5,398,000)
14 Consumer Affairs Weights and Measures Program ..... (2,612,000)
14 Consumer Affairs Charitable Registrations Program ..... (695,000)
19 Claims --Victims of Crime ..... (3,630,000)
19 Victims of Crime Outreach ..... (150,000)
Additions, Improvements and Equipment ..... (210,000)
Additions, Improvements and Equipment (CRF) ..... (1,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated to the Controlled Dangerous Substance Registration program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs Office of Weights and Measures program and the unexpended balances as of June 30, 1999, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances as of June 30, 1999, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1994 c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigative program and the unexpended balances as of June 30, 1999, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances as of June 30, 1999 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a) any receipts derived from the assessment of fines and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1999 are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs up to $1,175,000, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from licensing fees pursuant to section 9 of P.L.1990, c.32 (C.2C:58-5) and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance as of June 30, 1999 are appropriated for payment of claims for victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance as of June 30, 1999 in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1999 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

CAPITAL CONSTRUCTION
10 Public Safety and Criminal Justice
12 Law Enforcement

Capital Project:
Division of State Police
Computer Aided Dispatch and Records Management System $2,500,000
Critical Repairs/Rehabilitation, Divisionwide 671,000
Hazardous Materials Removal and Fire Safety Projects .. 412,000
Roads, Approaches, Parking 176,000
Roof Replacement, Various Facilities 790,000
State Police Radio Replacements 1,282,000

10 Public Safety and Criminal Justice
18 Juvenile Services
1500 Division of Juvenile Services

Capital Project:
Division of Juvenile Services

Construction of Vocational Facility,
Tabernacle Boot Camp $118,000
Emergency Generators and Switch Gear,
Wharton Tract Boot Camp 177,000
Facility Renovations, Juvenile
Residential Centers 500,000
Fire, Health and Safety Projects, Various Sites 593,000
Furniture for 144 Bed Secure Housing Unit,
Bordentown 700,000
Phase II, Fire/Life Safety Improvements,
Jamesburg 4,000,000
Renovations of Voorhees Residential Center 319,000
Renovation of Warren Residential Center 24,000
Roof Replacement, Jamesburg 1,213,000
Suicide Prevention Improvements 1,000,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Law and Public Safety,
Total State Appropriation $427,116,000

Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $391,279,000
Grants-in-Aid 17,762,000
State Aid 3,600,000
Capital Construction 14,475,000
Appropriation by Fund:
General Fund $394,773,000
Casino Control Fund 32,251,000
Casino Revenue Fund 92,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
10 Public Safety and Criminal Justice
14 Military Services
DIRECT STATE SERVICES

40-3620 New Jersey National Guard
Support Services $6,651,000
60-3600 Joint Training Center Management
and Operations 558,000
99-3600 Administrative and Support Services 4,410,000
Total Direct State Services Appropriation,
Military Services $11,619,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($6,906,000)
Materials and Supplies ..... (1,335,000)

Services Other Than Personal ..... (473,000)
Maintenance and Fixed Charges ..... (1,053,000)
Special Purpose:
40 Newark Armory, City of Newark Drum and Bugle Corps ..... (20,000)
40 New Jersey National Guard Challenge Youth Program ..... (741,000)
40 Joint Federal-State Operations and Maintenance Contracts (State Share) ..... (762,000)
99 Affirmative Action and Equal Employment Opportunity ..... (5,000)
99 Document Storage and Retrieval ..... (145,000)
Additions, Improvements and Equipment ..... (179,000)

To the extent that the costs of imaging projects are reduced, funds appropriated to individual departments for the purchase of imaging related projects may be available for reallocation to a centralized function, as the Director of the Division of Budget and Accounting shall determine.

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1999 are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Joint Federal-State Operations and Maintenance Contracts (State share) account is appropriated for the same purpose.

The unexpended balance as of June 30, 1999 in the National Guard State Active Duty account is appropriated for the same purpose.

In addition to the amount hereinabove, there is appropriated an amount not to exceed $280,000 for a Weapons of Mass Destruction program contingent upon federal designation of New Jersey as a Weapons of Mass Destruction site, as the Director of the Division of Budget and Accounting shall determine.

GRANTS-IN-AID

40-3620 New Jersey National Guard Support Services $35,000
Total Grants-in-Aid Appropriation, Military Services $35,000

Grants-in-Aid:
40 Civil Air Patrol ..... ($35,000)

80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support
DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance $3,615,000
70-3610 Burial Services 1,462,000
Total Direct State Services Appropriation, Veterans' Program Support $5,077,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($3,963,000)
Materials and Supplies ..... (379,000)
Services Other Than Personal ..... (263,000)
Maintenance and Fixed Charges ..... (91,000)
Special Purpose:
50 Vietnam Memorial Perpetual Care ..... (150,000)
50 Vietnam Veterans Educational Center ..... (200,000)
50 Governor's Veterans' Service Council ..... (5,000)
Additions, Improvements and Equipment ..... (26,000)

The unexpended balance as of June 30, 1999 in the Vietnam Memorial Perpetual Care account is appropriated for the same purpose.

The unexpended balance as of June 30, 1999 in the Korean Veterans Memorial account is appropriated for the same purpose.

Funds collected by and on behalf of the Korean Veterans Memorial Fund are appropriated for the purposes of the Korean Veterans Memorial.

The unexpended balance as of June 30, 1999 in the Transitional Housing account is appropriated for the same purpose.

Funds received for Veterans' Transitional Housing from the federal Department of Veterans' Affairs and the individual residents are appropriated for the same purpose.

Funds received for plot interment allowances from the federal Department of Veterans' Affairs, burial fees collected, and the unexpended balances as of June 30, 1999 are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General Doyle Veterans' Memorial Cemetery.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance $1,009,000
Total Grants-in-Aid Appropriation, Military Services $1,009,000
Grants-in-Aid:
50 Veterans' Tuition Credit Program ..... ($38,000)
50 POW/MIA Tuition Assistance ..... (11,000)
50 Vietnam Veterans' Tuition Aid ..... (7,000)
50 Veterans Homeless Shelter,
Burlington County ..... (35,000)
50 Veterans Transportation ..... (300,000)
50 Veterans' Orphan Fund -- Education Grants ..... (5,000)
50 Blind Veterans' Allowances ..... (46,000)
50 Paraplegic and Hemiplegic
Veterans' Allowance ..... (267,000)
50 Post-Traumatic Stress Disorder ..... (300,000)

The sums provided hereinabove and the unexpended balances as of June 30, 1999 in the Veterans' Tuition Credit, POW/MIA Tuition Assistance, and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

3630 Menlo Park Veterans' Memorial Home
DIRECT STATE SERVICES

20-3630 Domiciliary and Treatment Services $11,058,000
99-3630 Administrative and Support Services 4,237,000
Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home $15,295,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($11,954,000)
Materials and Supplies ..... (2,206,000)
Services Other Than Personal ..... (842,000)
Maintenance and Fixed Charges ..... (173,000)
Additions, Improvements and Equipment ..... (120,000)

In addition to the amount hereinabove, there is appropriated an amount not to exceed $219,000, as the Director of the Division of Budget and Accounting shall determine, contingent upon approval by the federal Department of Veterans Affairs of a reimbursement for an adult day care program.

3640 Paramus Veterans' Memorial Home
DIRECT STATE SERVICES

20-3640 Domiciliary and Treatment Services $11,496,000
99-3640 Administrative and Support Services 3,758,000
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home $15,254,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($12,328,000)
Materials and Supplies ..... (1,624,000)
Services Other Than Personal ..... (1,002,000)
Maintenance and Fixed Charges ..... (221,000)
Additions, Improvements and Equipment ..... (79,000)

3650 Vineland Veterans' Memorial Home
DIRECT STATE SERVICES

20-3650 Domiciliary and Treatment Services $10,910,000
99-3650 Administrative and Support Services 3,722,000
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home $14,632,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($12,273,000)
Materials and Supplies ..... (1,502,000)
Services Other Than Personal ..... (552,000)
Maintenance and Fixed Charges ..... (208,000)
Additions, Improvements and Equipment ..... (97,000)

CAPITAL CONSTRUCTION
10 Public Safety and Criminal Justice
14 Military Justice

Capital Project:
Central Operations
Fire and Life Safety, Statewide $1,500,000
Preservation of Existing Structures 1,000,000
Renovations and Improvements, Statewide 500,000
Sea Girt Training Center -- Multiple Agency Projects 400,000

80 Special Government Services
83 Services to Veterans
3650 Vineland Veterans' Memorial Home

Capital Project:
Vineland Veterans' Memorial Home
Architectural and Engineering Design Study $3,600,000

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of Military and Veterans' Affairs,
Total State Appropriation $69,921,000

Balances on hand as of June 30, 1999 of funds held for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed $50 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed $100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and federal reimbursements, as of June 30, 2000 are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Unexpended balances as of June 30, 1999 in the Equipment for Alzheimer's Facility Zone account for each veterans' home are appropriated for the same purpose.

Fees charged to residents for personal laundry services provided by the veterans homes are appropriated to supplement the operational and maintenance costs of these laundry services.

Of the amount appropriated hereinabove for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page I-45 in the Governor's Budget Recommendation Document dated January 25, 1999 first shall be charged to the State Lottery Fund.

Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$61,877,000
Grants-in-Aid	1,044,000
Capital Construction	7,000,000
Appropriation by Fund:	
General Fund	$69,921,000

68 DEPARTMENT OF PERSONNEL
70 Government Direction, Management and Control
74 General Government Services
DIRECT STATE SERVICES

01-2710 Personnel Policy Development and General Administration	$2,884,000
02-2720 State and Local Government Operations	15,163,000
04-2740 Merit Services	2,641,000
05-2750 Equal Employment Opportunity and Affirmative Action	877,000
07-2770 Human Resource Development Institute	5,644,000
Total Direct State Services Appropriation, General Government Services	$27,209,000
Direct State Services:	
Personal Services:	
Merit Service Board	($52,000)
Salaries and Wages	(19,676,000)
Materials and Supplies	(543,000)
Services Other Than Personal	(5,034,000)
Maintenance and Fixed Charges	(247,000)
Special Purpose:	
01 Affirmative Action and Equal Employment Opportunity	(93,000)
02 Microfilm Service Charges	(29,000)
02 Test Validation/Police Testing	(434,000)
04 Document Storage and Retrieval	(470,000)
05 Americans with Disabilities Act	(60,000)
Additions, Improvements and Equipment	(571,000)

Receipts derived from fees charged to applicants for open competitive or promotional examinations and the unexpended fee balance as of June 30, 1999 not to exceed $600,000 collected from fire fighter examination receipts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is authorized to transfer or credit to the Department of Personnel all or part of any appropriation made to any account to fund the State's unemployment insurance liability for the purpose of creating a pilot "displaced workers pool" and funding the salaries of State employees scheduled to be laid off.

In addition to the amount appropriated hereinabove, receipts in excess of the amount anticipated, attributable to changes in the fee structure or fee increases charged to applicants for open competitive or promotional examinations for a "displaced workers pool," are appropriated for this purpose for State employees scheduled to be laid off.

To the extent that the costs of imaging projects are reduced, funds appropriated to individual departments for the purchase of imaging related projects may be available for reallocation to a centralized function, as the Director of the Division of Budget and Accounting shall determine.

Receipts derived from training services and any unexpended balance as of June 30, 1999 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from Employee Advisory Services are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.S.11A:6-32, cash awards for suggestions shall be paid from the operating budget of the agency from savings generated by the suggestion, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Personnel, Total State Appropriation $27,209,000

Summary of Department of Personnel Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $27,209,000
Appropriation by Fund:
General Fund $27,209,000

74 DEPARTMENT OF STATE
30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services
DIRECT STATE SERVICES

05-2530	Support of the Arts	$429,000
06-2535	Museum Services	2,184,000
07-2540	Development of Historical Resources	961,000
10-2570	Public Broadcasting Services	4,879,000
	Total Direct State Services Appropriation, Cultural and Intellectual Services	$8,453,000
Direct State Services:		
Personal Services:		
	Salaries and Wages	($6,075,000)
Materials and Supplies		(225,000)

Services Other Than Personal ..... (726,000)
Maintenance and Fixed Charges ..... (162,000)
Special Purpose:
05 Council Member Expenses ..... (3,000)
06 Maintenance of Old Barracks ..... (450,000)
07 Historic Trust ..... (20,000)
07 Morven Maintenance ..... (50,000)
07 Historic Trust Administrative Costs ..... (443,000)
10 Affirmative Action and Equal Employment Opportunity ..... (20,000)
10 Digital Television Study ..... (250,000)
Additions, Improvements and Equipment ..... (29,000)

Of the amount appropriated for Cultural Projects in Grants-In-Aid, an amount not to exceed $75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount appropriated for Cultural Projects in Grants-In-Aid, an amount not to exceed $125,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent state and federal laws and regulations, including the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

A sum, not to exceed $200,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering grants for the development of cultural centers, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Historic Trust Administrative Costs account is appropriated from the "Historic Preservation Fund" established pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, and the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, together with an amount not to exceed $245,000 subject to the approval of the Director of the Division of Budget and Accounting, for costs attributable to planning, administrative, organization, and operating expenses related to historic preservation projects.

There are appropriated from the Emergency Services Fund such sums as may be necessary to reimburse the New Jersey Public Broadcast Authority for the cost of its emergency broadcasts, pursuant to section 4 of P.L.1989, c.133 (C.52:14E-8.1), subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-2530 Support of the Arts	$18,625,000
06-2535 Museum Services	402,000
07-2540 Development of Historical Resources	2,375,000
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services	$21,402,000

Grants-in-Aid:
05 Cultural Projects ..... ($18,675,000)
06 Railroad Museum Master Plan, Phillipsburg ..... (357,000)
06 Children's Museum of Central New Jersey ..... (45,000)
07 Grants in New Jersey History ..... (189,000)
07 Passaic County Historical Society -- Local History Library Construction ..... (180,000)
07 Long Branch Historical Museum Capital Improvements ..... (25,000)
07 Island Heights -- Wannamaker Hall Restoration ..... (100,000)
07 New Jersey Historical Society, Relocation ..... (1,200,000)
07 Encyclopedia of New Jersey, Rutgers University Press ..... (100,000)
07 Plainsboro Historical Society -- Capital Improvements ..... (11,000)
07 Jamesburg Historical Association -- Capital Improvements ..... (11,000)
07 Hightstown -- East Windsor Historical Society -- Capital Improvements ..... (10,000)
07 Ellis Island Commission ..... (50,000)
07 Humanities Council ..... (100,000)
07 Heritage Trail Association, Somerset County ..... (21,000)
07 American Labor Museum, Botto House ..... (25,000)
07 Nutley Historical Society -- Capital Improvements ..... (90,000)
07 Monmouth County Historical Association, Butler House, Capital ..... (100,000)
07 Somerset County Cultural Arts Center, Capital Project, Brook Theater Preservation ..... (100,000)
07 Grants in Afro-American History ..... (13,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over $200,000 shall require, that those groups must demonstrate a Statewide benefit as a result of the grants.

Of the amount hereinabove for Cultural Projects, funds may be used for the purpose of matching federal grants.

Of the amount hereinabove for Cultural Projects, the value of project grants awarded within each county shall total not less than $50,000.

Notwithstanding the provision of any other law to the contrary, of the amount appropriated for Cultural Projects 25% shall be awarded to cultural projects within the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington), provided however, that the total amount available for the granting of awards for cultural projects in the remaining counties shall not be reduced from the total amount available during fiscal year 1997 for cultural projects in those remaining counties. The value of project grants awarded within each county shall total not less than $50,000.

STATE AID

06-2535 Museum Services $2,700,000
Total State Aid Appropriation, Cultural and Intellectual Development Services $2,700,000
State Aid:
06 Operational Grant for Newark Museum ..... ($2,700,000)

2541 Division of State Library
DIRECT STATE SERVICES

51-2541 Library Services $3,118,000
Total Direct State Services Appropriation, Division of State Library $3,118,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,918,000)
Materials and Supplies ..... (392,000)
Services Other Than Personal ..... (269,000)
Maintenance and Fixed Charges ..... (23,000)
Special Purpose:
51 Supplies and Extended Services ..... (500,000)
Additions, Improvements and Equipment ..... (16,000)

Of the amount hereinabove for Library Services, $57,000 shall be transferred to the State Capitol Joint Management Commission to pay for security services at the State Library.

STATE AID

51-2541 Library Services $14,112,000
Total State Aid Appropriation, Division of State Library $14,112,000
State Aid:
51 Per Capital Library Aid ..... ($8,665,000)
51 Emergency Aid/Incentive Grant ..... (100,000)
51 Library Network ..... (4,777,000)
51 Library Development Aid ..... (570,000)

70 Government Direction, Management and Control
74 General Government Services
2505 Office of the Secretary of State
DIRECT STATE SERVICES

01-2505 Office of the Secretary of State $2,833,000
08-2545 Records Management 1,225,000
Total Direct State Services Appropriation, Office of the Secretary of State $4,058,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($2,816,000)
Materials and Supplies ..... (124,000)
Services Other Than Personal ..... (291,000)
Maintenance and Fixed Charges ..... (38,000)

Special Purpose:
01 Affirmative Action and Equal Employment Opportunity ..... (34,000)
01 Personal Responsibility Program ..... (500,000)
01 Martin Luther King Jr. Commemorative Commission ..... (193,000)
Additions, Improvements and Equipment ..... (62,000)

Of the amount hereinabove for the Office of the Secretary of State, $36,000 shall be transferred to the State Capitol Joint Management Commission to pay for security services at the War Memorial.

The unexpended balance as of June 30, 1999 in the Martin Luther King, Jr. Commemorative Commission is appropriated for the same purpose.

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Records Management program classification a sum up to $330,000 for cost recoveries in the Division of Records.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

Receipts derived from fees charged for microfilming services provided to local governments are appropriated for the same purpose.

36 Higher Educational Services

DIRECT STATE SERVICES

80-2400 Statewide Planning and Coordination for Higher Education $934,000
81-2400 Educational Opportunity Fund Programs $394,000
Total Direct State Services Appropriation, Commission on Higher Education $1,328,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,073,000)
Materials and Supplies ..... (23,000)
Services Other Than Personal ..... (197,000)
Maintenance and Fixed Charges ..... (27,000)
Additions, Improvements and Equipment ..... (8,000)

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination for Higher Education $5,000,000
81-2400 Educational Opportunity Fund Programs 32,597,000
Total Grants-in-Aid Appropriation, Commission on Higher Education $37,597,000

Grants-in-Aid:
80 College Bound ..... ($2,900,000)
80 Higher Education for Special Needs Students ..... (750,000)

80 Program for the Education of Language Minority Students ..... (400,000)
80 Urban Revitalization Incentive Grants ..... (450,000)
80 New Jersey Virtual University ..... (500,000)
81 Opportunity Program Grants ..... (20,410,000)
81 Supplementary Education Program Grants ..... (11,385,000)
81 Martin Luther King Physician - Dentist Scholarship Act of 1986 ..... (602,000)
81 Ferguson Law Scholarships ..... (200,000)

An amount not to exceed 5% of the total of Higher Education for Special Needs Students, Program for the Education of Language Minority Students, and the Urban Revitalization Incentive Grants accounts is available for the administrative expenses of these programs.

An amount not to exceed $60,000 of the College Bound account is available for the administrative expenses of this program.

Refunds from prior years to the Educational Opportunity Fund program accounts are appropriated to those accounts.

Notwithstanding the provisions of any other law to the contrary, any funds appropriated as Grants-in-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Education Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

2410 Rutgers, The State University
GRANTS-IN-AID

82-2410 Institutional Support $1,183,060,000
Subtotal General Operations $1,183,060,000
Less:
General Services Income $252,134,000
Auxiliary Funds Income 145,256,000
Special Funds Income 391,873,000
Employee Fringe Benefits 104,035,000
Total Income Deductions $893,298,000
Total Appropriation, Rutgers, The State University $289,762,000
Special Purpose:
82 General Institutional Operations ..... ($1,178,676,000)
82 Performance Incentive Funding ..... (2,784,000)
82 High Performance Computing Initiative (State Match of Corporate Grant) ..... (1,500,000)

82 Rutgers School of Business -- Program in Hospitality, Tourism and Entertainment ..... (100,000)

Less:

Income Deductions 893,298,000

Of the sums hereinabove appropriated for Rutgers University, there is $180,000 for the Masters in Government Accounting Program, $105,000 for the Tomato Technology Transfer Program, $95,000 for the Haskin Shellfish Research Laboratory, $200,000 for the Camden Law School Clinical Legal Programs for the Poor, $200,000 for the Newark Law School Clinical Legal Programs for the Poor, $740,000 for the Civic-Square Project-Debt Service, $700,000 for In Lieu of Taxes to New Brunswick, and $100,000 for the Bloustein School - Government Services Study. These accounts shall be considered special purpose appropriations for accounting and reporting purpose.

Receipts in excess of the amount hereinabove for the Clinical Legal Programs for the Poor are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at Rutgers, the State University shall be 6,242.

2415 Agricultural Experiment Station

GRANTS-IN-AID

82-2415 Institutional Support $54,276,000

Subtotal General Operations $54,276,000

Less:

Special Funds Income $16,499,000

Federal Research and Extension Funds Income ... 7,590,000

Employee Fringe Benefits 5,497,000

Total Income Deductions $29,586,000

Total Appropriation, Agricultural Experiment Station ... $24,690,000

Special Purpose:

82 General Institutional Operations ..... ($54,276,000)

Less:

Income Deductions 29,586,000

Of the sums hereinabove appropriated for the New Jersey Agricultural Experiment Station, there is $900,000 for Pari-mutuel Programs, $243,000 for Blueberry and Cranberry Research, $695,000 for the Snyder Farm Planning and Operation, and $500,000 for Fruit Research. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at the Agriculture Experiment Station shall be 414.

2420 University of Medicine and Dentistry of New Jersey

GRANTS-IN-AID

82-2420 Institutional Support $742,011,000

Subtotal General Operations $742,011,000

Less:

Hospital Services Income $252,984,000

Core Affiliates Income **6,086,000**
General Services Income **59,614,000**
Auxiliary Funds Income **5,113,000**
Special Funds Income **129,095,000**
Employee Fringe Benefits **111,688,000**
Total Income Deductions **$564,580,000**
Total Appropriation, University of Medicine and Dentistry of New Jersey $177,431,000
Special Purpose:
82 General Institutional Operations ..... ($740,298,000)
82 Performance Incentive Funding ..... (1,713,000)
Less:
Income Deductions ..... **.564,580,000**

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The unexpended balances as of June 30, 1999, in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

The appropriations for the University are made to Support Units, Educational Units, and University Hospital.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracted organizations are appropriated.

From the amount hereinabove for the University of Medicine and Dentistry of New Jersey, the Director of the Division of Budget and Accounting may transfer such amounts as deemed necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

Of the sums hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, there is $100,000 for the Inflammatory Bowel Disease Center, $800,000 for Emergency Medical Service - Camden, $975,000 for the Regional Health Education Center - Physical Plant, $750,000 for the Violence Institute of N.J. at UMDNJ, $525,000 for the Regional Health Education Center - Educational Units, $450,000 for the New Jersey Area Health Education Program and $2,700,000 for Debt Service - School of Osteopathic Medicine Academic Center, Stratford. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at the University of Medicine and Dentistry of New Jersey shall be 5,545.

2430 New Jersey Institute of Technology
GRANTS-IN-AID

82-2430 Institutional Support $171,190,000
Subtotal General Operations $171,190,000

Less:
General Services Income **$49,739,000**
Auxiliary Funds Income **6,287,000**
Special Funds Income **50,000,000**
Employee Fringe Benefits **14,460,000**
Total Income Deductions **$120,486,000**
Total Appropriation, New Jersey Institute of Technology $50,704,000
Special Purpose:
82 General Institutional Operations ..... ($169,710,000)
82 Performance Incentive Funding ..... (480,000)
82 Smart Gun Technology Development ..... (1,000,000)
Less:
Income Deductions **120,486,000**

Of the sums hereinabove appropriated for the New Jersey Institute of Technology, there is $100,000 for the NJIT/Burlington County College Engineering Program. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at the New Jersey Institute of Technology shall be 805.

2440 Thomas A. Edison State College
GRANTS-IN-AID

82-2440 Institutional Support $18,894,000
Subtotal General Operations $18,894,000
Less:
General Services Income **$7,069,000**
Self Sustaining Income **3,190,000**
Employee Fringe Benefits **2,568,000**
Total Income Deductions **$12,827,000**
Total Appropriation, Thomas A. Edison State College $6,067,000
Special Purpose:
82 General Institutional Operations ..... ($18,835,000)
82 Performance Incentive Funding ..... (59,000)
Less:
Income Deductions **12,827,000**

Of the sums hereinabove appropriated for Thomas A. Edison State College, there is $250,000 for the New Jersey Inter-Campus Network. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at Thomas A. Edison State College shall be 171.

Of the amount hereinabove for Institutional Support, $57,000 shall be transferred to the State Capitol Joint Management Commission to pay for security services at the college.

2445 Rowan University
GRANTS-IN-AID

82-2445 Institutional Support	$111,305,000
Subtotal General Operations	$111,305,000
Less:	
General Services Income	**$37,137,000**
Auxiliary Funds Income	**20,179,000**
Special Funds Income	**4,866,000**
Employee Fringe Benefits	**12,910,000**
Total Income Deductions	**$75,092,000**
Total Appropriation, Rowan University	$36,213,000
Special Purpose:	
82 General Institutional Operations	($110,855,000)
82 Performance Incentive Funding	(350,000)
82 Employment Separation Incentive Program	(100,000)
Less:	
Income Deductions	**75,092,000**

Of the sums hereinabove appropriated for Rowan University, there is $500,000 for the School of Engineering and $215,000 for the Camden Urban Center. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at Rowan University shall be 865.

Notwithstanding the provisions of any other law to the contrary, the monies appropriated above for the Employment Separation Incentive Program or otherwise made available, are for the University offering a pilot employment separation incentive program for eligible employees as set forth in this paragraph. The program shall be available to any employee with at least 20 years of service with the University, and provide an incentive of 90% of the annual salary of the employee to be paid in a lump sum or installments at the discretion of the University. The University shall pay the cost of any increased liability to the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF) as a result of employees terminating employment under the program and retiring under PERS or TPAF as determined by the actuaries to the retirement systems pursuant to the memorandum of agreement between the State Treasurer and the President of Rowan University. The program shall take effect upon the execution of a memorandum of agreement, signed by the State Treasurer and the President of Rowan University.

2450 New Jersey City University
GRANTS-IN-AID

82-2450 Institutional Support	$79,528,000
Subtotal General Operations	$79,528,000
Less:	
General Services Income	**$16,509,000**
A.H. Moore Program Receipts	**3,343,000**
Auxiliary Funds Income	**11,790,000**

Special Funds Income **6,700,000**
Employee Fringe Benefits **10,642,000**
Total Income Deductions **$48,984,000**
Total Appropriation, New Jersey City University $30,544,000
Special Purpose:
82 General Institutional Operations ..... ($79,233,000)
82 Performance Incentive Funding ..... (295,000)
Less:
Income Deductions **48,984,000**

Of the sums hereinabove appropriated for New Jersey City University, there is $1,078,000 for the A. Harry Moore Laboratory School, and $145,000 for Tidelands Athletic Fields. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at New Jersey City University shall be 777.

2455 Kean University
GRANTS-IN-AID

82-2455 Institutional Support $97,726,000
Subtotal General Operations $97,726,000
Less:
General Services Income **$26,927,000**
Auxiliary Funds Income **9,584,000**
Special Funds Income **12,516,000**
Employee Fringe Benefits **12,415,000**
Total Income Deductions **$61,442,000**
Total Appropriation, Kean University $36,284,000
Special Purpose:
82 General Institutional Operations ..... ($97,391,000)
82 Performance Incentive Funding ..... (335,000)
Less:
Income Deductions **61,442,000**

Of the sums hereinabove appropriated for Kean University, there is $180,000 for Emerging Needs/Academic Initiatives. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at Kean University shall be 875.

2460 William Paterson University of New Jersey
GRANTS-IN-AID

82-2460 Institutional Support $96,392,000
Subtotal General Operations $96,392,000
Less:
General Services Income **$24,212,000**
Auxiliary Funds Income **16,157,000**
Special Funds Income **4,297,000**
Employee Fringe Benefits **13,269,000**

Total Income Deductions **$57,935,000**
Total Appropriation, William Paterson University of New Jersey $38,457,000
Special Purpose:
82 General Institutional Operations ..... ($96,020,000)
82 Performance Incentive Funding ..... (372,000)
Less:
Income Deductions **57,935,000**

Of the sums hereinabove appropriated for William Paterson University of New Jersey, there is $100,000 for the New Jersey Project and $65,000 for Outcomes Assessment. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at William Paterson University of New Jersey shall be 943.

2465 Montclair State University
GRANTS-IN-AID

82-2465 Institutional Support $124,222,000
Subtotal General Operations $124,222,000
Less:
General Services Income **$41,306,000**
Conservation School Receipts **975,000**
Auxiliary Funds Income **17,745,000**
Special Funds Income **4,792,000**
Employee Fringe Benefits **15,573,000**
Total Income Deductions **$80,391,000**
Total Appropriation, Montclair State University $43,831,000
Special Purpose:
82 General Institutional Operations ..... ($123,799,000)
82 Performance Incentive Funding ..... (423,000)
Less:
Income Deductions **80,391,000**

In addition to the sums hereinabove appropriated for Montclair State University, all revenues from lease agreements between Montclair State University and corporations operating satellite relay stations are appropriated.

Of the sums hereinabove appropriated for Montclair State University, there is $975,000 for the New Jersey State School of Conservation. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at Montclair State University shall be 1,095.

2470 The College of New Jersey
GRANTS-IN-AID

82-2470 Institutional Support $130,857,000
Subtotal General Operations $130,857,000

Less:
General Services Income $29,573,000
Auxiliary Funds Income 32,840,000
Special Funds Income 20,644,000
Employee Fringe Benefits 12,163,000
Total Income Deductions $95,220,000
Total Appropriation, The College of New Jersey $35,637,000
Special Purpose:
82 General Institutional Operations ..... ($130,513,000)
82 Performance Incentive Funding ..... (344,000)
Less:
Income Deductions 95,220,000
For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at The College of New Jersey shall be 820.

2475 Ramapo College of New Jersey
GRANTS-IN-AID
82-2475 Institutional Support $53,012,000
Subtotal General Operations $53,012,000
Less:
General Services Income $12,151,000
Auxiliary Funds Income 12,131,000
Special Funds Income 2,714,000
Employee Fringe Benefits 6,762,000
Total Income Deductions $33,758,000
Total Appropriation, Ramapo College of New Jersey $19,254,000
Special Purpose:
82 General Institutional Operations ..... ($52,628,000)
82 Performance Incentive Funding ..... (184,000)
82 Governor William T. Cahill Center for Experiential Learning and Career Services ..... (200,000)
Less:
Income Deductions 33,758,000
Of the sums hereinabove appropriated for Ramapo College of New Jersey, there is $200,000 for the Governor William T. Cahill Recognition Programs. This account shall be considered a special purpose appropriation for accounting and reporting purposes.
For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at Ramapo College of New Jersey shall be 481.

2480 The Richard Stockton College of New Jersey
GRANTS-IN-AID
82-2480 Institutional Support $63,772,000
Subtotal General Operations $63,772,000
Less:
General Services Income $19,809,000
Auxiliary Funds Income 12,940,000

Special Funds Income **2,088,000**
Employee Fringe Benefits **7,894,000**
Total Income Deductions **$42,731,000**
Total Appropriation, The Richard Stockton College of New Jersey $21,041,000
Special Purpose:
82 General Institutional Operations ..... ($63,321,000)
82 Performance Incentive Funding ..... (201,000)
82 Institute for the Study of College Teaching ..... (250,000)
Less:
Income Deductions **42,731,000**

For the purpose of implementing the fiscal year 2000 appropriations act, the number of State-funded positions at the Richard Stockton College of New Jersey shall be 620.

CAPITAL CONSTRUCTION

30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
2410 Rutgers, The State University

Capital Project:
Athletic Facilities $1,500,000

2430 New Jersey Institute of Technology

Capital Project:
Land Purchase 3,000,000

37 Cultural and Intellectual Development Services

Capital Project:
Council on the Arts
Visual Arts Display Equipment $55,000
New Jersey Public Broadcasting Authority
Facility Preservation Projects 195,000
Repair Access Road to Channel 52 Transmitter 100,000
Replace Emergency Standby Generators 200,000

30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services
2541 Division of State Library

Capital Project:
Division of State Library
Computerized Research System for Users and Staff $550,000
Library for the Blind, Telecommunications Improvements 329,000

70 Government Direction, Management and Control
74 General Government Services

Capital Project:
Office of Secretary of State
Records Storage Center -- Vault Upgrades $197,000
State Archives -- Equipment 502,000
The unexpended balances in the Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of State, Total State Appropriation $909,311,000

Higher Educational Services

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page I-45 in the Governor's Budget Recommendation Document dated January 25, 1999 first shall be charged to the State Lottery Fund.
Public colleges and universities are authorized to provide a voluntary employee furlough program.

Summary of Department of State Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $16,957,000
Grants-in-Aid 868,914,000
State Aid 16,812,000
Capital Construction 6,628,000
Appropriation by Fund:
General Fund $909,311,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice
11 Vehicular Safety

DIRECT STATE SERVICES

01-6400 Motor Vehicle Services $110,406,000
18-6430 Security Responsibility 10,458,000
Total Direct State Services Appropriation, Vehicular Safety $120,864,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($43,027,000)
Materials and Supplies ..... (2,525,000)
Services Other Than Personal ..... (15,387,000)
Maintenance and Fixed Charges ..... (879,000)
Special Purpose:
01 Toll Free Telephone Service ..... (750,000)
01 Reflectorized Plates ..... (3,852,000)
01 Vehicle Inspection Program ..... (32,380,000)
01 Debt Service for Equipment Purchase ..... (2,005,000)

01 Agency Operations ..... (15,009,000)
01 Ten Year Digitized Drivers License ..... (2,900,000)
18 Security Responsibility --
Agency Operations ..... (1,427,000)
Additions, Improvements and Equipment ..... (723,000)

The sum hereinabove for Agency Operations is available for maintaining services at Privately Operated motor vehicle agencies, provided however, that the expenditures thereof are subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), are appropriated to offset all reasonable and necessary expenses of the Division of State Police and the Department of Transportation-Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992 c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1999 is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for photo licensing, derived pursuant to section 2 of P.L.1979, c.261 (C.39:3-10g), are appropriated to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Auto Body Licensing and Enforcement program account, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from initial In-Terminal School Bus Inspection fees are appropriated for the purpose of administering the In-Terminal School Bus Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from motorbus petition and inspection fees are appropriated for the purpose of administering the Motorbus Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Uninsured Motorist Program are appropriated for the purpose of implementing an Insurance Verification System, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Security Responsibility program classification as well as an amount for central rent, fringe benefits and indirect costs shall be reimbursed from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.76 (C.39:6-59), subject to the approval of the Director of the Division of Budget and Accounting.

Sums required for the processing of credit card transaction fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the Litigation Service Fees - Delinquent Surcharge Program, is appropriated for the implementation and administration of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for Special Plates, derived pursuant to P.L.1964 c.195 (C.39:3-27.3 et seq.), P.L.1968, c.247 (C.39:3-27.5 et seq.), P.L.1977, c.369 (C.39:3-27.8 et seq.), P.L.1979, c.456 (C.39:3-27.13 et seq.), P.L.1979, c.457 (C.39:3-27.15 et seq.), section 12 of P.L.1979, c.224 (C.39:3-19.5), P.L.1981, c.240 (C.39:3-27.27 et seq.), P.L.1981, c.401 (C.39:3-27.29 et seq.), P.L.1983, c.165 (C.39:3-27.33 et seq.), P.L.1959, c.56 (C.39:3-33.3 et seq.), P.L.1987, c.374 (C.39:3-27.35 et seq.), P.L.1991, c.168 (C.39:3-27.42), P.L.1993, c.72 (C.39:3-27.46), P.L.1994, c.29 (C.39:3-27.59 et seq.), and P.L.1949, c.280 (C.39:4-204 et seq.), are appropriated for the purchase of license plates, subject to the approval of the Director of the Division of Budget and Accounting.

Upon implementation of the Enhanced Inspection and Maintenance Program, one half of the receipts derived from fines and penalties received from complaints or summonses issued by county or local law enforcement officers, pursuant to paragraph (7) of subsection d. and subsection e. of R.S.39:8-9, are appropriated for payment to the county or municipality initiating the complaint or summons.

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for other--Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Vehicle Inspection Program is payable from the "Motor Vehicle Inspection Fund."

Receipts from the new fees available with the implementation of the Enhanced Inspection and Maintenance Program derived pursuant to subsection d. of section 5 of P.L.1995, c.112 (C.39:8-45), subsection b. of section 7 of P.L.1995, c.112 (C.39:8-47), section 8 of P.L.1995, c.112 (C.39:8-48), subsection a. of section 12 of P.L.1995, c.112 (C.39:8-52), subsection a. of section 13 of P.L.1995, c.112 (C.39:8-53), section 14 of P.L.1995, c.112 (C.39:8-54), paragraph 2 of subsection (i) of R.S.39:8-2, and subsections c. and e. of R.S.39:8-9, are deposited in the "Motor Vehicle Inspection Fund" and are appropriated for the vehicle inspection program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41 et al.), there are appropriated such sums as are necessary to fund portions of the Enhanced

Inspection and Maintenance Program that are not eligible for federal Congestion Mitigation and Air Quality Improvement funding, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for the Vehicle Inspection Program, such additional sums as may be required are appropriated for the relocation of the motor vehicle inspection station in Somerville, Somerset County, not to exceed $650,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other provision of law, there is appropriated such amounts not to exceed $1,000,000 as are necessary to participate in a joint venture to provide delivery of certain selected motor vehicle services to the public under a public-private initiative pursuant to P.L.1997, c.136 (C.27:1D-1 et seq.), or otherwise allowable by law, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

60 Transportation Programs
61 State and Local Highway Facilities
DIRECT STATE SERVICES

06-6100 Maintenance and Operations	$67,468,000
08-6120 Physical Plant and Support Services	8,023,000
Total Direct State Services Appropriation, State and Local Highway Facilities	$75,491,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($50,025,000)
Materials and Supplies	(11,381,000)
Services Other Than Personal	(2,929,000)
Maintenance and Fixed Charges	(10,903,000)
Special Purpose:	
06 Disposal of Dead Deer	(253,000)

The unexpended balances as of June 30, 1999 in excess of $1,000,000 in the accounts hereinabove are appropriated.

The department is permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Receipts in excess of the amount anticipated derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the Logo Sign program fees, which include the Trailblazer Sign Program, the Variable Message Advertising Program, the Excess Parcel Advertising Program, and the Land Service Road Advertising

Program are appropriated for the purpose of administering the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1985, c.533 (C.13:1E-99.1 et seq.) or any other law to the contrary, of the amount hereinabove for Maintenance and Operations, $2,000,000 are appropriated from the Clean Communities Account to offset the cost of the department's litter pickup program.

In addition to the amount appropriated hereinabove for Maintenance and Operations, such additional sums as may be required are appropriated for snow removal costs, not to exceed $3,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

62 Public Transportation

GRANTS-IN-AID

04-6050 Railroad and Bus Operations		$877,927,000
Total State, Federal and All Other Funds Appropriation		$877,927,000
Less:		
Federal Operating Assistance	**$300,000**	
Farebox Revenue	**447,400,000**	
Other Resources	**280,990,000**	
Total Income Deductions		**$728,690,000**
Total Grants-in-Aid Appropriation, Public Transportation		$149,237,000
Grants-in-Aid:		
Personal Services:		
Salaries and Wages	($553,287,000)	
Materials and Supplies	(140,400,000)	
Services Other Than Personal	(50,100,000)	
Special Purpose:		
04 Leases and Rentals	(1,300,000)	
04 Purchased Transportation	(70,000,000)	
04 DASH Transit Program	(140,000)	
04 Insurance and Claims	(10,800,000)	
04 Tolls, Taxes and Other Operating Expenses	(51,900,000)	
Less:		
Income Deductions	**728,690,000**	

In addition to the amount hereinabove, a total of $377,590 is charged to Petroleum Overcharge Reimbursement funds, transferred from the Department of Human Services, for the purpose of increasing the use of public transportation.

STATE AID

04-6050 Railroad and Bus Operations		$22,811,000
(From Casino Revenue Fund	*$22,811,000)*	
Total State Aid Appropriation, Community Programs		$22,811,000
(Total From Casino Revenue Fund	*$22,811,000)*	

State Aid:
04 Transportation Assistance for Senior
Citizens and Disabled Residents ..... ($22,811,000)
The unexpended balance as of June 30, 1999, in this account is appropriated.
Counties which provide para-transit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

64 Regulation and General Management
DIRECT STATE SERVICES

05-6070 Access and Use Management $1,440,000
99-6000 Administration and Support Services 9,166,000
Total Direct State Services Appropriation, Regulation and
General Management $10,606,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($4,012,000)
Materials and Supplies ..... (424,000)
Services Other Than Personal ..... (4,559,000)
Maintenance and Fixed Charges ..... (185,000)
Special Purpose:
05 Airport Safety Fund ..... (965,000)
99 Affirmative Action and Equal
Employment Opportunity ..... (461,000)
The unexpended balance as of June 30, 1999 and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.
The unexpended balance as of June 30, 1999 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.
The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.
Receipts derived from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials program, subject to the approval of the Director of the Division of Budget and Accounting.
Receipts in excess of the amount anticipated derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

The unexpended balance as of June 30, 1999 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

CAPITAL CONSTRUCTION

10 Public Safety and Criminal Justice

11 Vehicular Safety

Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41 et al.), if the increase in capital costs for the implementation of the Enhanced Inspection and Maintenance program exceeds the available funding from federal Congestion Mitigation and Air Quality Improvement funds, there are appropriated such sums as are necessary for the capital or debt service costs of the Enhanced Inspection and Maintenance program, subject to the approval of the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

60 Transportation Programs

61 State and Local Highway Facilities

Capital Project:

Transportation Trust Fund Account $477,801,000

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1999 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall first be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended, as may be necessary to satisfy all fiscal year 2000 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

In addition to the amount hereinabove, a total of $5,299,237 is charged to Petroleum Overcharge Reimbursement funds, transferred from the Department of Human Services, for the purpose of increasing the use of public transportation.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the Commissioner of Transportation may transfer funds, subject to the approval of the Director of the Division of Budget and Accounting, from projects included in the approved program to the Hudson-Bergen Light Rail Transit system project in an amount sufficient to satisfy the New Jersey Transportation Trust Fund Authority's obligation to pay debt service on the grant anticipation notes issued or to be issued by the New Jersey Transit Corporation but only to the extent that monies are not otherwise available for the payment of debt service from non-State funds received for the Hudson-Bergen Light Rail Transit System.

Any unexpended funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P.L.1983, c.363, which were reserved pursuant to subsection a. of section 4 of the act for

rehabilitation and improvement of bridges carrying State highways, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying State highways, as defined and permitted under the provisions of that act.

Any unexpended funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P.L.1983, c.363, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying county and municipal roads, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying county and municipal roads, as defined and permitted under the provisions of that act.

Any unobligated funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Bond Act of 1989," P.L.1989, c.180, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying State highways, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying State highways, as defined and permitted under the provisions of that act.

Any unobligated funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Bond Act of 1989," P.L.1989, c.180, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying county and municipal roads, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying county and municipal roads, as defined and permitted under the provisions of that act.

The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of $540,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified under the six general program headings as follows:

Route	Section	Description	County	Amount
1.	CONSTRUCTION			
		Access management	Various	($500,000)
		Access permit application review	Various	(200,000)
		Adopt-A-Highway program	Various	(100,000)
		Airport Safety Fund	Various	(6,000,000)

Automated systems, acquisition and development	Various	(2,000,000)
Betterments, bridge preservation	Various	(7,000,000)
Betterments, roadway preservation	Various	(8,000,000)
Betterments, safety	Various	(3,000,000)
Bicycle projects, Local System	Various	(6,700,000)
Construction inspection	Various	(1,000,000)
Culvert inspection program	Various	(500,000)
Delaware and Raritan Canal bridges, safety improvements	Mercer Hunterdon Somerset	(2,200,000)
Drainage rehabilitation and maintenance	Various	(2,000,000)
Economic Development Program	Various	(2,000,000)
Electrical facilities	Various	(600,000)
Electrical and signal safety engineering program	Various	(200,000)
Emergency response operations	Various	(100,000)
Environmental investigations	Various	(3,000,000)
Equipment: vehicles and construction equipment	Various	(8,000,000)
Equipment fleet repair: capitalized maintenance	Various	(3,300,000)
Freight program	Various	(7,000,000)
Good Neighbor Landscaping	Various	(500,000)
Hackettstown remediation	Warren	(500,000)
High-mast light poles	Various	(150,000)
Interstate highway service facilities	Various	(1,000,000)
Legal costs for right-of-way condemnation and capital project litigation work	Various	(1,300,000)
Local aid for Centers of Place	Various	(1,500,000)
Movable bridge maintenance	Various	(700,000)
Pedestrian projects, Local System	Various	(4,700,000)
Physical plant	Various	(8,000,000)
Professional auditing services	Various	(440,000)
Program implementation and indirect capital program costs	Various	(75,000,000)
Raritan Center roadway improvements	Middlesex	(4,000,000)
Restriping program	Various	(1,000,000)
Resurfacing program	Various	(30,000,000)
Sign structure inspection	Various	(500,000)

		Signs program	Various	(1,000,000)
		Solid and hazardous waste cleanup, reduction and disposal	Various	(1,000,000)
		State Infrastructure Bank	Various	(500,000)
		State Police enforcement and safety services	Various	(2,000,000)
		TRANSCOM membership	Various	(400,000)
		Traffic signal LED installation (Light Emitting Diode signals)	Various	(1,000,000)
		Traffic signal relamping	Various	(1,200,000)
		Traffic signal replacement	Various	(1,000,000)
		Training and technology development	Various	(500,000)
		Transportation Demand Management/Smart Moves Program	Various	(500,000)
		Unanticipated design, right-of-way, and construction expenses	Various	(10,199,000)
		Underground exploration for utility facilities	Various	(150,000)
		University Transportation Research Technology	Various	(1,000,000)
		Utility reconnaissance and relocation	Various	(1,000,000)
		Vaux Hall Road bridge over Rahway River, replacement; Millburn Avenue bridge over Rahway River, deck replacement	Essex Union	(2,000,000)
9	(22)	Improvements at Garden State Parkway Interchange 80	Ocean	(1,775,000)
9	(30)	Lake Carasaljo dam; John Street to Route 88, operational improvements	Ocean	(3,835,000)
21	6L	Dayton Avenue to north of Ackerman Avenue, new alignment	Passaic	(23,291,000)
29	10C11B	Ferry Street to Lamberton Road, system connectivity	Mercer	(18,700,000)
30		Camden Gateway; Ben Franklin Bridge toll plaza to east of Airport Circle, highway rehabilitation and scenic enhancement	Camden	(14,000,000)
30		Penrose Canal bridge replacement	Atlantic	(3,000,000)
33		Freehold Bypass completion; Halls Mill Road to Route 33 at Fairfield Road	Monmouth	(5,000,000)

57		Washington Borough, improve drainage in vicinity of Ramapo Way to South Prospect Street	Warren	(100,000)
70	(5)	Jack Martin Boulevard to Brielle Circle, widening	Monmouth Ocean	(22,800,000)
78	(23)	Route I-78 connector over Routes 1&9 and Route I-78	Essex	(12,500,000)
206	15J	Brown Avenue to Frelinghuysen Avenue, widening	Somerset	(10,000,000)
280		Route I-280 westbound from north of Prospect Avenue to Mount Pleasant Avenue, noise barriers	Essex	(2,900,000)
322		Gloucester County safety improvements; I-295 interchange in vicinity of Coontown Road tovicinity of Stone Meeting House Road	Gloucester	(3,500,000)
2.	DESIGN			
		Emerging projects	Various	(2,000,000)
9	3P	Stevens Road to Cox Cro Road, operational improvements	Ocean	(1,200,000)
9	(36)	Cox Cro Road to High Street, operational improvements	Ocean	(900,000)
9		North of Indian Head Road to Stevens Road, operational improvements	Ocean	(750,000)
29	10C11B	Ferry Street to Lamberton Road, system connectivity	Mercer	(250,000)
80	5AW 10L	Saddle River Road to South Summit Avenue; eastbound lanes, rehabilitation and operational improvements	Bergen	(3,000,000)
80	G	Garden State Parkway to Route 17, rehabilitation and operational improvements	Bergen	(3,000,000)
206 Bypass	14A 15A	Belle Mead-Griggstown Road to Old Somerville Road, new alignment	Somerset	(500,000)
3.	RIGHT-OF-WAY ACQUISITION			
		Advance acquisition of right-of-way for transportation corridors and facilities	Various	(1,500,000)
1		Grade-separated interchange at Meadow Road	Mercer	(1,260,000)
9 166	(21)	Improvements at Garden State Parkway Interchange 83	Ocean	(1,000,000)
9	(30)	Lake Carasaljo dam; John Street to Route 88, operational improvements	Ocean	(300,000)
31	6E6F	River Road to Stanton Station Road, widening	Hunterdon	(2,000,000)

46		Parsippany Park and Ride	Morris	(500,000)
206	15N	Old Somerville Road to Brown Avenue, widening	Somerset	(18,000,000)
206 CR513		Intersection improvements at Main Street (Route 24) and County Route 513	Morris	(1,500,000)
206 CR604		Acorn Street to vicinity of Waterloo Inn, operational improvements	Sussex	(2,500,000)
4.	PROJECT DEVELOPMENT			
		Project development, preliminary engineering	Various	(9,000,000)
295 95		Federal City Road to Kuser Road, noise barriers	Mercer	(300,000)
5.	PLANNING			
		Planning and research	Various	(3,000,000)
6.	LOCAL AID			
		Local bridge rehabilitation	Various	(20,000,000)
		County Aid	Various	(58,500,000)
		Municipal aid	Various	(58,500,000)
		Discretionary aid:		
		County and municipal	Various	(13,000,000)

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Fiscal Year 2000 transportation capital construction program, the Commissioner of Transportation shall allocate and transfer from a part or all of any item or items up to $3,000,000 for installation of a sound barrier on Route 55 in Elk Township.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the Commissioner of Transportation may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The Commissioner of Transportation shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different program headings. If the Director of the Division of Budget and Accounting shall consent thereto, the request to transfer funds among projects within different program headings shall be transmitted to the Legislative Budget and Finance Officer for approval or disapproval then returned to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor shall be empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of $360,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

NEW JERSEY TRANSIT CORPORATION

Route	Section	Description	County	Estimated Cost
		Accessibility for people with disabilities; platforms/stations	Various	($9,250,000)
		Accessibility for people with disabilities; vans for para-transit services	Various	(6,640,000)
		Access to Region's Core	Various	(1,250,000)
		Advanced public transportation systems	Various	(590,000)
		Amtrak - Northeast Corridor Joint Benefit Agreement	Various	(18,000,000)
		Building capital leases	Various	(30,000)
		Bus acquisition program	Various	(3,960,000)
		Bus maintenance facilities	Passaic	(4,000,000)
		Bus passenger facilities	Various	(3,200,000)
		Bus support facilities and equipment	Various	(12,980,000)
		Bus vehicle and facility maintenance/capital maintenance	Various	(35,510,000)
		Capital program implementation and indirect capital program costs	Various	(18,580,000)
		Claims support	Various	(2,000,000)
		Clean Air Programs	Various	(1,100,000)
		Environmental compliance	Various	(5,010,000)
		Geographic Information Systems	Various	(1,140,000)
		Hoboken Terminal (non-historic)/ Yard rehabilitation	Hudson	(18,810,000)
		Hudson Bergen Light Rail Transit System, Minimal Operating Segment II	Hudson	(41,900,000)
		Information systems/ technology	Various	(18,930,000)
		Immediate action program	Various	(10,780,000)
		Locomotive overhaul	Various	(5,000,000)
		Upgrade automatic call distributor; Transit Information Center	Various	(170,000)
		Miscellaneous	Various	(800,000)
		Montclair Connection	Essex Morris Passaic	(5,000,000)
		New rail initiatives and Union Township station	Various	(2,000,000)
		Newark City subway	Essex	(4,370,000)
		Newark-Elizabeth Rail Link/ Light Rail Transit Base Maintenance Facility	Essex Union	(15,900,000)
		Other rail station/terminal improvements	Various	(16,430,000)

Penn Station, New York improvements	New York	(500,000)
Physical plant	Various	(3,030,000)
Private carrier equipment program	Various	(6,710,000)
Rail capital maintenance	Various	(65,760,000)
Rail fleet overhaul	Various	(8,000,000)
Rail park and ride	Various	(1,000,000)
Rail rolling stock procurement	Various	(6,000,000)
Rail support facilities and equipment	Various	(6,930,000)
Railroad associated capital maintenance	Various	(10,020,000)
Signals and communications	Various	(16,100,000)
Study and development	Various	(2,870,000)
Subway car replacement/ testing	Essex	(4,540,000)
Track program	Various	(8,010,000)
Tunnel and bridge rehabilitation	Various	(7,200,000)

The total expenditure of the Department of Transportation, under the New Jersey Transit Corporation general program heading with an "Estimated Cost" exceeding $360,000,000 by $50,000,000, shall not exceed $360,000,000 and shall be subject to the following conditions:

(a) On or before the 180th day after the effective date of this act, the Commissioner of Transportation shall transmit to the Senate Transportation Committee and the Assembly Transportation and Communications Committee a list of the specific projects identified hereinabove with the amounts of allotments for each project.

(b) The total allotments for all projects shall not exceed $360,000,000 and the maximum allotment allowed for each project shall not exceed 110% of the amount of "Estimated Cost" for each project listed hereinabove.

(c) Any change to the allotment amount listed for a project as transmitted to the committees, which results in an allotment amount for that project not greater than 110% of the "Estimated Cost" for the project, may be made by the commissioner upon written notice thereof to the committees.

(d) Any change to the allotment amount listed for a project as transmitted to the committees, which results in an allotment amount for that project greater than 110% of the "Estimated Cost" for the project, shall be subject to the approval of the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

The unexpended balances as of June 30, 1999 of the appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3), sums from the Transportation Trust Fund shall be available, subject to the approval of the Director of the Division of Budget and Accounting, for work necessary for preserving or maintaining the useful life of transportation projects that ensures the useful life of the project for not less than two years.

Notwithstanding any other provision of law, the Department of Transportation may transfer Transportation Trust Fund monies to federal projects contracted in federal

fiscal years 1998, 1999, and 2000 until such time as federal funds become available for the projects. These transfers shall be subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds the Transportation Trust Fund shall be reimbursed for all monies that were transferred to advance federally funded projects.

From amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Fiscal Year 2000 transportation capital construction program, the Commissioner of Transportation shall allocate and transfer from a part or all of any item or items up to $1,500,000 for the functional relocation of the Toms River inspection station in order to provide for the expansion of Route 166 and improve intersection safety, Ocean County.

From amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Fiscal Year 2000 transportation capital construction program, the Commissioner of Transportation shall allocate and transfer from a part or all of any item or items up to $1,500,000 for the functional relocation of the Freehold inspection station in order to improve traffic safety on Route 79, Monmouth County.

Department of Transportation, Total State Appropriation .. $856,810,000

Such receipts as may be received by the Department of Transportation from the State's Highway Authorities as reimbursement for services that are performed by the department on behalf of the authorities, including but not limited to maintenance and operations programs, are appropriated for purposes within the department as shall be determined by the Director of the Division of Budget and Accounting.

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$206,961,000
Grants-in-Aid	149,237,000
State Aid	22,811,000
Capital Construction	477,801,000
Appropriation by Fund:	
General Fund	$833,999,000
Casino Revenue Fund	$22,811,000

66 DEPARTMENT OF THE TREASURY
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
DIRECT STATE SERVICES

46-2150 Student Assistance Programs	$2,555,000
Total Direct State Services Appropriation, Higher Educational Services	$2,555,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,282,000)
Materials and Supplies ..... (43,000)
Services Other Than Personal ..... (781,000)
Maintenance and Fixed Charges ..... (22,000)
Special Purpose:
46 Servicing of Governor's Teachers Scholarship Loans ..... (71,000)
46 College Savings Program Administration ..... (350,000)
Additions, Improvements and Equipment ..... (6,000)

At any time prior to the issuance and sale of bonds or other obligations by the New Jersey Higher Education Assistance Authority, the State Treasurer is authorized to transfer from any available moneys in any fund of the Treasury of the State to the credit of any fund of the Authority such sums as the State Treasurer deems necessary. Any sums so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of Authority bonds or other Authority obligations.

GRANTS-IN-AID

46-2150 Student Assistance Programs $159,510,000
47-2155 Support to Independent Institutions 25,012,000
49-2155 Miscellaneous Higher Educational Programs 71,444,000
Total Grants-in-Aid Appropriation, Higher Educational Services $255,966,000

Grants-in-Aid:
46 Veterinary Medicine Education Program ..... ($1,337,000)
46 Tuition Aid Grants ..... (149,456,000)
46 Public Tuition Benefits Grants ..... (65,000)
46 Coordinated Garden State Scholarship Programs .. (7,562,000)
46 Part-Time Tuition Aid Grants -- EOF Students ..... (620,000)
46 Miss New Jersey Educational Scholarship Program .. (20,000)
46 Minority Academic Careers Program ..... (450,000)
47 Aid to Independent Colleges and Universities ... (23,245,000)
47 Clinical Legal Programs for the Poor -- Seton Hall University (P.L.1996, c.52) ..... (200,000)
47 Einstein Chair for Scholarly Studies at the Institute for Advanced Study ..... (65,000)
47 Institute for Advanced Study, Park City Mathematics Institute ..... (100,000)
47 Discrete Mathematics and Computer Science Center -- Institute for Advanced Study ..... (100,000)
47 Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University ..... (65,000)
47 Alfred E. Driscoll Chair in Pharmaceutical/ Chemical Studies, F.D.U. ..... (65,000)

47 Laurie Chair in Women's Studies at Douglass College ..... (75,000)
47 Will and Ariel Durant Chair in the Humanities at St. Peters College ..... (65,000)
47 Small Business and Entrepreneurship Chair at Rutgers University ..... (65,000)
47 Raoul Wallenberg Visiting Professorship in Human Rights -- Rutgers University ..... (100,000)
47 Millicent Fenwick Research Professorship in Education at Monmouth University ..... (75,000)
47 Program for Acceleration in Computer Science for Minority Students, Monmouth University ..... (5,000)
47 Research Under Contract with the Institute of Medical Research, Camden ..... (787,000)
49 Garden State Savings Bonds Incentive ..... (400,000)
49 Higher Education Capital Improvement Program -- Debt Service ..... (12,379,000)
49 Center for Sustainable Growth -- Stevens Institute of Technology ..... (450,000)
49 Statewide Systemic Initiative to Reform Mathematics and Science Education ..... (1,200,000)
49 Equipment Leasing Fund -- Debt Service ..... (19,267,000)
49 Higher Education Facilities Trust Fund -- Debt Service ..... (21,017,000)
49 Gloucester County College -- Center for People in Transition ..... (262,000)
49 College Leadership of New Jersey ..... (50,000)
49 Centenary College -- Building Restoration ..... (250,000)
49 The Walter Rand Institute for Public Affairs, Rutgers - Camden ..... (75,000)
49 Brookdale Community College/Rutgers Educational Partnership Project ..... (100,000)
49 Ocean County Community College -- Camp Viking ... (45,000)
49 Higher Education Technology Bond -- Debt Service ..... (6,373,000)
49 Marine Sciences Consortium ..... (376,000)
49 Outstanding Scholar Recruitment Program ..... (9,200,000)

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State Colleges is 47,246 for fiscal year 1999.

Receipts in excess of the amount hereinabove for Clinical Legal Programs for the Poor--Seton Hall are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove for Research under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial

statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

The sums provided hereinabove and the unexpended balances as of June 30, 1999, in Student Assistance Programs shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

Amounts from the unexpended balance as of June 30, 1999, including refunds recognized after July 31, 1998, in the Tuition Aid Grants account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the Student Assistance Board shall provide to all qualified applicants increases to maximum award values that fund, at a minimum, an equal percentage of tuition up to the maximum allowable under the Tuition Aid Grant statute. All other award increases at each institution shall not exceed the percentage increase provided for the maximum award at that institution. All awards provided must be fundable within the amount hereinabove provided for Tuition Aid Grants plus funding from the Part-time Tuition Aid Grants-EOF Students program and available federal State Student Incentive Grant funds. Reappropriated balances shall be held as a contingency for unanticipated increases in the number of applicants qualifying for Student Assistance Programs awards or to fund shifts in the distribution of awards that result in an increase in total program costs.

From the sums provided hereinabove for Student Assistance Programs, such amounts as may be necessary to fund merit scholarship awards shall be available for transfer to the Coordinated Garden State Scholarship Programs and to the Miss New Jersey Educational Scholarship Program, N.J.S.18A:71B-25 et seq., subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law or regulation to the contrary, any institution of higher education which participates in the Student Unit Record Enrollment data system may participate in the Outstanding Scholar Recruitment Program.

STATE AID

48-2155 Aid to County Colleges	$174,220,000
Total State Aid Appropriation, Higher Educational Services	$174,220,000
State Aid:	
48 Operational Costs	($132,186,000)
48 Debt Service, N.J.S.18A:64A-22	(23,070,000)
48 Employer Contributions -- Alternate Benefit Program	(15,981,000)
48 Employer Contributions -- Teachers' Pension and Annuity Fund	(121,000)
48 Additional Health Benefits	(2,342,000)
48 Employer Contributions -- FICA for County College Members of Teachers' Pension and Annuity Fund	(450,000)
48 Debt Service on Pension Obligation Bonds	(70,000)

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Of the amount appropriated hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page I-45 in the Governor's Budget Recommendation Document dated January 25, 1999 first shall be charged to the State Lottery Fund.

Higher Educational Services

Of the amount appropriated hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page I-45 in the Governor's Budget Recommendation Document dated January 25, 1999 first shall be charged to the State Lottery Fund.

50 Economic Planning, Development and Security
51 Economic Planning and Development
DIRECT STATE SERVICES

13-8031 Economic Research	$824,000
38-2049 Economic Development	286,000
Total Direct State Services Appropriation, Economic Planning and Development	$1,110,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($941,000)
Materials and Supplies	(35,000)
Services Other Than Personal	(76,000)
Maintenance and Fixed Charges	(7,000)
Special Purpose:	
13 Council of Economic Advisors	(45,000)
Additions, Improvements and Equipment	(6,000)

The unexpended balance as of June 30, 1999 for the Council of Economic Advisors is appropriated.

Of the amounts hereinabove for Economic Research, $31,000 are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer Economic Research, subject to the approval of the Director of the Division of Budget and Accounting.

2041 New Jersey Commerce and Economic Growth Commission

DIRECT STATE SERVICES

38-2041 Economic Development $15,438,000

Total Direct State Services Appropriation, New Jersey Commerce and Economic Growth Commission $15,438,000

Direct State Services:

Special Purpose:

38 New Jersey Commerce and Economic Growth Commission ..... ($15,038,000)

38 International Accounts Managers and Foreign Trade Offices ..... ($400,000)

Of the sum hereinabove appropriated for the New Jersey Commerce and Economic Growth Commission, there is no less than $550,000 for the Office of Sustainability; $4,450,000 for Advertising and Promotion; $3,015,000 for Business Retention, Expansion and Attraction; $1,850,000 for the Travel and Tourism Cooperative Marketing Program; $1,000,000 for the Business Marketing Campaign coordinated with Prosperity New Jersey; $1,000,000 for the Community Development Bank; $25,000 for the Business Information-Call Management Center; $350,000 for the Office of Maritime Resources; $130,000 for the New Jersey Israel Commission; $150,000 for the Promotion of Agricultural Exports; and $75,000 for the Business Resource Center, except that the amount for the Cooperative Marketing Program is available for expenditure only to the extent that an amount equal to 25% of the State funds are expended from funds raised by the Commerce Commission, pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), through contributions from private tourism industry concerns and non-State public entities as determined by the Director of the Division of Budget and Accounting. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Subject to the approval of the Director of the Division of Budget and Accounting, of the sums hereinabove appropriated, or otherwise made available, for the Office of Sustainability, the Chief Executive Officer and Secretary is authorized to contract with the New Jersey Economic Development Authority which shall finance loans to sustainable businesses.

Subject to the approval of the Director of the Division of Budget and Accounting, there is appropriated to the New Jersey Commerce and Economic Growth Commission, from the General Fund such sums as may be necessary, as certified by the Commissioner and the Director of the Division of Taxation, to fund business relocation grants made under the "Business Relocation Assistance Grant Act," the amount of which shall not exceed the new income tax revenues as defined in section 2 of P.L.1996, c.25 (C.34:1B-113). In addition to the report required pursuant to section 10 of P.L.1996, c.25 (C.34:1B-121), the Chief Executive Officer and Secretary of the Commission shall provide the Joint Budget Oversight Committee, on or before November 1, 1999, with a report of the grants funded in the prior fiscal year including, but not limited to, a summary of each grant agreement and the amount of each grant funded in that year.

There is appropriated from the Enterprise Zone Assistance Fund such sums as are necessary for administrative services provided by the New Jersey Commerce and

Economic Growth Commission in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1), subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zone Act," P.L.1983, c.303 (C.52:27H-60 et seq.), are appropriated from the Enterprise Zone Assistance Fund subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount allocated by the Commission for the Advertising and Promotion account, the Commission shall expend such amounts as the Chief Executive Officer and Secretary determines will encourage the optimum effective continuing operation of each of the Tourist Welcome Centers, including but not limited to, the transfer of the operation of the centers to private, non-profit entities, whether under lease arrangements or such other agreements as the director may determine.

Fifty percent of the net receipts collected from the use of the Travel and Tourism logo and slogan and the sale of related tourism promotional items are appropriated for the purpose of administering Travel and Tourism's portion of the Advertising and Promotion program, subject to the approval of the Director of the Division of Budget and Accounting.

The Chief Executive Officer and Secretary of the Commission shall report semi-annually on the expenditure of State funds and private contributions during the preceding six months for the Advertising and Promotion Program and the Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program. The first semi-annual report covering the first six months of fiscal year 2000 shall be completed not later than January 31, 2000, the second semi-annual report covering the second six months of fiscal year 2000 shall be completed not later than July 31, 2000 and both reports shall be submitted to the Governor and the Joint Budget Oversight Committee.

GRANTS-IN-AID

38-2041 Economic Development $12,325,000
Total Grants-in-Aid Appropriation, New Jersey Commerce and Economic Growth Commission $12,325,000

Grants-in-Aid:

38 Prosperity New Jersey, Inc. ..... ($550,000)
38 Burlington County -- New Jersey EcoComplex ..... (275,000)
38 New Jersey Trade Development Corporation ..... (150,000)
38 Monmouth /Ocean Development Council -- Economic Development Partnership Project ..... (100,000)
38 Northern New Jersey Business Growth Initiative -- Regional Business Partnership, Newark ... (250,000)
38 Business Employment Incentive Program ..... (11,000,000)

The unexpended balance as of June 30, 1999 in the Prosperity New Jersey, Inc. account is appropriated.

In addition to the amount hereinabove, there is appropriated to the Department of the Treasury on behalf of the New Jersey Economic Development Authority from the General Fund such sums as may be necessary to fund the Business Employment Incentive Program, the amount of which shall not exceed the total amount of

revenues received as withholdings, as defined in section 2 of P.L.1996, c.26 (C.34:1B-125), from all businesses receiving grants pursuant to the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), as certified by the Director of the Division of Taxation. The authority shall provide the Joint Budget Oversight Committee, on or before November 1, 1999, with a report of the grants funded in the prior fiscal year including, but not limited to, a summary of each grant agreement and the amount of each grant funded in that year.

The amount hereinabove for International Accounts Managers and Foreign Trade Offices shall not be used to fund, either directly or indirectly, any foreign governments, entities or persons within or affiliated with foreign governments which are state sponsors of international terrorism or terrorist organizations, as defined by the United States State Department as of January 1, 1984 or thereafter.

2042 New Jersey Commission on Science and Technology

DIRECT STATE SERVICES

39-2042 New Jersey Commission on Science and Technology	$496,000
Total Direct State Services Appropriation, New Jersey Commission on Science and Technology	$496,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($439,000)
Materials and Supplies	(9,000)
Services Other Than Personal	(37,000)
Maintenance and Fixed Charges	(11,000)

GRANTS-IN-AID

39-2042 New Jersey Commission on Science and Technology	$19,025,000
Total Grants-in-Aid Appropriation, New Jersey Commission on Science and Technology	$19,025,000
Grants-in-Aid:	
39 Research and Development Programs	($11,958,000)
39 Business Assistance	(2,095,000)
39 Technology Transfer Programs	(4,972,000)

The unexpended balance as of June 30, 1999 in the Science and Technology grants accounts is appropriated.

52 Economic Regulation

DIRECT STATE SERVICES

53-2018 Ratepayer Advocacy	$4,163,000
54-2008 Utility Regulation	5,941,000
55-2004 Regulation of Cable Television	1,534,000
97-2016 Regulatory Support Services	3,393,000
99-2003 Administration and Support Services	6,183,000
Total Direct State Services Appropriation, Economic Regulation	$21,214,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($17,581,000)
Materials and Supplies ..... (355,000)
Services Other Than Personal ..... (2,396,000)
Maintenance and Fixed Charges ..... (590,000)
Special Purpose:
53 Ratepayer Advocacy Control ..... (20,000)
Additions, Improvements and Equipment ..... (272,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

Receipts derived from fees are appropriated.

Receipts derived from fines and penalties in excess of $300,000 are appropriated for regulatory enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

The unexpended balances as of June 30, 1999 are appropriated.

Receipts of the Division of Ratepayer Advocate in excess of those anticipated are appropriated for the Division of Ratepayer Advocate to defray the costs of this activity under section 16 of P.L.1994, c.58 (C.52:27E-63).

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the sum of $4,775,000 for the following energy conservation projects: $1,675,000 to State agencies for the conversion of vehicles to alternative fuel vehicles; $1,000,000 to local government agencies for the cost of converting fleet vehicles to alternative fuel vehicles; $1,100,000 for the cost of building infrastructure to service alternative fuel vehicles; and $1,000,000 for the cost of implementing a consumer education/awareness campaign associated with electric energy restructuring.

70 Government Direction, Management and Control
72 Governmental Review and Oversight
DIRECT STATE SERVICES

03-2015 Employee Relations and Collective Negotiations 569,000
07-2040 Office of Management and Budget 18,669,000
Total Direct State Services Appropriation, Governmental Review and Oversight $19,238,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($12,306,000)
Materials and Supplies ..... (279,000)

Services Other Than Personal ..... (6,102,000)
Maintenance and Fixed Charges ..... (62,000)
Special Purpose:
07 General Fixed Asset Account Group,
Independent Audit ..... (457,000)
07 Governmental Accounting Standards Board ..... (32,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group, management, performance, and operational audits, and the single audit.

There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

There are appropriated out of revenues derived from the collection of fees charged for the issuance of dishonored checks, such sums as are necessary to defray administrative processing costs associated with such checks.

73 Financial Administration
DIRECT STATE SERVICES

15-2080 Taxation Services and Administration $78,426,000
16-2090 Administration of State Lottery 12,829,000
17-2105 Administration of State Revenues 22,363,000
19-2120 Management of State Investments 5,364,000
25-2095 Administration of Casino Gambling 22,915,000
(From Casino Control Fund ..... $22,915,000)
50-2027 Commercial Recording 4,636,000
Total Direct State Services Appropriation,
Financial Administration $146,533,000
(Total From General Fund ..... $123,618,0000)
(Total From Casino Control Fund ..... 22,915,000)

Direct State Services:
Personal Services:
Salaries and Wages ..... ($80,398,000)
Salaries and Wages (CCF) ..... (15,672,000)
Chairman and Commissioners (CCF) ..... (455,000)
Employee Benefits (CCF) ..... (3,669,000)
Materials and Supplies ..... (5,601,000)
Materials and Supplies (CCF) ..... (289,000)
Services Other Than Personal ..... (31,708,000)
Services Other Than Personal (CCF) ..... (1,276,000)
Maintenance and Fixed Charges ..... (1,618,000)
Maintenance and Fixed Charges (CCF) ..... (1,254,000)

Special Purpose:
17 Revenue Management System ..... (2,500,000)
17 Wage Reporting/Temporary Disability Insurance ..... (1,524,000)
25 Administration of Casino Gambling (CCF) ..... (105,000)
Additions, Improvements and Equipment ..... (269,000)
Additions, Improvements and Equipment (CCF) ..... (195,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

There are appropriated from the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

Notwithstanding the provision of any law to the contrary, there shall be no retroactive payment for refunds due under section 9 of P.L.1976, c.141 (C.58:10-23.11h) as amended pursuant to section 1 of P.L.1997, c.134 for the period from January 1, 1996, through June 26, 1997, appropriated from the Spill Compensation Fund.

In addition to the amounts appropriated hereinabove, there is appropriated an amount not to exceed $722,000 for costs related to the development and implementation of a property tax assessment system, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary for the administration of the homestead property tax reimbursement established pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Notwithstanding any other law to the contrary, there are appropriated out of the receipts in the Solid Waste Services Tax Fund and the Resource Recovery Investment Tax Fund such sums as may be necessary for the cost of administration and collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12) there are appropriated such sums as may be required to compensate the Department of the

Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992 c.165 (C.40:54D-1 et seq.).

In addition to the amounts appropriated hereinabove, such additional sums as may be necessary are appropriated to fund costs of the collection and processing of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee with written reports on the detailed appropriation and expenditure of sums appropriated pursuant to this provision.

Notwithstanding any provision of any other law to the contrary, there are available out of fees derived from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such sums as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such sums as are necessary between the Department of Labor and the Department of the Treasury for the administration of revenue collection and processing functions related to the Unemployment Insurance, Temporary Disability Insurance, Workers Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and Workforce Development Partnership program.

The amounts hereinabove for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such addition as may be required to administer the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Bureau of Commercial Recording, subject to the approval of the Director of the Division of Budget and Accounting.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the

Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from the sale of advertising and/or promotional products by the State Lottery, such sums as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs as the Director of the Division of Budget and Accounting, shall determine. In addition, revenue resulting from such charges to the various pensions and health benefit funds, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be credited to the General Fund as anticipated revenue.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

74 General Government Services
DIRECT STATE SERVICES

09-2050	Purchasing and Inventory Management	$11,635,000
21-2140	Pensions and Benefits	25,422,000
26-2067	Property Management and Construction -- Property Management Services	9,306,000
37-2051	Risk Management	1,722,000
	Total Direct State Services Appropriation, Economic Regulation	$48,085,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($27,446,000)
Materials and Supplies ..... (763,000)
Services Other Than Personal ..... (12,904,000)
Maintenance and Fixed Charges ..... (1,474,000)
Special Purpose:
09 Fleet Renewal Management Program ..... (5,111,000)
21 State Pension System Audit ..... (128,000)
26 Land Use Regulation Specialist ..... (250,000)
Additions, Improvements and Equipment ..... (9,000)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center any appropriation made to any department which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

Notwithstanding the provision of any other law to the contrary, there are appropriated from receipts derived from vendor registration fees sufficient sums for services and expenses related to the development, letting and administration of commodity or service contracts.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of the receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of this program.

Notwithstanding the provisions of section 15 of article 6 of P.L.1944, c.112 (C.52:27B-67), revenues in excess of the anticipation derived from the sale of surplus State vehicles are available for the replacement of Central Motor Pool temporary assignment vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds derived from commissions are credited to defray administrative costs incurred as a result of the management of the travel contract.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.

The unexpended balance in the State Purchase Fund as of June 30, 1999, and the reimbursements thereto, are appropriated for the purpose of making payments for

purchases under R.S.52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

There are appropriated out of revenues received from the sale of surplus property, sufficient sums for the administrative costs of the Distribution Center-Surplus Property Unit.

There are available from the savings in property rental accounts derived from warehouse space consolidation and elimination, such sums as may be required to implement and administer the warehouse space utilization program in the Division of Property Management and Construction, subject to the approval of the Director of the Division of Budget and Accounting.

From the receipts derived from the sale of real property, such sums are appropriated for the costs incurred in the selling of the real property, including appraisal, survey, advertising, and other costs related to the disposal, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove, there are appropriated by way of estimated receipts, an amount not to exceed $500,000, to provide building modifications and tenant services which fall outside the scope of basic building maintenance in State owned facilities under the auspices of the Division of Property Management and Construction, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Property Management and Construction - Property Management Services, $60,000 shall be transferred to the State Capitol Joint Management Commission to pay for security services at the State Archives.

The unexpended balances in excess of $200,000 in the Management of the DEP Properties account as of June 30, 1999 are appropriated for the same purpose.

Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed $100,000 shall be available for the administrative expenses of the program.

The amount hereinabove for the Land Use Regulation Specialists Fees account is to be expended solely for the purchase of expert witness services related to the State's defense against inverse condemnation claims of the Land Use Regulation program.

Receipts from employee maintenance charges in excess of $300,000 are appropriated for maintenance of employee housing and associated relocation costs; provided, however, that a sum not to exceed $25,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest and/or principal due from the issuance of bonds for this facility.

The unexpended balances in the State cafeteria accounts as of June 30, 1999, and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Property Management and Construction program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

Notwithstanding any law to the contrary, there are appropriated out of receipts derived from the pre--qualification service fees billed to contractors, architects, engineers, and professionals sufficient sums for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting, shall determine. In addition, revenue resulting from such charges to the various pensions and health benefit funds, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be credited to the General Fund as anticipated revenue.

There are appropriated sufficient sums as may be required for the expenses of the Pensions and Health Benefits Commission, provided that such appropriation shall be reimbursed to the General Fund from the resources available to the various pensions and health benefits funds.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for expenses, programs, and strategies which will enhance the vitality of the capital district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administration Appeals	$7,380,000
Total Appropriation, State and All Other Fund	$7,380,000
Less:	
All Other Funds	
Adjudication of Administrative Appeals $4,085,000	
Total Deductions $4,085,000	

Total Direct State Services Appropriation,
Office of Administrative Law $3,295,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($6,367,000)
Employee Benefits ..... (172,000)
Materials and Supplies ..... (190,000)
Services Other Than Personal ..... (489,000)
Maintenance and Fixed Charges ..... (130,000)
Special Purpose:
45 Affirmative Action and Equal Employment Opportunity ..... (6,000)
Additions, Improvements and Equipment ..... (26,000)
Less:
All Other Funds 4,085,000

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Commissioner of Personnel in the "State Compensation Plan."

In addition to the amount hereinabove, such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs by the Office of Administrative Law and the unexpended balance as of June 30, 1999 of such sums are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Receipts derived from the annual license fee payable to the Office of Administrative Law and the unexpended balance as of June 30, 1999 of such receipts are appropriated.

Receipts derived from the royalty payable to the Office of Administrative Law and the unexpended balance as of June 30, 1999 of such receipts are appropriated.

75 State Subsidies and Financial Aid
GRANTS-IN-AID

33-2078 Homestead Rebates $348,300,000
(From Property Tax Relief Fund ..... $348,300,000)
84-2078 Direct School Tax Relief 170,000,000
(From Property Tax Relief Fund ..... $170,000,000)
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid $518,300,000
(Total From Property Tax Relief Fund ..... $518,300,000)
Grants-in-Aid:
33 Homestead Property Tax Rebates for Homeowners and Tenants. ..... ($324,600,000)
33 Senior and Disabled Citizens Property Tax Freeze (P.L.1997, c.348) ..... (23,700,000)

84 Direct School Tax Relief Program ..... (170,000,000)

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead property tax rebates, subject to the limitations and conditions provided in this act.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove for the Senior and Disabled Citizens Property Tax Freeze, and any additional sum which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

The appropriation hereinabove for Direct School Tax Relief Program grants shall be made available as provided for by "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act," P.L.1999, c.63 (C.54:4-8.57 et al.).

In addition to the amount appropriated herein, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for direct school tax relief, subject to the limitations and conditions provided in the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act," P.L.1999, c.63 (C.54:4-8.57 et al.), subject to the approval of the Director of the Division of Budget and Accounting.

From the amount appropriated hereinabove for the NJ SAVER program, there are appropriated such sums as may be necessary for the administration of the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act," P.L.1999, c.63 (C.54:4-8.57 et al.), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

28-2078 County Boards of Taxation $1,049,000
29-2078 Locally Provided Services 138,206,000
34-2078 Reimbursement of Senior/Disabled Citizens and Veterans' Tax Exemption 51,195,000
(From Property Tax Relief Fund ..... $34,015,000)
(From Casino Revenue Fund ..... 17,180,000)
35-2078 Consolidated Police and Firemen's Pension Fund ... 58,128,000
Total State Aid Appropriation, State Subsidies and Financial Aid $248,578,000
(Total From General Fund ..... $197,383,000)
(Total From Property Tax Relief Fund ..... 34,015,000)
(Total From Casino Revenue Fund ..... 17,180,000)

State Aid:
28 County Tax Board Members ..... ($1,049,000)

29 Solid Waste Management -- County Environmental Investment Debt Service Aid ..... (20,000,000)
29 South Jersey Port Corporation ..... (5,200,000)
29 School Construction and Renovation Fund ..... (112,000,000)
29 Pinelands Area Municipality Aid ..... (776,000)
29 Special Aid to Maurice River Township ..... (230,000)
34 Reimbursement to Municipalities -- Senior and Disabled Citizens' Tax Exemptions (PTRF) ..... (16,476,000)
34 Reimbursement to Municipalities -- Senior and Disabled Citizens' Tax Exemptions (CRF) ..... (17,180,000)
34 State Reimbursement for Veterans' Property Tax Relief Exemption (PTRF) ..... (17,539,000)
35 Debt Service on Pension Obligation Bonds ..... (8,708,000)
35 Police and Firemen's Retirement System ..... (23,775,000)
35 Police and Firemen's Retirement System (P.L.1979, c.109) ..... (23,010,000)
35 Police and Firemen's Retirement System, Health Benefits ..... (2,635,000)

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

The unexpended balance as of June 30, 1999 from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

There is appropriated $750,000,000 from the "Energy Tax Receipts Property Tax Relief Fund" pursuant to P.L.1997, c.167 (C.52:27D-438 et seq.).

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the appropriations hereinabove by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any other law to the contrary, the amount hereinabove for Solid Waste Management-County Environmental Investment

Debt Service Aid, in addition to an amount not to exceed $13,000,000 and the unexpended balance as of June 30, 1999 in this account, are appropriated to subsidize county and county authority debt service payments for environmental investments incurred as of June 30, 1997, pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) and to subsidize county due obligations financed through county taxes pursuant to a settlement agreement approved by the Department of Environmental Protection prior to December 1, 1997 that financed solid waste facilities that were part of a solid waste plan approved by the Department of Environmental Protection and which were the subject of an interdistrict agreement, in accordance with the criteria and program guidelines established by the Commissioners of the Departments of Community Affairs and Environmental Protection and the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting. Expenditure of such funds are conditioned upon the State Treasurer having conducted or contracted for an operational audit of such county or county authority, and such county or county authority having implemented the audit recommendations to the satisfaction of the State Treasurer. Prior to the distribution of any amounts to a county or county authority, the State Treasurer shall notify the Joint Budget Oversight Committee of the amount and recipient of each distribution and shall notify the committee of the progress of each county and county authority in implementing the audit recommendations.

The unexpended balance as of June 30, 1999 in the Police and Firemen's Retirement System, Health Benefits account is appropriated for the same purpose.

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the "South Jersey Port Corporation Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the School Construction and Renovation Fund, such sums as the Director of the Division of Budget and Accounting shall determine shall be charged to the State Lottery Fund.

From the amount appropriated hereinabove for Pinelands Area Municipality Aid the following municipalities with at least 50% of their land areas in one or more land conservation designations shall receive an amount equal to 115% of the amount allocated to them in fiscal year 1999 for this purpose: Estelle Manor City, Mullica Township, Weymouth Township, Bass River Township, Washington Township, Woodland Township, and Maurice River Township.

In addition to the amount hereinabove, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax exemptions.

The unexpended balance as of June 30, 1999 in the Disabled Veteran's Property Tax Exemption: Retroactive Reimbursement account is appropriated.

There is appropriated from the Property Tax Relief Fund such additional sums as may be required for the payment of claims that are now pending adjudication, attributable to disabled veterans' property tax exemption retroactive reimburse-

ments, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the School Construction and Renovation Fund, there are available to the State Treasurer such amounts as may be required to pay for the costs of professional services as deemed necessary to carry out the requirements as set forth in the decision in Abbott v. Burke, 153 N.J. 480 (1998) (Abbott V) for undertaking the design of school facilities in the "Abbott districts," as defined in section 3 of P.L.1996, c.138 (C.18A:7F-3), subject to the approval of the Director of the Division of Budget and Accounting. The State Treasurer is authorized to utilize any State instrumentality with experience in the construction of public facilities for the purposes of undertaking the above-mentioned activities. The State Treasurer shall report monthly to the Joint Budget Oversight Committee and the President of the Senate and the Speaker of the General Assembly on expenditures made pursuant to this provision, including the districts for which the expenditures are made and the providers of the professional services.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.

76 Management and Administration
DIRECT STATE SERVICES

86-2047 Local Budget Government Review	$3,523,000
98-2006 Public Contracts Affirmative Action Office	1,041,000
99-2000 Management and Administrative Services	5,946,000
Total Direct State Services Appropriation, Management and Administration	$10,510,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($5,838,000)
Materials and Supplies	(93,000)
Services Other Than Personal	(957,000)
Maintenance and Fixed Charges	(76,000)
Special Purpose:	
86 Local Budget Government Review	(3,523,000)
99 Federal Liaison Office, Washington, D.C.	(23,000)

The unexpended balance as of June 30, 1999 in the State Revenue Forecasting Advisory Commission account is appropriated for the same purpose.

The unexpended balance as of June 30, 1999 in the Productivity and Efficiency Program is appropriated for the same purpose.

There is appropriated from investment earnings of State funds a sum, not to exceed $640,000, for public finance activities.

There are appropriated out of receipts derived from service fees billed to authorities for the handling of Public Finance transactions such sums as may be necessary to administer the above public finance activities.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

An amount equivalent to the amount due to be paid in fiscal year 2000 to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Fees collected on behalf of the Public Contracts Affirmative Action program and the unexpended balance as of June 30, 1999 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

The unexpended balance in the Local Government Budget Review account as of June 30, 1999 is appropriated.

In addition to the amount hereinabove, the Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Local Government Budget Review, such sums as may be available for the purpose of expanding the review of local government organizations.

There is appropriated $250,000 to the First Night New Jersey Coalition.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents	$6,525,000
57-2021	Trial Services to Indigents and Special Programs	57,954,000
58-2022	Mental Health Screening Services	2,224,000
61-2023	Dispute Settlement	315,000
99-2025	Administration and Support Services	2,229,000
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$69,247,000

Direct State Services:

Personal Services:	
Salaries and Wages	($46,558,000)
Materials and Supplies	(741,000)
Services Other Than Personal	(17,418,000)
Maintenance and Fixed Charges	(438,000)
Special Purpose:	
57 Continuous Representation -- Title 9 to Title 30	(3,218,000)
99 Affirmative Action and Equal Employment Opportunity	(64,000)
Additions, Improvements and Equipment	(810,000)

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

Receipts in excess of the amount anticipated up to $500,000 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1999 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The funds appropriated to the Office of the Public Defender are available for expenses associated with the defense of pool attorneys hired by the Public Defender for the representation of indigent clients.

Notwithstanding any provision of section 2 of P.L.1974, c.33 (C.2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

GRANTS-IN-AID

57-2021 Trial Services to Indigents and Special Programs	$10,500,000
Total Grants-in-Aid Appropriation, Management and Administration	$10,500,000
Grants-in-Aid:	
57 State Legal Services Office	(2,500,000)
57 Legal Services of New Jersey -- Legal Assistance in Civil Matters (P.L.1996, c. 52)	(8,000,000)

Receipts in excess of the amount hereinabove for Legal Services of New Jersey - Legal Assistance in Civil Matters, P.L.1996, c.52, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

70 Government Direction, Management and Control
74 General Government Services

Capital Project:

Office of Information Technology

Construction of Loading Dock	$500,000
Data Center Complex -- Throughput	1,850,000
Data Center Upgrades and Consolidation	4,896,000
Direct Access Storage Devices	750,000
Duplex Printing	900,000
Preservation Projects -- Information Processing	1,500,000
Radio Communications Network Study	2,000,000

Property Management and Construction
New Jersey Aquarium Capital Improvements 3,000,000
The unexpended balances in Capital Construction accounts as of June 30, 1999 in this department are appropriated.

Department of the Treasury, Total
State Appropriation $1,592,031,000

Summary of Department of the Treasury Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $337,721,000
Grants-in-Aid 816,116,000
State Aid 422,798,000
Capital Construction 15,396,000
Appropriation by Fund:
General Fund $999,621,000
Property Tax Relief Fund 552,315,000
Casino Control Fund 22,915,000
Casino Revenue Fund 17,180,000

90 MISCELLANEOUS COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9130 Interstate Sanitation Commission

DIRECT STATE SERVICES

03-9130 Interstate Sanitation Commission $388,000
Total Direct State Services Appropriation, Interstate Sanitation Commission $388,000
Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($388,000)

9140 Delaware River Basin Commission

DIRECT STATE SERVICES

03-9140 Delaware River Basin Commission $787,000
Total Direct State Services Appropriation, Delaware River Basin Commission $787,000
Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($787,000)

CAPITAL CONSTRUCTION

The unexpended balances as of June 30, 1999 in the Capital Construction accounts in this commission are appropriated.

9148 Council on Local Mandates
DIRECT STATE SERVICES

03-9148 Council on Local Mandates $75,000
Total Direct State Services Appropriation, Council on Local Mandates $75,000
Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($75,000)
Miscellaneous Commissions, Total State Appropriation $1,250,000

Summary of Miscellaneous Commissions Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $1,250,000
Appropriation by Fund:
General Fund $1,250,000

94 INTER-DEPARTMENTAL ACCOUNTS
70 Government Direction, Management and Control
74 General Government Services
DIRECT STATE SERVICES

01-9400 Property Rentals $133,040,000
02-9400 Insurance and Other Services 49,175,000
06-9400 Utilities and Other Services 22,435,000
Total Direct State Services Appropriation, General Government Services $204,650,000
Direct State Services:
Property Rentals:
Existing and Anticipated Leases ..... ($144,859,000)
Economic Development Authority ..... (13,444,000)
Other Debt Service Leases and Tax Payments ..... (14,931,000)
Less:
Direct Charges and Charges to Non-State Fund Sources 40,194,000
Insurance and Other Services:
Property Insurance ..... (1,200,000)
Casualty Insurance ..... (450,000)
Special Insurance Policies ..... (200,000)
Tort Claims Liability Fund ..... (11,000,000)
Workers' Compensation Fund ..... (31,500,000)
Vehicle Claims Liability Fund ..... (4,200,000)
Self-Insurance Deductible Fund ..... (500,000)
Self-Insurance Fund-Foster Parents ..... (125,000)
Utilities and Other Services:
Fuel and Utilities ..... (17,636,000)
Household and Security ..... (4,799,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except for leases negotiated by the Office of Property Management and subject to the approval or disapproval by the State Leasing and Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et seq.), and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

To the extent that sums appropriated for property rental payments are insufficient, there are appropriated such additional sums, not to exceed $3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $2,000,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the Marlboro Psychiatric Hospital and North Princeton Developmental Center closure initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1999 in the New Jersey Building Authority account is appropriated.

The unexpended balance as of June 30, 1999 in the Master Lease Program Fund is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the payment of claims of a tortious nature, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the payment of direct costs of legal, administrative, and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, and claims of a tortious nature, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of designated pathologists engaged by the State Medical Examiner.

Notwithstanding any other law to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Bureau of Risk Management by the Work First New Jersey Program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balance as of June 30, 1999 in the Self-Insurance Deductible Fund is appropriated for the same purposes.

The amount appropriated for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The sums hereinabove are available for payment of obligations applicable to prior fiscal years.

There are appropriated out of revenues received from utility companies such sums as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove for Fuel and Utilities, the Director of the Division of Budget and Accounting shall transfer or credit to this account such sums that accrue from appropriations made to various spending agencies for Fuel and Utilities and Salaries and Wages, to reflect savings associated with electrical deregulation, fuel switch and other energy-conservation initiatives.

GRANTS-IN-AID

09-9400 Aid to Independent Authorities	$73,667,000
Total Grants-in-Aid Appropriation, General Government Services	$73,667,000
Grants-in-Aid:	
09 Sports and Exposition Authority Operations	($11,000,000)
09 Sports and Exposition Authority -- Debt Service	(49,624,000)
09 Camden Aquarium Management Agreement	(1,500,000)
09 New Jersey Performing Arts Center, EDA	(5,543,000)
09 Liberty Science Center	(6,000,000)

The amount hereinabove for the Newark Performing Arts Center account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority for the lease of real property and infrastructure improvements and the Performing Arts Center structure to be constructed thereon purchased by the authority for the State in the city of Newark for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be constructed by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

The amount hereinabove for the Liberty Science Center shall be used to provide educational services to students in the "Abbott districts" in the science education component of the comprehensive core curriculum standards as established by law.

In addition to the amounts appropriated hereinabove for the Sports and Exposition Authority - Debt Service there are appropriated such additional sums as may be necessary to fund debt service costs for the East Hall Project as required in the contract between the Sports and Exposition Authority and the State, subject to the approval of the Director of the Division of Budget and Accounting.

9410 Employee Benefits

DIRECT STATE SERVICES

03-9410 Employee Benefits	$789,720,000
Total Direct State Services Appropriation, Employee Benefits	$789,720,000

Direct State Services:
Special Purpose:
03 Public Employees' Retirement System ..... ($46,926,000)
03 Police and Firemen's Retirement System ..... (9,343,000)
03 Police and Firemen's Retirement System (P.L.1979, c.109) ..... (4,109,000)
03 Alternate Benefits Program -- Employer Contributions ..... (212,000)
03 Teachers' Pension and Annuity Fund and Non-Contributory Group Life Insurance -- State ..... (289,000)
03 Pension Adjustment Program ..... (1,618,000)
03 Veterans Act Pensions ..... (146,000)
03 P.E.R.S. Minimum Pension Benefit Act -- Pre-1955 Retirees ..... (15,000)
03 Heath Act Pensions ..... (19,000)
03 Debt Service on Pension Obligation Bonds .... (30,332,000)
03 State Employees' Health Benefits ..... (337,173,000)
03 State Employees' Prescription Drug Program .. (80,882,000)
03 State Employees' Dental Program -- Shared Cost ..... (16,854,000)
03 State Employees' Vision Care Program ..... (1,050,000)
03 Social Security Tax -- State ..... (247,654,000)
03 Temporary Disability Insurance Liability ..... (4,688,000)
03 Unemployment Insurance Liability ..... (6,061,000)
03 Fringe Benefit Impact From Agency Initiatives .. (2,349,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of $4,000 shall be paid to the widow or widower of any person, now deceased, who was elected and served as Governor of the State; provided such widow or widower was the spouse of such person for all or part of the period during which he or she served as Governor; and provided further, that this shall not apply to any widow or widower receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

Such additional sums as may be required for Social Security Tax may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for State Employees' Health Benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Of the amounts hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State--administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

Such additional sums as may be required for Social Security Tax are appropriated as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for Unemployment Insurance liability are appropriated as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of the Pension Adjustment Act, P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for members and beneficiaries of the Consolidated Police and Firemen's Pension Fund shall be paid by the fund. Employer appropriations for these benefits as required under the act shall be paid to the fund.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance as of June 30, 1999 in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

GRANTS-IN-AID

03-9410 Employee Benefits	$368,819,000
Total Grants-in-Aid Appropriation, Employee Benefits	$368,819,000

Grants-in-Aid:

03 Public Employees' Retirement System	($9,747,000)
03 Police and Firemen's Retirement System	(2,212,000)
03 Alternate Benefits Program	(81,179,000)
03 Teachers' Pension and Annuity Fund	(342,000)
03 State Employees' Health Benefits	(122,977,000)
03 State Employees' Prescription Drug Program	(31,145,000)
03 State Employees' Dental Program	(7,162,000)
03 Fringe Benefits Impact of Position Count Change	(284,000)
03 Social Security Tax	(109,246,000)
03 Temporary Disability Insurance Liability	(2,026,000)
03 Unemployment Insurance Liability	(2,499,000)

9420 Other Inter-Departmental Accounts

DIRECT STATE SERVICES

04-9420 Other Inter-departmental Accounts	$35,978,000
Total Direct State Services Appropriation, Other Inter-departmental Accounts	$35,978,000

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of $5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-

salaried board members and others for whom official reception shall be beneficial to the State ..... ($2,000,000)
04 Contingency Funds ..... (1,500,000)
04 Interest on Short Term Notes ..... (400,000)
04 Notes Issuance Expenses -- Underwriters Costs .... (600,000)
04 Catastrophic Illness in Children Relief Fund -- Employer Contributions ..... (125,000)
04 Interest on Interfund Borrowing ..... (6,000,000)
04 Statewide 911 Emergency Telephone System .. (15,353,000)
04 Year 2000 Data Processing Initiative ..... (10,000,000)

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies. The unexpended balance as of June 30, 1999 in the Year 2000 Data Processing Initiative is appropriated for the same purpose.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to $50,000, from the Special Purpose amount appropriated hereinabove to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood expenses for State owned structures to comply with Federal Insurance Administration requirements, as recommended by the Emergency Services Council and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that the costs of imaging projects are reduced, funds appropriated to individual departments for imaging related projects may be available for reallocation to a centralized function, as the Director of the Division of Budget and Accounting shall determine.

An amount not to exceed $500,000 shall be appropriated as State match if required to leverage federal funding that may be obtained for the enhancement or expansion of geographic management systems subject to the approval of the Director of the Division of Budget and Accounting.

9430 Salary Increases and Other Benefits
DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits $60,072,000
Total Direct State Services Appropriation, Salary Increases and Other Benefits $60,072,000

Direct State Services:
Special Purpose:
05 Salary Increases and Other Benefits ..... ($54,372,000)
05 Unused Accumulated Sick Leave Benefits ..... (5,700,000)

The sums hereinabove appropriated to the various State departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any other laws, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of Fiscal Year 2000 as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch, or the unclassified personnel of the Judicial Branch.

In addition to the amount hereinabove for Unused Accumulated Sick Leave Payments, there are appropriated such sums as may be necessary for payments of unused accumulated sick leave.

Any sums appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Salary Increases and Other Benefits accounts a sum of $5,103,000 to reflect savings from a managed attrition program. This additional sum is appropriated for Salary Increases and Other Benefits.

The unexpended balance as of June 30, 1999 in the Salary Increases and Other Benefits account is appropriated for the same purpose.

CAPITAL CONSTRUCTION

70 Government Direction, Management and Control
74 General Government Services
9450 Statewide Capital Projects

Capital Project:
Statewide Capital Projects

Americans with Disabilities Act Compliance Projects -- Statewide	$3,000,000
Battleship U.S.S. New Jersey Refurbishment	6,000,000
Capital Improvements, Capital Complex	2,600,000
Energy Efficiency Projects	2,425,000
New Jersey Building Authority	59,053,000

Existing and Anticipated Leases 6,000,000
Fire Detection/Security -- Central Station Upgrade . . . 1,000,000
Fuel Distribution Systems/Underground Storage
Tank Replacements -- Statewide 10,000,000
Hazardous Materials Removal Projects -- Statewide . . 3,500,000

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control
74 General Government Services
9480 Open Space Preservation Program

Capital Project:
Open Space Preservation Program Garden State
Preservation Trust Fund Account $98,000,000

Pursuant to the provisions of pending legislation and the constitutional amendment on open space (Article VIII, Section II, paragraph 7), the amount hereinabove in the Garden State Preservation Trust Fund account shall be used to pay debt service on bonds issued by the Garden State Preservation Trust, and used for such purposes as defined in the enabling legislation.

Of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated to the State Agriculture Development Committee the sum of $11,000,000 for the purpose of providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland providing that any funds received for the transfer of a development easement shall be dedicated to the future purchase of eligible development easements. The total expenditure by the State Agriculture Development Committee from the following list of eligible projects totaling $11,100,000 shall not exceed $11,000,000.

Project (Farm)	**County**	**Municipality**	**Amount of Grant Not to Exceed**
Ench/Hopewell Nursery	Cumberland	Deerfield/Upper Deerfield	$625,000
Keifer	Cumberland	Greenwich	225,000
Loew	Cumberland	Hopewell	150,000
Powers	Cumberland	Stow Creek/Greenwich	225,000
Griscom, J.	Cumberland	Upper Deerfield	225,000
Bergamo	Cumberland	Vineland	125,000
Venturi	Cumberland	Vineland	150,000
Leone, J. & S.	Cumberland	East Greenwich/ Harrison/Elk/South Harrison	1,100,000
DeEugenio	Gloucester	Elk/Clayton	450,000
Sorbello, S. & R.	Gloucester	Harrison/ South Harrison	275,000

Hackett	Gloucester	South Harrison	375,000
Leone, A. & A.	Gloucester	South Harrison	450,000
Reisenweaver	Gloucester	South Harrison	175,000
Wrede	Hunterdon	Alexandria	200,000
Nemeth	Hunterdon	East Amwell	250,000
Weidel, R. Jr.	Hunterdon	West Amwell	325,000
Seip	Mercer	East Windsor	100,000
Meyer	Morris	Boonton	650,000
Lowensteiner	Morris	Chester Boro	1,000,000
Tilghman	Ocean	Plumstead	125,000
Catalano	Salem	Pilesgrove	550,000
Miller	Salem	Pilesgrove	400,000
Hutchinson	Salem	Quinton	175,000
Kernan	Salem	Upper Pittsgrove	150,000
Eilbacher	Somerset	Hillsborough	100,000
Yablonsky	Somerset	Hillsborough	225,000
Cahill	Sussex	Green	150,000
Lundbergh	Sussex	Hampton	325,000
Gerard	Sussex	Vernon	825,000
Hoehn	Sussex	Wantage	225,000
Vegh	Warren	Harmony	325,000
Durholz	Warren	Knowlton	150,000
Yentema	Warren	Mansfield	300,000
Total			**$11,100,000**

Of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated to the State Agriculture Development Committee the sum of $10,000,000 for the purpose of providing for the cost of acquisition of fee simple titles to farmland for resale with agricultural deed restrictions or lease with agricultural deed restrictions. The proceeds from the resale or lease shall be reappropriated to the State Agriculture Development Committee and deposited in the Garden State Preservation Trust Fund Account.

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated to the State Agriculture Development Committee the sum of $5,000,000 for the purpose of providing planning incentive grants to counties and municipalities pursuant to P.L.1999, c.180 (C.4:1C-43.1 et al.).

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated to the State Agriculture Development Committee the sum of $2,000,000 for the purpose of acquiring development easements on farmland.

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated to the State Agriculture Development Committee the sum of $2,000,000 for the purpose of providing grants to qualifying tax exempt nonprofit organizations for up to 50% of the cost of acquiring development easements on farmland and for up to 50% of the cost of acquiring fee simple title to farmland for resale with agricultural deed restrictions approved by the State Agriculture Development Committee or for lease with agricultural deed restrictions approved by State Agriculture Development Committee.

Of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated for State Acquisition the sum of $30,000,000 for the acquisition and development of lands by the State for recreation and conservation purposes for the specific projects identified as follows:

Estimated Cost	Project	County	Municipality
$1,000,000	Barnegat Bay Greenway	Ocean	Barnegat Township
			Eagleswood
			Ocean Township
			Stafford Township
$1,000,000	Cape May Peninsula	Cape May	Cape May City
			Cape May Point Boro
			Dennis Township
			Lower Township
			Middle Township
			Sea Isle City
			Upper Township
			West Cape May Boro
$3,000,000	Crossroads of American Revolution Princeton Battlefield to Monmouth	Mercer	East Windsor
			Lawrence
			Washington
			West Windsor
		Middlesex	Cranbury
			Monroe
			Plainsboro
		Monmouth	Englishtown
			Freehold Twp
			Manalapan
			Marlboro
			Millstone
			Upper Freehold
	Washington Crossing to Princeton Battlefield	Hunterdon	East Amwell
			West Amwell
		Mercer	Hopewell Twp
			Princeton
		Somerset	Montgomery Twp
$1,000,000	Delaware and Raritan Canal Greenway	Hunterdon	Lambertville City
			Stockton Borough
		Mercer	Ewing
			Hamilton
			Hopewell
			Lawrence
			Princeton
			Trenton
			West Windsor
		Middlesex	New Brunswick City
			Plainsboro
		Somerset	Franklin Twp
$2,000,000	Delaware Bay Greenway Salem River/Mannington Greenway	Salem	Carneys Point Twp
			Elsinboro
			Mannington Twp
			Pennsville Twp
			Pilesgrove Twp

			Upper Pittsgrove
			Woodstown Boro
	Cohansey River Greenway	Cumberland	Bridgeton City
			Fairfield Twp
			Greenwich Twp
			Hopewell Twp
			Lawrence Twp
			Upper Deerfield Twp
		Salem	Alloway Twp
	Stow Creek Greenway	Cumberland	Greenwich Twp
			Stow Creek Twp
		Salem	Alloway Twp
			Lower Alloways Creek
			Quinton
	Alloways Creek Greenway	Salem	Alloway Twp
			Elsinboro
			Lower Alloways Creek
			Pilesgrove
			Quinton
			Upper Pittsgrove
	Maurice River Greenway	Atlantic	Buena Boro
			Buena Vista
		Cape May	Dennis Twp
		Cumberland	Commercial Twp
			Deerfield Twp
			Maurice River Twp
			Millville City
			Vineland City
		Gloucester	Clayton Boro
			Elk
			Franklin
			Glassboro
			Monroe
			Newfield Boro
		Salem	Pittsgrove Twp
			Upper Pittsgrove
	Dividing/Nantuxent/ Cedar/ Back Creeks Greenway	Cumberland	Commercial Twp
			Downe Twp
			Fairfield Twp
			Lawrence Twp
$3,000,000	Delaware River Greenway Assinskunk Creek Watershed	Burlington	Mansfield
	Woodbury Creek Watershed	Gloucester	National Park Boro
			West Deptford
	Trenton/Hamilton Marsh	Burlington	Bordentown
			Chesterfield
		Mercer	Hamilton
			Trenton City
	Delaware River Bluffs	Hunterdon	Alexandria
			Delaware
			Frenchtown Boro
			Holland

			Kingswood
			Lambertville City
			Milford Boro
			Stockton Boro
			West Amwell
		Mercer	Hopewell Twp
		Sussex	Montague
		Warren	Belvidere Town
			Harmony Twp
			Knowlton Twp
			Lopatcong Twp
			Phillipsburg
			White Twp
	Oldsman Creek Greenway	Gloucester	Logan
			South Harrison
			Woolwich
		Salem	Oldmans Twp
			Pilesgrove Twp
			Upper Pittsgrove
	Raccoon Creek Greenway	Gloucester	Elk
			Harrison
			Logan
			Woolwich
	Big Timber Creek	Gloucester	Deptford
			Westville Boro
	Rancocas Creek Greenway	Burlington	Delran
			Easthampton
			Hainesport
			Lumberton
			Medford
			Moorestown
			Mount Holly
			Mount Laurel
			Pemberton
			Southhampton
			Springfield
			Westhampton
			Willingboro
	Pochuck Greenway	Hunterdon	Delaware
			Frenchtown Boro
			Kingwood
$500,000	Great Bay Greenway	Atlantic	Galloway
			Port Republic City
		Ocean	Little Egg Harbor Twp
$1,500,000	Great Egg Harbor/ Tuckahoe Greenway	Atlantic	Corbin City
			Egg Harbor Twp
			Estell Manor City
			Folsom Boro
			Hamilton
			Weymouth
		Camden	Winslow Twp
		Cape May	Upper Twp

		Gloucester	Franklin
			Monroe
$2,500,000	Highlands Greenway	Bergen	Mahwah
			Oakland Boro
		Morris	Boonton
			Denville
			Jefferson
			Montville
			Rockaway
		Passaic	Ringwood Boro
			Wanaque Boro
			West Milford Twp
		Sussex	Hardyston
			Sparta
$1,000,000	Historic Resources	Monmouth	Howell
	Allaire State Park		Wall
	Washington Crossing State Park	Mercer	Ewing
			Hopewell Twp
	Monmouth Battlefield	Monmouth	Freehold Boro
			Manalapan
	Princeton Battlefield	Mercer	Princeton
	Proprietary House	Middlesex	Perth Amboy City
	Twin Lights	Middlesex	Highland Park Boro
$1,000,000	Jenny Jump State Park	Warren	Frelinghuysen Twp
			Hope Twp
			Independence Twp
			Liberty Twp
			White Twp
$1,000,000	Musconetcong Pohatcong River Greenway	Hunterdon	Alexandria
			Bethlehem
			Bloomsbury
			Hampton Boro
			Holland
			Lebanon Boro
		Morris	Mount Olive
		Sussex	Byram Twp
			Green Twp
		Warren	Allamuchy Twp
			Franklin Twp
			Greenwich Twp
			Hackettstown
			Lopatcong Twp
			Mansfield Twp
			Pohatcong
			Washington Twp
$1,500,000	Natural Areas		
	Budd Lake Bog	Morris	Mount Olive
	Campus Swamp	Camden	Gloucester
	Hidden Lake	Camden	Gloucester
	Long-A-Coming	Camden	Winslow Twp
	High Mountain	Passaic	North Haledon Boro
			Wayne Twp
	Uttertown Bog	Passaic	West Milford Twp

	Ramapo Lake Natural Area	Bergen	Oakland Boro
		Passaic	Ringwood Boro
			Wanaque Boro
	Strawberry Hill	Mercer	Hopewell Twp
	Limestone Ridge	Warren	Blairstown
	Troy Meadows	Morris	Parsippany Troy Hills Twp
	Great Piece Meadows	Essex	Fairfield
		Morris	East Hanover
			Lincoln Park Boro
	Crossley Preserve	Ocean	Berkeley Twp
			Manchester Twp
	Milford Bluffs	Hunterdon	Holland
	Cheesequake State Park	Middlesex	Old Bridge
	Ramapo Mountain State Park	Bergen	Mahwah
			Oakland Boro
		Passaic	Pompton Lakes Boro
			Ringwood Boro
			Wanaque Boro
	Mountain Lake Bog	Warren	White Twp
	Oswego River Natural Area	Burlington	Washington
	Sunfish Pond	Warren	Pahaquarry Twp
	Bill Henry Pond	Atlantic	Egg Harbor Twp
	Five Acre Pond	Atlantic	Estell Manor City
	Woodbine Bogs	Cape May	Upper Twp
	Ogdensburg Fen	Sussex	Ogdensburg Boro
	Phone-In-Fen	Warren	Hardwick Twp
	Washington Crossing State Park	Mercer	Hopewell Twp
$500,000	Parvin State Park	Cumberland	Deerfield Twp
			Upper Deerfield Twp
		Salem	Pittsgrove Twp
			Upper Pittsgrove Twp
$1,500,000	Paulinkskill River Greenway	Sussex	Fredon Twp
			Hampton Twp
			Lafayette
			Sparta
			Stillwater Twp
		Warren	Blairstown
			Frelinghuysen Twp
			Hardwick Twp
			Knowlton Twp
$1,500,000	Pequest River Greenway	Sussex	Andover
			Andover Boro
			Fredon Twp
			Green Twp
		Warren	Allamuchy Twp
			Belvidere Town
			Independence Twp
			Liberty Twp
			Mansfield Twp
			White Twp
$1,500,000	Pinelands	Atlantic	Brigantine

	Buena Boro
	Buena Vista
	Corbin City
	Egg Harbor City
	Egg Harbor Twp
	Estell Manor City
	Folsom Boro
	Galloway
	Hamilton
	Hammonton Town
	Mullica
	Port Republic City
	Weymouth
Burlington	Bass River
	Evesham
	Medford
	Medford Lakes Boro
	New Hanover
	No. Hanover
	Pemberton
	Shamong
	Southampton
	Springfield
	Tabernacle
	Washington
	Woodland
	Wrightstown
Camden	Berlin
	Berlin Boro
	Chesilhurst Boro
	Waterford Twp
	Winslow Twp
Cape May	Dennis Twp
	Middle Twp
	Upper Twp
	Woodbine Boro
Cumberland	Maurice River Twp
	Vineland City
Gloucester	Franklin
	Monroe
Ocean	Barnegat Twp
	Beachwood Boro
	Berkeley Twp
	Dover Twp
	Eagleswood
	Jackson Twp
	Lacey Twp
	Lakehurst Boro
	Little Egg Harbor Twp
	Manchester Twp
	Ocean Twp
	Plumsted Twp
	South Toms River Boro

			Stafford Twp
			Tuckerton Boro
$2,000,000	Raritan River Greenway	Hunterdon	Bethlehem
			Clinton
			East Amwell
			Franklin
			High Bridge Boro
			Lebanon
			Raritan
			Readington
			Tewksbury
			Union
		Morris	Chester
			Harding
			Long Hill
			Mendham
			Mendham Boro
			Washington Twp
		Somerset	Somerville Boro
			Bernards Twp
			Branchburg Twp
			Bridgewater Twp
			Franklin Twp
			Hillsborough Twp
			Manville Boro
			Montgomery Twp
			Warren Twp
$1,000,000	Swimming River	Monmouth	Colts Neck
			Holmdel
			Marlboro
$2,000,000	Watershed Lands	Morris	Jefferson
			Kinnelon Boro
			Rockaway
		Passaic	West Milford Twp
$30,000,000	**Total**		

Of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated for Green Trust Local Acquisition the sum of $25,412,625 for grants and loans to assist local government units with the acquisition of lands for recreation and conservation purposes for the specific projects identified as follows:

Project Name	**County**	**Municipality**	**Amount**
Passaic River Historic Park	Bergen	Garfield City	$600,000
Donio Addition	Camden	Winslow Twp	$132,000
Park Additions Acq	Cumberland	Vineland City	$79,250
Waterfront Park Acq	Essex	Newark City	$1,115,000
Recreation Area Acq	Middlesex	Old Bridge Twp	$1,035,000
Ocean Beach III Addition	Ocean	Brick Twp	$650,000
Sawmill Pond South	Ocean	Brick Twp	$425,000
Drum Point/Emma Havens	Ocean	Brick Twp	$387,475
N. Elizabeth L.I. Acq	Union	Elizabeth City	$279,000
South Second St. Park Acq	Union	Plainfield City	$175,000
Heritage Center Acq	Warren	Phillipsburg Town	$437,500

Park Acq	Bergen	Montvale Boro	$1,000,000
Planning Incentive	Burlington	Burlington County	$2,000,000
Mt. Laurel Acquisition Plan	Burlington	Mount Laurel Twp	$955,000
Open Space Plan	Gloucester	Gloucester County	$1,650,000
West Windsor Planning Inc	Mercer	West Windsor Twp	$1,500,000
Mercer Co Planning Inc	Mercer	Mercer County	$1,000,000
Green Links Program	Mercer	Washington Twp	$2,000,000
Open Space Plan	Middlesex	East Brunswick Twp	$2,000,000
Planning Incentive	Monmouth	Colts Neck Twp	$630,000
Harding Open Space Acq	Morris	Harding Twp	$1,500,000
Mt. Olive Greenway Acq	Morris	Mount Olive Twp	$2,000,000
Jefferson Acquisition Plan	Morris	Jefferson Twp	$432,400
Chatham Open Space Acq	Morris	Chatham Twp	$2,000,000
Morris Twp Open Space Acq	Morris	Morris Twp	$1,265,000
Bedminster Parks Exp	Somerset	Bedminster Twp	$165,000
Total			**$25,412,625**

Of the amount hereinabove for the Garden State Preservation Trust Fund Account, there is appropriated for Green Trust Local projects the sum of $6,158,347 for grants and loans to assist local government units with the development of urban lands for recreation and conservation purposes for the specific projects identified as follows:

Urban

Project Name	**County**	**Municipality**	**Amount**
Camden Greenway Dev.	Camden	Camden City	$158,735
74th St Park Dev.	Hudson	North Bergen Twp	$133,000
Battle Monument Res.	Mercer	Trenton City	$750,000
Hughes Lake Rec. Rehab.	Passaic	Passaic City	$500,000
S. Vineland Park Improv.	Cumberland	Vineland City	$485,770
Kenan Field Exp/Dev.	Union	Elizabeth City	$225,842
		Subtotal, Urban	**$2,253,347**

Other

Project Name	**County**	**Municipality**	**Amount**
Northern Community Pk. Imp. Imp.	Burlington	Bordentown Twp	$113,400
Armacost Park Improvement	Cape May	Avalon Boro	$150,000
Locke Avenue Dev. Phase I	Gloucester	Swedesboro Boro	$150,000
Mountainview Pk. Ren. 2	Middlesex	Middlesex Boro	$209,000
Giambrone Farm Park Dev.	Monmouth	West Long Branch Boro	$250,000
Borough Park Dev.	Morris	Mendham Boro	$500,000
Carneys Point Sports Fac.	Salem	Carneys Point Twp	$500,000
Memory Park Dev. 2	Sussex	Newton Town	$286,600
John Dolak Memorial Pool 2	Warren	Alpha Boro	$200,000
Public Library Park IV	Atlantic	Margate City	$150,000
Duvier Pk. Improvement	Bergen	Maywood Boro	$128,000
Hurrell Field Redevel.	Essex	Glen Ridge Boro	$500,000
Summer Road Park	Hunterdon	Readington Twp	$500,000
Community Ct. Soccer Dev.	Ocean	Ocean Twp	$148,000
Polo Grounds Dev. 1	Somerset	Bernardsville Boro	$120,000
		Subtotal, Other	**$3,905,000**
Total (both sections)			**$6,158,347**

Of the amount appropriated in fiscal 1999 for the Open Space -- Local Match program, the portion determined to be attributable to open space acquisition shall be allocated to the Green Acres Program, Local Acquisition and Development within the Department of Environmental Protection, based on existing eligibility and ranking criteria and the portion determined to be attributable to the preservation of farmland shall be transferred to the State Agriculture Development Committee, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances in the Capital Construction accounts in the Inter-Departmental accounts as of June 30, 1999 are appropriated.

An amount not to exceed $5,000,000 shall be appropriated to implement the recommendations of the Statewide network infrastructure study, subject to the approval of the Director of the Division of Budget and Accounting.

Inter-Departmental Accounts, Total	
State Appropriation	$1,724,484,000

Summary of Inter-Departmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$1,090,420,000
Grants-in-Aid	442,486,000
Capital Construction	191,578,000
Appropriation by Fund:	
General Fund	$1,724,484,000

THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services
DIRECT STATE SERVICES

01-9710	Supreme Court	$4,003,000
02-9715	Superior Court -- Appellate Division	14,162,000
03-9720	Civil Courts	81,296,000
04-9725	Criminal Courts	62,954,000
05-9730	Family Courts	67,257,000
06-9735	Municipal Courts	822,000
07-9740	Probation Services	92,495,000
08-9745	Court Reporting	7,219,000
09-9750	Public Affairs and Education	1,579,000
10-9755	Information Services	14,606,000
11-9760	Trial Court Services	36,970,000
12-9765	Management and Administration	8,290,000
	Total Direct State Services Appropriation, Judicial Services	$391,653,000

Direct State Services:
Personal Services:
Chief Justice ..... ($138,000)
Associate Justices ..... (794,000)
Judges ..... (47,376,000)
Salaries and Wages ..... (261,357,000)
Materials and Supplies ..... (8,264,000)
Services Other Than Personal ..... (26,982,000)
Maintenance and Fixed Charges ..... (2,098,000)
Special Purpose:
01 Rules Development ..... (200,000)
03 Ten Additional Judgeships ..... (3,000,000)
05 Child Placement Review Advisory Council ..... (75,000)
05 Youth Violence Initiative ..... (1,000,000)
05 Child Support and Paternity Program Title IV-D (Family Court) ..... (4,846,000)
07 Intensive Supervision Program ..... (9,342,000)
07 Juvenile Intensive Supervision Program ..... (1,862,000)
07 Child Support and Paternity Program Title IV-D (Probation) ..... (17,792,000)
12 Affirmative Action and Equal Employment Opportunity ..... (450,000)
Additions, Improvements and Equipment ..... (6,077,000)

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, NJ Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Automated Traffic System Fund, Municipal Court Administrator Certification, Comprehensive Enforcement Program, and Courts Computerized Information Systems Fund are appropriated for services provided to these funds.

The unexpended balances as of June 30, 1999 not to exceed $2,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1999 in the Civil Arbitration Program and the Ten Additional Judgeships and Twelve Additional Judgeships accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount hereinabove for the Ten Additional Judgeships account are appropriated for the same purpose subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1999 in the Drug Court Pilot Initiative accounts are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

The unexpended balances in the Capital Construction accounts as of June 30, 1999 in the Judiciary are appropriated.

The Judiciary, Total State Appropriation $391,653,000

Summary of Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $391,653,000
Appropriation by Fund:
General Fund $391,653,000

DEBT SERVICE
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
46 Environmental Planning and Administration

99-4800 Interest on Bonds $36,094,000
99-4800 Bond Redemption 56,555,000
Total Debt Service Appropriation, Department of Environmental Protection $92,649,000
Special Purpose:
Interest:
Water Conservation Bonds (P.L.1969, c.127) ..... ($1,181,000)
State Recreation and Conservation Land Acquisition Bonds (P.L.1971, c.165) ..... (32,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102) ..... (1,309,000)
Clean Waters Bonds (P.L.1976, c.92) ..... (1,221,000)
Beaches and Harbors Bonds (P.L.1977, c.208) ..... (198,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (817,000)
Emergency Flood Control Bonds (P.L.1978, c.78) ..... (175,000)
Natural Resources Bonds (P.L.1980, c.70) ..... (407,000)
Water Supply Bonds (P.L.1981, c.261) ..... (1,166,000)
Hazardous Discharge Bonds (P.L.1981, c.275) ..... (693,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354) .. (394,000)
Shore Protection Bonds (P.L.1983, c.356) ..... (224,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330) ..... (2,215,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302) ..... (129,000)
Wastewater Treatment Bonds (P.L.1985 c.329) ..... (735,000)
Hazardous Discharge Bonds (P.L.1986 c.113) ..... (3,901,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (767,000)

1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (7,869,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (114,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (9,309,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (3,238,000)
Redemption:
Water Conservation Bonds (P.L.1969, c.127) ..... (3,103,000)
State Recreation and Conservation Land Acquisition Bonds (P.L.1971, c.165) ..... (200,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102) ..... (4,712,000)
Clean Waters Bonds (P.L.1976, c.92) ..... (4,798,000)
Beaches and Harbors Bonds (P.L.1977, c.208) ..... (500,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (1,890,000)
Emergency Flood Control Bonds (P.L.1978, c.78) ..... (800,000)
Natural Resources Bonds (P.L.1980, c.70) ..... (1,217,000)
Water Supply Bonds (P.L.1981, c.261) ..... (2,750,000)
Hazardous Discharge Bonds (P.L.1981, c.275) ..... (2,412,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354) ..... (965,000)
Shore Protection Bonds (P.L.1983, c.356) ..... (584,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330) ..... (2,565,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302) ..... (600,000)
Wastewater Treatment Bonds (P.L.1985 c.329) ..... (4,525,000)
Hazardous Discharge Bonds (P.L.1986, c.113) ..... (2,491,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (3,825,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (9,707,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (750,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (5,986,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (2,175,000)

Total Debt Service Appropriation, Department of Environmental Protection, ... $92,649,000

66 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
76 Management and Administration

99-2000 Interest on Bonds	$174,205,000
99-2000 Bond Redemption	251,870,000
Total Debt Service Appropriation, Department of the Treasury	$426,075,000
Special Purpose:	
Interest:	
Public Buildings Construction Bonds (P.L.1968, c.128)	($843,000)
State Transportation Bonds (P.L.1968, c.126)	(1,169,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(258,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(247,000)
Institutions Construction Bonds (P.L.1976, c.93)	(779,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(1,393,000)
Institutional Construction Bonds (P.L.1978, c.79)	(490,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(2,605,000)
Energy Conservation Bonds (P.L.1980, c.68)	(330,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(322,000)
Farmland Preservation Bonds (P.L.1981, c.276)	(94,000)
Community Development Bonds (P.L.1981, c. 486)	(2,878,000)
Correctional Facilities Construction Bonds (P.L.1982, c.120)	(33,000)
Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(66,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(217,000)
Human Services Facilities Construction Bonds (P.L.1984, c.157)	(557,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(117,668,000)
Correctional Facilities Construction Bonds (P.L.1987, c.178)	(1,165,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(7,009,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(1,328,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180)	(2,327,000)

Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108)	(2,706,000)
Payments on Future Bond Sales	(29,721,000)
Redemption:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(6,950,000)
State Transportation Bonds (P.L.1968, c.126)	(8,000,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(1,400,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(880,000)
Institutions Construction Bonds (P.L.1976, c.93)	(2,640,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(6,800,000)
Institutional Construction Bonds (P.L.1978, c.79)	(1,700,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(5,261,000)
Energy Conservation Bonds (P.L.1980, c.68)	(775,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(1,450,000)
Farmland Preservation Bonds (P.L.1981, c.276)	(650,000)
Community Development Bonds (P.L.1981, c.486)	(2,303,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,050,000)
Human Services Facilities Construction Bonds (P.L.1984, c.157)	(1,703,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(170,520,000)
Correctional Facilities Construction Bonds Bonds (P.L.1987, c.178)	(6,400,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(14,757,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(4,350,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180)	(3,146,000)
Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108)	(1,810,000)
Payments on Future Bond Sales	(9,325,000)
Total Debt Service Appropriation, Department of The Treasury	$426,075,000
Total Appropriation, Debt Service	$518,724,000

Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Summary of Appropriations -- All Departments
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$4,324,988,000
Grants-in-Aid	5,976,368,000
State Aid	7,834,112,000
Capital Construction	860,190,000
Debt Service	518,724,000
Appropriation by Fund:	
General Fund	$12,016,811,000
Property Tax Relief Fund	$7,109,940,000
Casino Revenue Fund	$332,465,000
Casino Control Fund	$55,166,000
Total Appropriation, All State Funds	$19,514,382,000

FEDERAL FUNDS
10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

01-3310 Animal Disease Control	$160,000
04-3340 Dairy and Commodity Regulation	103,000
06-3360 Marketing Services	205,301,000
07-3360 Commodity Distribution	1,400,000
Total Appropriation, Agricultural Resources, Planning, and Regulation	$206,964,000
Personal Services:	
Salaries and Wages	($2,350,000)
Employee Benefits	(891,000)
Materials and Supplies	(283,000)
Services Other Than Personal	(412,000)
Maintenance and Fixed Charges	(198,000)
Special Purpose:	
Cooperative Gypsy Moth Suppression	(15,000)
Child Nutrition - Administration	(75,000)
State Aid and Grants:	
Child Nutrition - School Lunch	(128,260,000)
Child Nutrition - Special Milk	(1,378,000)
School Breakfast	(21,200,000)
Child Care Food	(39,220,000)
Child Care Sponsor Administration	(1,590,000)

Child Care - Cash for Commodities ..... (1,696,000)
Summer Food ..... (7,791,000)
Summer Sponsor Administration ..... (668,000)
State Aid and Grants ..... (780,000)
Additions, Improvements and Equipment ..... (157,000)

Total Appropriation, Department of Agriculture $206,964,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

02-8020 Housing Services $184,695,000
06-8015 Uniform Construction Code 19,000
Total Appropriation, Community Development Management $184,714,000
Personal Services:
Salaries and Wages ..... ($11,204,000)
Employee Benefits ..... (2,557,000)
Materials and Supplies ..... (247,000)
Services Other Than Personal ..... (1,647,000)
Maintenance and Fixed Charges ..... (1,286,000)
Special Purpose:
HUD Disaster Recovery Initiative ..... (30,000)
Section 8 Community Investment ..... (2,000)
Moderate Rehabilitation Housing Assistance ..... (82,000)
Section 8 Existing Housing Rental Assistance ..... (487,000)
Section 8 Housing Voucher Program ..... (558,000)
Housing Opportunities for Persons with AIDS ..... (3,000)
Lead Based Paint Abatement in Low and Moderate Income Housing ..... (42,000)
Supplemental Assistance for Facilities to Assist the Homeless ..... (120,000)
Small Cities Block Grant Program ..... (23,000)
National Affordable Housing-HOME Investment Partnerships ..... (63,000)
Lead Abatement Certification ..... (4,000)
State Aid and Grants ..... (166,168,000)
Additions, Improvements and Equipment ..... (191,000)

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources $36,153,000
15-8051 Women's Programs 1,287,000
Total Appropriation, Social Services Programs $37,440,000
Personal Services:
Salaries and Wages ..... ($3,124,000)
Employee Benefits ..... (686,000)
Materials and Supplies ..... (44,000)

Services Other Than Personal ..... (539,000)
Maintenance and Fixed Charges ..... (56,000)
Special Purpose:
Weatherization Assistance Program ..... (23,000)
Low Income Home Energy Assistance Program ..... (250,000)
Community Services Block Grant - HHS ..... (55,000)
Rape Prevention ..... (98,000)
State Aid and Grants ..... (32,551,000)
Additions, Improvements and Equipment ..... (14,000)

Total Appropriation, Department of Community Affairs ... $222,154,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

08-7040 Institutional Care and Treatment $48,000
08-7050 Institutional Care and Treatment 260,000
08-7060 Institutional Care and Treatment 124,000
08-7065 Institutional Care and Treatment 72,000
08-7070 Institutional Care and Treatment 51,000
08-7075 Institutional Care and Treatment 147,000
08-7080 Institutional Care and Treatment 299,000
08-7085 Institutional Care and Treatment 77,000
08-7090 Institutional Care and Treatment 59,000
08-7110 Institutional Care and Treatment 294,000
10-7120 Institutional Care and Treatment 85,000
10-7130 Institutional Care and Treatment 206,000
13-7025 Institutional Program Support 12,078,000
Total Appropriation, Detention and Rehabilitation $13,800,000
Personal Services:
Salaries and Wages ..... ($11,711,000)
Employee Benefits ..... (337,000)
Services Other Than Personal ..... (320,000)
Special Purpose:
Title I - Neglected & Delinquent ..... (3,000)
Title I - Neglected & Delinquent ..... (14,000)
Edna Mahan Visitation Program ..... (2,000)
Title I - Neglected & Delinquent ..... (33,000)
Title I - Neglected & Delinquent ..... (17,000)
Adult Basic Skills Program ..... (28,000)
Individuals with Disabilities Act -- Part B ..... (33,000)
State Criminal Alien Assistance Program ..... (44,000)
Project IN-SIDE ..... (10,000)
Additions, Improvements and Equipment ..... (1,248,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services $140,000

Total Appropriation, Central Planning, Direction and Management $140,000
Personal Services:
Salaries and Wages ..... ($61,000)
Employee Benefits ..... (14,000)
Special Purpose:
Adult Basic Education Grant ..... (28,000)
Vocational Education Grant -- Title 11, A and B ..... (37,000)

Total Appropriation, Department of Corrections $13,940,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5060 Miscellaneous Grants-In-Aid $8,966,000
04-5060 Adult and Continuing Education 8,967,000
04-5064 Adult and Continuing Education 1,866,000
05-5060 Bilingual Education and Equity Issues 5,346,000
05-5064 Bilingual Education and Equity Issues 790,000
06-5060 Programs for Disadvantaged Youth 175,888,000
06-5064 Programs for Disadvantaged Youth 4,313,000
07-5060 Special Education 145,085,000
07-5065 Special Education 8,124,000
Total Appropriation, Direct Educational Services and Assistance $359,345,000
Personal Services:
Salaries and Wages ..... ($4,972,000)
Employee Benefits ..... (1,317,000)
Materials and Supplies ..... (796,000)
Services Other Than Personal ..... (1,686,000)
Maintenance and Fixed Charges ..... (937,000)
Special Purpose:
Adult Basic Education -- Administration/ Discretionary ..... (23,000)
Adult Basic Education -- Evaluation and Training, Ancillary ..... (1,378,000)
Vocational Education - Basic Grants ..... (15,000)
Bilingual Education, SEA Project -- Coordinating Technical Assistance ..... (12,000)
Emergency Immigrants Education Assistance -- Administration ..... (13,000)
Bilingual Professional Development ..... (64,000)
Migrant Education -- Administration/ Discretionary ..... (16,000)
Comprehensive School Reform Title I -- Administration ..... (11,000)
Bilingual and Compensatory Education -- Homeless Children and Youth ..... (18,000)

Title I Administration Program Improvement ..... (37,000)
IDEA -- Handicapped Discretionary ..... (231,000)
Pre-School Incentive Grant -- Administration/
Discretionary ..... (30,000)
IDEA Part B -- LRC North ..... (211,000)
Deaf/Blind Children Services --
Administration/Discretionary ..... (15,000)
Pre-School Regional T.A. Project LRC -- Central ..... (38,000)
Early Intervention -- Child Find Outreach ..... (5,000)
State Aid and Grants:
Adult Basic Education --
Administration/Discretionary ..... (8,967,000)
State Aid and Grants ..... (338,522,000)
Additions, Improvements and Equipment ..... (31,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf $1,164,000
Total Appropriation, Operation and Support
of Educational Institutions $1,164,000
Personal Services:
Salaries and Wages ..... ($217,000)
Employee Benefits ..... (52,000)
Materials and Supplies ..... (57,000)
Services Other Than Personal ..... (87,000)
Maintenance and Fixed Charges ..... (165,000)
Special Purpose:
IDEA (State Institutions), Handicapped ..... (33,000)
IDEA, Handicapped/Katzenbach/Deaf/Blind
and CSPD ..... (12,000)
Distance Learning for Hard of Hearing ..... (17,000)
Halfway Home Project ..... (18,000)
Drug Use/ Violence Prevention Data Collection ..... (11,000)
State Aid and Grants ..... (491,000)
Additions, Improvements and Equipment ..... (4,000)

33 Supplemental Educational and Training Programs

20-5060 General Vocational Education $26,871,000
20-5062 General Vocational Education 3,290,000
Total Appropriation, Supplemental Education
and Training Programs $30,161,000
Personal Services:
Salaries and Wages ..... ($1,417,000)
Employee Benefits ..... (368,000)
Materials and Supplies ..... (214,000)
Services Other Than Personal ..... (835,000)
Special Purpose:
Vocational Education -- Basic Grants,
Administration ..... (38,000)

Vocational Education -- Title II B Leadership Activities ..... (102,000)
Vocational Curriculum Library -- Administration ..... (6,000)
Vocational Education Technical Preparation Title III-E ..... (9,000)
Job Training Partnership Act Title II -- Youth ..... (25,000)
School to Work Opportunities ..... (126,000)
State Aid and Grants ..... (27,021,000)

34 Educational Support Services

29-5029	Educational Technology	$522,000
29-5060	Educational Technology	9,933,000
30-5060	Academic Programs and Standards	21,386,000
30-5063	Academic Programs and Standards	22,253,000
31-5060	Grants Management and Development	29,952,000
32-5061	Professional Development and Licensure	565,000
33-5060	Service to Local Districts	6,702,000
33-5067	Service to Local Districts	3,727,000
40-5060	Health, Safety and Community Services	8,850,000
40-5064	Health, Safety and Community Services	2,254,000
	Total Appropriation, Educational Support Services	$106,144,000

Personal Services:
Salaries and Wages ..... ($5,285,000)
Employee Benefits ..... (1,248,000)
Materials and Supplies ..... (391,000)
Services Other Than Personal ..... (5,030,000)
Special Purpose:
Technology Literacy Challenge Fund ..... (39,000)
Vocational Education -- Administration ..... (12,000)
IDEA - Elementary School Proficiencies ..... (9,000)
Title VI -- Innovative Program Strategies ..... (39,000)
Vocational Education -- Leadership ..... (20,000)
Reading Excellence ..... (196,000)
EESA, Title II -- Math/Science Training, Exemplary ... (29,000)
Vocational Education -- Occupational Competencies .... (8,000)
Goals 2000 ..... (60,000)
Public Charter Schools ..... (9,000)
World Languages ..... (1,000)
Adult Basic Education -- Administration ..... (6,000)
Vocational Education -- Basic Grants, Administration ... (10,000)
IDEA Part B -- Handicapped, Administration ..... (42,000)
Pre-School Incentive Grant -- Administration ..... (184,000)
National Community Service -- Americorps ..... (14,000)
Class Size Reduction ..... (28,875,000)
NJ Hire ..... (2,000)
Troops-to-Teachers Program ..... (2,000)
IDEA, Part B -- Child Study Supervisors, Administration ..... (117,000)

IDEA, Part B -- Child Study Supervisors ..... (28,000)
NCS -- Urban School Services Corp. ..... (17,000)
NCS -- Learn and Serve America (K-12) ..... (11,000)
NCS -- State Commission ..... (9,000)
NCS -- Program Development Assistance and Training ..... (17,000)
NCS -- Disability Funds ..... (12,000)
Vocational Education -- Administration ..... (5,000)
Title VI -- Innovative Program Strategies ..... (19,000)
Drug-Free Schools and Communities -- Discretionary ..... (29,000)
AIDS Prevention Education ..... (36,000)
SDFSCA -- Governor's Portion -- Program Expenses .. (25,000)
SDFSCA -- Governor's Portion -- Admin ..... (6,000)
Character Education Partnership ..... (7,000)
Other Special Purpose ..... (50,000)
State Aid and Grants ..... (63,813,000)
Additions, Improvements and Equipment ..... (432,000)

35 Education Administration and Management

42-5120 School Finance $246,000
43-5092 Compliance and Auditing 335,000
99-5095 Administration and Support Services 3,527,000
Total Appropriation, Education Administration and Management $4,108,000
Personal Services:
Salaries and Wages ..... ($2,847,000)
Employee Benefits ..... (754,000)
Materials and Supplies ..... (82,000)
Services Other Than Personal ..... (134,000)
Maintenance and Fixed Charges ..... (3,000)
Special Purpose:
IDEA Part B -- Handicapped, Finance ..... (18,000)
Adult Basic Education -- Audit ..... (6,000)
Vocational Education -- State Admin. -- Compliance ..... (5,000)
IDEA Part B -- Handicapped, Compliance ..... (13,000)
IASA Consolidated Administration ..... (246,000)

Total Appropriation, Department of Education $500,922,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management $1,859,000
12-4875 Parks Management 24,917,000
13-4880 Hunters' and Anglers' License Fund 8,457,000
14-4885 Shellfish and Marine Fisheries Management 2,730,000

21-4895 Natural Resources Engineering	250,000
Total Appropriation, Natural Resource Management	$38,213,000
Personal Services:	
Salaries and Wages	($3,000,000)
Employee Benefits	(654,000)
Materials and Supplies	(936,000)
Services Other Than Personal	(2,387,000)
Maintenance and Fixed Charges	(205,000)
Special Purpose:	
Rural Community Fire Protection Program	(16,000)
Forest Resource Management -- Cooperative Forest Fire Control	(67,000)
Gypsy Moth Suppression	(10,000)
Nursery - Cm - 4	(19,000)
Consolidated Forest Management	(434,000)
Forest Legacy	(5,000)
Community Forestry Assessment	(20,000)
Stump Jumpers	(5,000)
Rural Forestry Assistance	(10,000)
Stewardship Land Type Association	(10,000)
Project Learning Tree (Forest Stewardship)	(5,000)
Conservation Education	(10,000)
Incentives Program	(7,000)
Forest Health Monitoring	(36,000)
Land and Water Conservation Grant	(4,000,000)
Pinelands Grant -- Acquisition	(3,690,000)
Historic Preservation Survey and Planning	(111,000)
Endangered Plant Species Supplemental Funding	(9,000)
National Recreational Trails	(1,000)
National Coastal Wetlands Conservation	(500,000)
Liberty State Park -- Bus Terminal (ISTEA)	(400,000)
Delaware and Raritan Canal State Park Multi-Purpose Trail -- Phase II	(400,000)
Island Beach State Park Bikeway Extension (ISTEA)	(600,000)
Sussex Branch Trail Connector (ISTEA)	(75,000)
Cape May Point State Park Bikeway (ISTEA)	(200,000)
Liberty State Park Ferry Slip Restoration (ISTEA)	(1,000,000)
Appalachian Trail Viewshed Acquisition (ISTEA)	(500,000)
Appalachian Trail Improvement (ISTEA)	(50,000)
Archaeological & History/GIS Inventory (ISTEA)	(110,000)
Community Oriented Policing Services	(64,000)
D&R Canal Rt. #1 Crossing (ISTEA)	(696,000)
Sussex Branch Trail Bridges (ISTEA)	(1,127,000)
State Wetlands Conservation Plan	(79,000)
Hunters' and Anglers' License Fund	(925,000)
Hunter Safety Training	(260,000)
Endangered Species	(9,000)

Hunters' & Anglers' License Fund/ N.J.
Statewide Fisheries Development ..... (345,000)
Boat Access (Fish and Game) ..... (400,000)
Fish & Wildlife Input to Activities --
Projects of Others ..... (175,000)
NJ Fish, Wildlife and Anadromous Fishery
Coordination ..... (15,000)
Research In Freshwater Fisheries Management ..... (105,000)
Fish Culture and Stocking Project ..... (135,000)
Aquatic Recreational Resource Awareness &
Education Project ..... (51,000)
Development of a Computerized Fish & Wildlife
Information System ..... (142,000)
Maurice River ..... (1,000,000)
Salem River Meadows ..... (10,000)
Landscape Model For Rare Species Protection ..... (60,000)
Approach for Rare Species ..... (35,000)
Watchable Wildlife in New Jersey (PRW) ..... (68,000)
Wildlife Research and Management ..... (260,000)
Fish and Wildlife Health ..... (46,000)
Timber Rattlesnake ..... (15,000)
Marine Fisheries Investigation and Management ..... (132,000)
Fisheries Management Counci ..... (5,000)
Atlantic Coastal Fisheries ..... (48,000)
Inventory of New Jersey Surf Clam Resources ..... (28,000)
Artificial Reef Program ..... (2,000)
Clean Vessels ..... (1,000,000)
Community Assistance Program ..... (68,000)
National Dam Safety Program (FEMA) ..... (50,000)
Other Special Purpose ..... (867,000)
State Aid and Grants:
Consolidated Forest Management ..... (60,000)
State Aid and Grants ..... (871,000)
Additions, Improvements and Equipment ..... (9,578,000)

43 Science and Technical Programs

01-4820	Radiation Protection	$500,000
02-4801	Air Pollution Control	4,710,000
07-4850	Water Monitoring and Planning	2,200,000
15-4801	Land Use Regulation	2,517,000
18-4810	Science and Research	3,640,000
22-4861	Water Quality Management	300,000
90-4801	Watershed Management Planning	8,113,000
	Total Appropriation, Science and Technical Programs	$21,980,000

Personal Services:
Salaries and Wages ..... ($4,834,000)
Employee Benefits ..... (1,116,000)
Materials and Supplies ..... (96,000)

Services Other Than Personal ..... (2,200,000)
Maintenance and Fixed Charges ..... (92,000)
Special Purpose:
Radon Program ..... (120,000)
Air Pollution Maintenance Program ..... (1,185,000)
Greenhouse Gas Emission Bank ..... (5,000)
Particulate Monitoring Grant ..... (671,000)
Climate Change ..... (60,000)
Water Pollution Control Program ..... (601,000)
Coastal Zone Management Implementation ..... (200,000)
Coastal Zone Management Grant -- Section 309 ..... (209,000)
Coastal Zone Management Grant -- Section 6217 ..... (80,000)
Coastal Zone Management -- 310 ..... (1,000,000)
Delaware Bay Estuary Program ..... (200,000)
New York/New Jersey Harbor Estuary Program ..... (340,000)
U.S. Department of Energy/Inventory of Greenhouse Gases ..... (400,000)
Inventory of Greenhouse Gas ..... (100,000)
Barnegat Bay Estuary Nomination ..... (129,000)
Multi-Media ..... (55,000)
Watershed Indicators ..... (140,000)
Air Deposition ..... (700,000)
Offshore Beach Replenishment ..... (60,000)
National Geologic Mapping Program ..... (101,000)
Water Pollution Control ..... (128,000)
Coastal Wetlands Conservation (Land Acquisition) ... (500,000)
Sloop/Maple Creek Acquisition ..... (5,000)
Stout's Creek Land Acquisition ..... (750,000)
Water Monitoring and Planning ..... (444,000)
Non-Point Source Implementation (319H) ..... (2,259,000)
Whippany River Watershed Management Project (104B3) ..... (97,000)
Other Special Purpose ..... (585,000)
State Aid and Grants ..... (2,422,000)
Additions, Improvements and Equipment ..... (96,000)

44 Site Remediation

19-4815 Publicly-Funded Site Remediation $26,600,000
23-4815 Hazardous Waste Management 360,000
27-4815 Responsible Party Site Remediation 4,855,000
Total Appropriation, Site Remediation $31,815,000
Personal Services:
Salaries and Wages ..... ($2,214,000)
Employee Benefits ..... (512,000)
Materials and Supplies ..... (44,000)
Services Other Than Personal ..... (24,304,000)

Special Purpose:
Brownfields Preliminary Assessment/Site Investigation ..... (500,000)
Voluntary Clean-up -- Site Specific ..... (350,000)
Environmental Monitoring for Public Access and Community Tracking ..... (400,000)
Hazardous Waste -- Resource Conservation Recovery Act ..... (48,000)
Preliminary Assessments/Site Inspections ..... (1,941,000)
Underground Storage Tanks ..... (500,000)
Underground Storage Tanks ..... (63,000)
Other Special Purpose ..... (751,000)
Additions, Improvements and Equipment ..... (188,000)

45 Environmental Regulation

02-4892 Air Pollution Control $1,007,000
05-4840 Water Supply and Watershed Management 21,300,000
09-4860 Public Wastewater Facilities 59,600,000
15-4890 Land Use Regulation 1,757,000
16-4891 Water Monitoring and Planning 710,000
23-4910 Hazardous Waste Management 2,135,000
Total Appropriation, Environmental Regulation $86,509,000
Personal Services:
Salaries and Wages ..... ($3,369,000)
Employee Benefits ..... (745,000)
Materials and Supplies ..... (126,000)
Services Other Than Personal ..... (1,055,000)
Maintenance and Fixed Charges ..... (27,000)
Special Purpose:
Air Pollution Maintenance Program ..... (194,000)
Safe Drinking Water Act ..... (256,000)
Drinking Water State Revolving Fund ..... (550,000)
Construction Grants Program ..... (2,000,000)
Clean Water State Revolving Fund ..... (2,600,000)
Coastal Zone Management Implementation ..... (251,000)
State Wetlands Conservation Plan ..... (50,000)
Publicly Owned Treatment Works Diagnostic ..... (5,000)
Underground Injection Control ..... (13,000)
NPDES Implementation Support Program ..... (269,000)
Hazardous Waste -- Resource Conservation Recovery Act ..... (264,000)
Pollution Prevention Incentive ..... (100,000)
Other Special Purpose ..... (908,000)
State Aid and Grants ..... (73,650,000)
Additions, Improvements and Equipment ..... (77,000)

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs $50,000

99-4800 Management and Administrative Services	850,000
Total Appropriation, Environmental Planning and Administration	$900,000
Materials and Supplies	($3,000)
Services Other Than Personal	(11,000)
Maintenance and Fixed Charges	(16,000)
Special Purpose:	
New Jersey Classroom Reform Grant	(20,000)
Environmental Justice	(250,000)
State/EPA Data Management Grant	(500,000)
National Spatial Data Infrastructure	(100,000)

47 Enforcement Policy

02-4855 Air Pollution Control	$1,802,000
04-4835 Pesticide Control	680,000
15-4855 Land Use Regulation	493,000
23-4855 Hazardous Waste Management	1,886,000
Total Appropriation, Enforcement Policy	$4,861,000
Personal Services:	
Salaries and Wages	($2,204,000)
Employee Benefits	(511,000)
Materials and Supplies	(27,000)
Services Other Than Personal	(213,000)
Maintenance and Fixed Charges	(9,000)
Special Purpose:	
Air Pollution Maintenance Program	(621,000)
Pesticide Technology	(110,000)
Pesticide Control Consolidated	(82,000)
Coastal Zone Management Implementation	(156,000)
Hazardous Waste -- Resource Conservation Recovery Act	(339,000)
Other Special Purpose	(439,000)
Additions, Improvements and Equipment	(150,000)
Total Appropriation, Department of Environmental Protection	$184,278,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics	$740,000
02-4220 Family Health Services	133,692,000
03-4230 Public Health Protection Services	28,104,000
04-4240 Addiction Services	54,201,000
08-4280 Laboratory Services	1,685,000
12-4245 AIDS Services	64,028,000
Total Appropriation, Health Services	$282,450,000

Personal Services:
Salaries and Wages ..... ($27,109,000)
Employee Benefits ..... (6,416,000)
Materials and Supplies ..... (1,838,000)
Services Other Than Personal ..... (14,495,000)
Maintenance and Fixed Charges ..... (242,000)
Special Purpose:
Vital Statistics Component ..... (36,000)
Childhood Lead Poisoning ..... (88,000)
Supplemental Food Program - W.I.C. ..... (62,586,000)
State Based Diabetes Program ..... (141,000)
Primary Care Service and Management Planning ..... (12,000)
Pediatric AIDS Health Care Demonstration Project ..... (96,000)
Early Intervention for Infants and Toddlers with Disabilities ..... (7,000)
N.J. Project: Providing a MED Home in a Neighborhood of Services ..... (26,000)
WIC Farmer's Market Nutrition Program ..... (165,000)
Comprehensive Breast and Cervical Cancer ..... (20,000)
Maternal and Child Epidemiology Programs (MCHEP) ..... (20,000)
Center for Birth Defects Research and Prevention ..... (25,000)
Preventative Health and Health Services Block Grant ..... (84,000)
Child Nutrition Program -- Inspection Services ..... (8,000)
Fatal Accident Circumstances and Epidemiology ..... (4,000)
Food Inspection ..... (49,000)
Toxic Substances Control Act ..... (122,000)
Sentinal Event Notification System -- Occupational Risks ..... (31,000)
Health Program for Indochinese Refugees ..... (9,000)
Federal Lead Abatement Program ..... (60,000)
Implementation of Uniform Substance Abuse Data Collection System ..... (2,000)
Comprehensive AIDS Resources Grant ..... (315,000)
Other Special Purpose ..... (3,240,000)
State Aid and Grants:
Pediatric EMS System Development for New Jersey ..... (90,000)
Comprehensive Aids Prevention and Surveillance Grant ..... (55,000)
Substance Abuse Treatment Expansion Project ..... (1,347,000)
Health Start -- Perth Amboy ..... (833,000)
Diabetes Prevention Project ..... (120,000)
State-Based Birth Defects Surveillance Demonstration Project ..... (100,000)

Preparedness and Response for Bioterrorism ..... (900,000)
HIV-AIDS Prevention Project ..... (113,000)
STD Program -- Syphilis Elimination ..... (400,000)
State Treatment Needs Assessment ..... (500,000)
Substance Abuse Treatment and HIV/AIDS Services ..... (500,000)
Drug Free Administration ..... (90,000)
Target Capacity Expansion ..... (500,000)
State Treatment Performance Outcomes Study ..... (686,000)
Title IV-B Family Preservation and Support Services ..... (200,000)
State Aid and Grants ..... (157,522,000)
Additions, Improvements and Equipment ..... (1,248,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems Development and Quality Assurance $7,057,000
07-4270 Health Care Systems Analysis 1,259,000
Total Appropriation, Health Planning and Evaluation $8,316,000
Personal Services:
Salaries and Wages ..... ($3,618,000)
Employee Benefits ..... (823,000)
Materials and Supplies ..... (147,000)
Services Other Than Personal ..... (536,000)
Maintenance and Fixed Charges ..... (102,000)
Special Purpose:
Medicare/Medicaid Inspections of Nursing Facilities ..... (2,039,000)
Acuity Audits ..... (307,000)
Other Special Purpose ..... (542,000)
State Aid and Grants ..... (60,000)
Additions, Improvements and Equipment ..... (142,000)

25 Health Administration

99-4210 Management and Administrative Services $460,000
Total Appropriation, Health Administration $460,000
Personal Services:
Salaries and Wages ..... ($65,000)
Employee Benefits ..... (12,000)
Services Other Than Personal ..... (16,000)
Special Purpose:
Other Special Purpose ..... (7,000)
State Aid and Grants ..... (360,000)

26 Senior Services

22-4275 Medical Services for the Aged $669,127,000

New Jersey State Library

55-4275 Programs for the Aged 39,247,000
56-4275 Office of the Ombudsman 420,000
Total Appropriation, Health Administration $708,794,000
Personal Services:
Salaries and Wages ..... ($9,048,000)
Employee Benefits ..... (1,751,000)
Materials and Supplies ..... (186,000)
Services Other Than Personal ..... (377,000)
Maintenance and Fixed Charges ..... (318,000)
Special Purpose:
Administration of U.S. Department of Health and Human Services Programs ..... (1,063,000)
Community Choice/Acuity Audits ..... (510,000)
Other Special Purpose ..... (230,000)
State Aid and Grants ..... (694,931,000)
Additions, Improvements and Equipment ..... (380,000)

Total Appropriation, Department of Health and Senior Services $1,000,020,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health Services

08-7700 Community Services $9,092,000
99-7700 Administration and Support Services 300,000
Total Appropriation, Division of Mental Health Services $9,392,000
Personal Services:
Salaries and Wages ..... ($405,000)
Special Purpose:
Fraud and Abuse Initiative ..... (300,000)
State Aid and Grants:
Substance Abuse Block Grant ..... (200,000)
Block Grant Mental Health Services ..... (7,702,000)
State Aid and Grants ..... (785,000)0

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management ... $67,441,000
22-7540 General Medical Services 1,493,769,000
Total Appropriation, Division of Medical Assistance and Health Services $1,561,210,000
Personal Services:
Salaries and Wages ..... ($15,418,000)
Employee Benefits ..... (78,000)
Materials and Supplies ..... (148,000)
Services Other Than Personal ..... (4,254,000)
Maintenance and Fixed Charges ..... (1,604,000)

Special Purpose:	
Payments to Fiscal Agent	(13,418,000)
Eligibility Determination	(14,300,000)
Professional Standards Review Organization -- Utilization Review	(4,078,000)
Drug Utilization Review Board -- Administrative Costs	(60,000)
Health Benefits Coordinator	(6,739,000)
NJ KidCare A -- Administration	(3,552,000)
NJ KidCare B & C -- Administration	(3,552,000)
State Aid and Grants:	
Payments for Medical Assistance Recipients -- Personal Care	(95,470,000)
Managed Care Initiative	(358,951,000)
Hospital Health Care Subsidy	(101,500,000)
Payments for Medical Assistance Recipients --	
Waiver Initiatives	(13,630,000)
Other Treatment Facilities	(5,593,000)
Inpatient Hospital	(201,680,000)
Prescription Drugs	(225,248,000)
Outpatient Hospital	(173,852,000)
Physician	(30,817,000)
Home Health	(32,960,000)
Medicare Premiums	(74,280,000)
Dental	(8,605,000)
Psychiatric Hospital	(10,997,000)
Medical Supplies	(18,257,000)
Clinic	(64,758,000)
Transportation	(27,187,000)
Other Services	(8,393,000)
Unit Dose Contract Services	(2,835,000)
Consulting Pharmacy Services	(702,000)
State Aid and Grants	(38,054,000)
Additions, Improvements and Equipment	(240,000)

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions

01-7601	Purchased Residential Care	$148,934,000
02-7601	Social Supervision and Consultation	4,204,000
03-7601	Adult Activities	58,158,000
04-7601	Education and Day Training	1,105,000
05-7610	Residential Care and Habilitation Services	5,023,000
05-7620	Residential Care and Habilitation Services	19,162,000
05-7630	Residential Care and Habilitation Services	12,224,000
05-7640	Residential Care and Habilitation Services	11,887,000
05-7650	Residential Care and Habilitation Services	22,523,000
05-7660	Residential Care and Habilitation Services	15,142,000
05-7670	Residential Care and Habilitation Services	9,903,000

99-7600 Administration and Support Services 5,986,000
99-7610 Administration and Support Services 1,872,000
99-7620 Administration and Support Services 1,856,000
99-7630 Administration and Support Services 1,518,000
99-7640 Administration and Support Services 2,710,000
99-7650 Administration and Support Services 3,417,000
99-7660 Administration and Support Services 1,302,000
99-7670 Physical Plant and Support Services 3,018,000
Total Appropriation, Operation and Support of Educational Institutions $339,944,000
Personal Services:
Salaries and Wages ..... ($132,089,000)
Materials and Supplies ..... (34,000)
Services Other Than Personal ..... (34,000)
Maintenance and Fixed Charges ..... (2,000)
State Aid and Grants ..... (207,785,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired $7,357,000
99-7560 Administration and Support Services 1,857,000
Total Appropriation, Supplemental Education and Training Programs $9,214,000
Personal Services:
Salaries and Wages ..... ($4,136,000)
Employee Benefits ..... (80,000)
Materials and Supplies ..... (116,000)
Services Other Than Personal ..... (646,000)
Maintenance and Fixed Charges ..... (354,000)
State Aid and Grants ..... (3,776,000)
Additions, Improvements and Equipment ..... (106,000)

50 Economic Planning, Development and Security
53 Economic Assistance and Security

15-7550 Income Maintenance Management $809,190,000
Total Appropriation, Economic Assistance and Security ... $809,190,000
Personal Services:
Salaries and Wages ..... ($12,015,000)
Materials and Supplies ..... (432,000)
Services Other Than Personal ..... (13,846,000)
Maintenance and Fixed Charges ..... (1,148,000)
Special Purpose:
Work First New Jersey Technology Investment -- Food Stamps ..... (3,523,000)
EBT -- Operational Food Stamp Match for CWA's ..... (1,947,000)
Work First New Jersey -- Benefits Transfer Operational ..... (912,000)
Work First New Jersey -- TechnologyInvestments ... (4,925,000)

Non Public Assistance Legal Services,
Child Support ..... (3,000)
Work First New Jersey -- Child Care Block
Grant ..... (302,000)
Work First New Jersey -- Technology
Investments -- Title XIX ..... (2,122,000)
Hospital Paternity Program ..... (1,064,000)
Electronic Benefits Transfer -- Title IVD ..... (2,313,000)
Work First New Jersey -- Technology
Investment -- Title IV-D ..... (6,318,000)
Work First New Jersey -- Child Support --
Program Legislative Initiatives ..... (12,569,000)
Child Support Consolidation -- Title IV-D ..... (17,634,000)
State Aid and Grants
SSBG CWA Administration TANF Transfer ..... (5,163,000)
TANF Child Care Expenses ..... (89,626,000)
Bright Beginnings Expansion ..... (5,000,000)
State Aid and Grants ..... (628,164,000)
Additions, Improvements and Equipment ..... (164,000)

55 Social Services Programs

16-7570 Services to Children and Families $183,980,000
99-7570 Administration and Support Services 15,578,000
Total Appropriation, Division of Youth and
Family Services $199,558,000
Personal Services:
Salaries and Wages ..... ($75,046,000)
Materials and Supplies ..... (1,924,000)
Services Other Than Personal ..... (8,313,000)
Maintenance and Fixed Charges ..... (9,354,000)
State Aid and Grants:
Title IV-E Special Home Services Provider
Foster Care ..... (1,674,000)
Purchase of Service ..... (2,574,000)
Treatment Homes -- Title XIX ..... (486,000)
Treatment Homes -- Title IV-E ..... (7,100,000)
State Aid and Grants ..... (85,117,000)
Additions, Improvements and Equipment ..... (7,970,000)

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget

99-7500 Administration and Support Services $29,971,000
Total Appropriation, Division of Management and Budget .. $29,971,000
Personal Services:
Salaries and Wages ..... ($172,000)
Special Purpose:
Community Based Residential Program Grant ..... (1,000,000)

Safe School Initiative ..... (970,000)
Head Start State Collaboration Project ..... (145,000)
DHS Adult Basic Education Program ..... (211,000)
IDEA (State Institutions), Human Services ..... (229,000)
Title I -- Part D Neglected and Delinquent ..... (676,000)
Deaf Blind Grant VI-C PL 94-142 ..... (170,000)
Federal Cost Recoveries ..... (14,701,000)
Child Support Enforcement Program ..... (299,000)
Title IV-B Child Welfare Services ..... (134,000)
Title IV-E Foster Care ..... (288,000)
Low Income Energy Assistance Block Grant ..... (126,000)
Title XIX, ICF/MR ..... (4,655,000)
Title XIX, Medical Assistance ..... (2,600,000)
Refugee Resettlement Program ..... (18,000)
Social Service Block Grant ..... (2,326,000)
Vocational Rehabilitation Act -- Section 120 ..... (100,000)
Food Stamp Program ..... (447,000)
Temporary Assistance to Needy Families
Block Grant ..... (604,000)
State Aid and Grants ..... (100,000)

Total Appropriation, Department of Human Services $2,958,479,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Analysis $7,440,000
Total Appropriation, Economic Planning and Development .. $7,440,000
Personal Services:
Salaries and Wages ..... ($4,752,000)
Employee Benefits ..... (1,066,000)
Materials and Supplies ..... (120,000)
Services Other Than Personal ..... (784,000)
Maintenance and Fixed Charges ..... (168,000)
Special Purpose:
Reports and Analysis -- Unemployment Insurance .... (22,000)
Occupational Informational Coordinating Program .... (12,000)
ES 202 Covered Employment and Wages ..... (53,000)
Current Employment Statistics ..... (74,000)
Local Area Unemployment Statistics ..... (10,000)
Occupational Employment Statistics ..... (6,000)
Labor Market Information - ES ..... (11,000)
ES Cost Reimbursable Grant -- State and
Local Planning ..... (12,000)
ES Cost Reimbursable Grants -- Alien
Labor Certification ..... (4,000)
Permanent Mass Layoff Plant Closings ..... (13,000)

Current Employment Statistics Additional to
Maintain Current Issue ..... (5,000)
ES 202 RELATED ..... (12,000)
Redesigned Occupational Safety and Health (ROSH) ... (36,000)
One Stop LMI ..... (57,000)
OSHA Data Collection Survey ..... (9,000)
JTPA Title III LMI ..... (79,000)
JTPA Title III CIDS ..... (17,000)
Occupational Wage Survey-Alien Certification ..... (18,000)
Occupational Wage Survey -- LMI ..... (27,000)
Additions, Improvements and Equipment ..... (73,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance $97,670,000
02-4515 Disability Determination 42,436,000
Total Appropriation, Economic Assistance and Security ... $140,106,000
Personal Services:
Salaries and Wages ..... ($74,802,000)
Employee Benefits ..... (16,316,000)
Materials and Supplies ..... (1,750,000)
Services Other Than Personal ..... (13,338,000)
Maintenance and Fixed Charges ..... (9,850,000)
Special Purpose:
Unemployment Insurance ..... (10,100,000)
Employment Security Revenue ..... (50,000)
Old Age and Survivors' Insurance --
Disability Determination ..... (2,900,000)
State Aid and Grants ..... (9,000,000)
Additions, Improvements and Equipment ..... (2,000,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services $46,430,000
09-4545 Employment Services 40,360,000
10-4545 Employment and Training Services 125,224,000
12-4550 Workplace Standards 3,410,000
Total Appropriation, Manpower and Employment Services $215,424,000
Personal Services:
Salaries and Wages ..... ($41,433,000)
Employee Benefits ..... (9,798,000)
Materials and Supplies ..... (542,000)
Services Other Than Personal ..... (5,214,000)
Maintenance and Fixed Charges ..... (6,039,000)
Special Purpose:
Vocational Rehabilitation Act of 1973 ..... (1,855,000)
Employment Services ..... (1,300,000)
Employment Service Intermittents ..... (10,000)
Disabled Veterans' Outreach Program ..... (180,000)
Local Veterans' Employment Representatives ..... (100,000)

Employment Services Grant Incentive Program ..... (70,000)
Trade Adjustment Assistance Project ..... (80,000)
Employment Services Grants -- Alien Labor Certification ..... (125,000)
Work Opportunity Tax Credit ..... (79,000)
Employment Services Cost Reimbursable Grants -- Migrant Housing ..... (4,000)
Agricultural Wage Surveys ..... (2,000)
NAFTA Transitional Adjustment Assistance ..... (10,000)
Job Training Partnership Act ..... (20,000)
JTPA Title III Dislocated Workers ..... (50,000)
New Jersey Commission on Employment and Training ..... (3,000)
Employment Services Rapid Response Team ..... (111,000)
JTPA Title IIID Discretionary Funding ..... (75,000)
Occupational Safety Health Act, On-Site Consultation ..... (130,000)
Mine Safety Educational Program ..... (1,000)
Federal Public Employees Occupational Safety and Health Act ..... (1,700,000)
State Aid and Grants ..... (144,810,000)
Technology Related Assistance Project ..... (750,000)
Additions, Improvements and Equipment ..... (933,000)

Total Appropriation, Department of Labor $362,970,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 State Police Operations $21,660,000
09-1020 Criminal Justice 35,775,000
Total Appropriation, Law Enforcement $57,435,000
Personal Services:
Salaries and Wages ..... ($7,346,000)
Cash in Lieu of Maintenance ..... (90,000)
Employee Benefits ..... (1,149,000)
Materials and Supplies ..... (60,000)
Services Other Than Personal ..... (821,000)
Maintenance and Fixed Charges ..... (92,000)
Special Purpose:
Federal Highway Hazardous Materials Transportation Regulation ..... (764,000)
Disaster Preparedness Improvement ..... (50,000)
Forensic DNA Laboratory ..... (1,200,000)
Anti-Terrorism Training Grant ..... (400,000)
Domestic Marijuana Eradication Suppression Program ..... (125,000)
Title III Hazardous Materials ..... (183,000)

State and Local Assistance ..... (352,000)
D.W.I. Training ..... (160,000)
Drunk Driver Fund Program ..... (95,000)
Flood Mitigation Assistance ..... (2,000,000)
Breathalyser Training OHTS ..... (43,000)
Motor Fuels Tax Compliance Project ..... (75,000)
State Police In-Car Camera Technology Grant ..... (768,000)
Northern New Jersey Heroin and Money Laundering ..... (200,000)
State Police In-Car Camera Equipment Grant ..... (1,957,000)
Domestic Preparedness Training ..... (500,000)
Hazardous Materials Transportation ..... (275,000)
NIEHS SARA Title III Section 126 ..... (65,000)
Comprehensive Environmental Response and Compliance Liability ..... (30,000)
Incident Command ..... (528,000)
Project Impact ..... (100,000)
State Police Narcotics Unit -- Super Grant Funding ... (325,000)
COPS MORE Grant ..... (2,300,000)
Federal Highway Hazardous Materials Transportation Regulation ..... (25,000)
State ID Systems Grant ..... (225,000)
Bulletproof Vest Partnership ..... (125,000)
Medicaid Fraud Unit ..... (496,000)
Local Law Enforcement Block Grant ..... (105,000)
Community Prosecutors Block Grant ..... (500,000)
State Aid and Grants ..... (32,843,000)
Additions, Improvements and Equipment ..... (1,063,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety $8,703,000
21-1400 Regulation of Alcoholic Beverages 360,000
Total Appropriation, Special Law Enforcement Activities $9,063,000
Personal Services:
Salaries and Wages ..... ($1,151,000)
Employee Benefits ..... (313,000)
Materials and Supplies ..... (84,000)
Services Other Than Personal ..... (573,000)
Maintenance and Fixed Charges ..... (39,000)
Special Purpose:
Emergency Services ..... (1,000)
FHWA Program Management ..... (2,000)
Selective Enforcement Management ..... (37,000)
Highway Safety Data Improvement Grant ..... (425,000)
Safety Incentive Grants ..... (453,000)
Drunk Driver Protection ..... (5,000)
Increased Seat Belt Use ..... (1,627,000)
Combatting Underage Drinking ..... (360,000)

State Aid and Grants ..... (3,980,000)
Additions, Improvements and Equipment ..... (13,000)

18 Juvenile Services

34-1500 Juvenile Community Programs $6,743,000
36-1505 Institutional Care and Treatment 339,000
36-1510 Institutional Care and Treatment 271,000
99-1500 Administration and Support Services 3,400,000
Total Appropriation, Juvenile Services $10,753,000
Personal Services:
Salaries and Wages ..... ($1,073,000)
Employee Benefits ..... (199,000)
Materials and Supplies ..... (11,000)
Services Other Than Personal ..... (12,000)
Maintenance and Fixed Charges ..... (1,000)
Special Purpose:
Title I -- Part D, Neglected and Delinquent ..... (183,000)
Juvenile Accountability Incentive
Block Grant ..... (6,000,000)
Title I -- Neglected and Delinquent ..... (41,000)
Title I -- Neglected and Delinquent ..... (271,000)
Challenge Grant ..... (296,000)
Title V Funding ..... (540,000)
Juvenile Monitoring Unit ..... (43,000)
State Aid and Grants ..... (2,080,000)
Additions, Improvements and Equipment ..... (3,000)

19 Central Planning, Direction and Management

99-1000 Administration and Support Services $22,000,000
Total Appropriation, Central Planning, Direction
and Management $22,000,000
Special Purpose ..... ($7,000,000)
Special Purpose ..... (15,000,000)

80 Special Government Services
82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights $625,000
19-1440 Victims of Crime Compensation 2,200,000
Total Appropriation, Protection of
Citizens' Rights $2,825,000
Personal Services:
Salaries and Wages ..... ($622,000)
Materials and Supplies ..... (2,000)
Services Other Than Personal ..... (1,000)
State Aid and Grants ..... (2,200,000)

Total Appropriation, Department of Law and
Public Safety $102,076,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620 New Jersey National Guard Support Services $16,517,000
Total Appropriation, Military Services $16,517,000

Personal Services:
Salaries and Wages ..... ($4,816,000)
Employee Benefits ..... (935,000)
Materials and Supplies ..... (2,552,000)
Services Other Than Personal ..... (1,100,000)
Maintenance and Fixed Charges ..... (428,000)
Special Purpose:
Facilities Support Contract ..... (2,443,000)
Army Facilities Service Contracts ..... (120,000)
Atlantic City Air Base -- Service Contracts ..... (284,000)
McGuire Air Force Base -- Service Contracts ..... (72,000)
Air National Guard Security Agreement--Atlantic City .. (50,000)
Atlantic City Operations and Maintenance ..... (3,000)
Operation Open Arms -- Kosovo Relief Effort ..... (600,000)
New Jersey National Guard Counter Drug Program Interservice State ..... (12,000)
New Jersey National Guard Challenge Youth Program .. (66,000)
Other Special Purpose ..... (800,000)
Additions, Improvements and Equipment ..... (2,236,000)

80 Special Government Services

83 Services to Veterans

20-3630 Domiciliary and Treatment Services $1,071,000
20-3640 Domiciliary and Treatment Services 1,125,000
50-3610 Veterans' Outreach and Assistance 1,376,000
Total Appropriation, Services to Veterans $3,572,000
Personal Services:
Salaries and Wages ..... ($776,000)
Employee Benefits ..... (103,000)
Materials and Supplies ..... (5,000)
Services Other Than Personal ..... (283,000)
Special Purpose:
Medicare Part A Receipts for Resident Care and Operational Costs ..... (1,498,000)
Veterans' Education Monitoring ..... (18,000)
Transitional Housing ..... (816,000)
Other Special Purpose ..... (53,000)
Additions, Improvements and Equipment ..... (20,000)

Total Appropriation, Department of Military and Veterans' Affairs $20,089,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

45-2405 Adjudication of Administrative Appeals	$15,808,000
80-2400 Statewide Planning and Coordination of Higher Education	1,400,000
Total Appropriation, Higher Educational Services	$17,208,000
Personal Services:	
Salaries and Wages	($7,838,000)
Employee Benefits	(1,587,000)
Materials and Supplies	(464,000)
Services Other Than Personal	(3,568,000)
Maintenance and Fixed Charges	(1,055,000)
Special Purpose:	
Student Loan Administrative Cost Deduction and Allowance	(218,000)
State Aid and Grants	(2,228,000)
Additions, Improvements and Equipment	(250,000)

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	$743,000
06-2535 Museum Services	.315,000
10-2570 Public Broadcasting Services	100,000
Total Appropriation, Cultural and Intellectual Development Services	$1,158,000
Personal Services:	
Salaries and Wages	($464,000)
Special Purpose:	
Delaware Water Gap National Recreational Area	(152,000)
Institute of Museum Services -- General Support Grant	(113,000)
National Endowment for the Arts -- Museum Exhibition	(50,000)
National Telecommunications Information Agency	(100,000)
State Aid and Grants	
National Endowment for the Arts Partnership	(279,000)
Total Appropriation, Department of State	$18,366,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-6400 Motor Vehicle Services	$4,000,000
Total Appropriation, Vehicular Safety	$4,000,000
Special Purpose:	
Motor Carrier Safety Assistance Program	($4,000,000)

60 Transportation Programs
61 State and Local Highway Facilities

02-6200	Transportation Systems Improvements -- Planning	$24,000,000
10-6300	Interstate Program	35,300,000
28-6300	Demonstration Program	67,081,000
29-6300	Congestion Mitigation and Air Quality Program	67,720,000
36-6300	National Highway System	117,778,000
37-6300	Surface Transportation Program	150,860,000
40-6300	Bridge Program	185,312,000
50-6300	Minimum Guarantee	63,630,000
55-6300	Ferry Program	5,000,000
65-6200	Rail Freight Lines	2,000,000
71-6200	Supportive Services Program	500,000
	Total Appropriation, State and Local Highway Facilities	$719,181,000

Special Purpose:

Highway Planning and Research	($13,000,000)
Metropolitan Planning Funds	(8,000,000)
New Jersey Transportation Planning ssistance	(3,000,000)
Rail Freight Capital Projects	(2,000,000)
Supportive Services Highway Construction Training Program	(500,000)

Route	Section	Description	County	Amount
Special Purpose:				
INTERSTATE PROGRAM				
1.	CONSTRUCTION			
80	1AU	Sign upgrades	Warren Morris Sussex	($6,500,000)
80	5AW 10L	Saddle River Road to South Summit Avenue, eastbound local lanes, rehabilitation and operational improvements	Bergen	(18,000,000)
2.	DESIGN			
78	6J	Route I-78 eastbound and westbound, truck weigh stations	Warren	(2,000,000)
80 95	E&J	Palisades Avenue to I- 95, rehabilitation and operational improvements	Bergen	(2,400,000)
80	(22)	West Parsippany Road overpass to east of South Beverwyck overpass, rehabilitation	Morris	(400,000)
80 CR615		Interchange with Howard Boulevard, park and ride and operational improvements	Morris	(300,000)
287		North of Route 10 to vicinity of Parsippany Road, operational improvements	Morris	(1,200,000)

676		Martin Luther King Boulevard to Newton Avenue, ramps and improvements	Camden	(450,000)
3. RIGHT-OF-WAY				
80	I	Westbound local lanes from Route 17 to vicinity of Kennedy Avenue off-ramp, rehabilitation and operational improvements	Bergen	(2,000,000)
4. PROJECT DEVELOPMENT				
295 42/I-76	(5)	Route I-295/42/I-76 interchange, improvements (Study B)	Camden	(2,000,000)
676		Atlantic Avenue, drainage improvements at southbound entrance ramp	Camden	(50,000)
Special Purpose DEMONSTRATION PROGRAM				
1. CONSTRUCTION				
		Bayshore Ferry Terminal	Monmouth	($1,518,000)
		Calhoun Street bridge; Spring Street to Bellevue Avenue, bridge replacement	Mercer	(180,000)
		Clove Road bridges, M-24 and M-25, over tributary of Mill Brook and Clove Brook, replacement	Sussex	(135,000)
		Cooper Hospital helipad	Camden	(270,000)
		Delaware and Raritan Canal bridges, safety improvements	Mercer Hunterdon Somerset	(250,000)
		Delaware River aerial tram from Camden waterfront to Penns Landing, Philadelphia	Camden Philadelphia	(3,520,000)
		Groveville-Allentown Road bridge over Doctors Creek, replacement	Mercer	(1,056,000)
		Kinnaman Avenue bridge over Pohatcong Creek, replacement	Warren	(216,000)
		Maple Grange Road bridge over Pochuck Creek, replacement	Sussex	(243,000)
		Ocean City-Longport bridge, replacement	Atlantic Cape May	(4,500,000)
		Weehawken multi-modal facility	Hudson	(5,280,000)
4 208	1L 2W 3T	Virginia Drive to Garden State Parkway, rehabilitation and operational improvement	Bergen	(3,000,000)

4 17	2AE 2P 3G	Garden State Parkway to Farview Avenue, Route 4 and Route 17 interchange replacement	Bergen	(1,148,000)
17	3H 5AE	East Ridgewood Avenue over Route 17, rehabilitation	Bergen	(1,185,000)
23 80	2P 4BF	Flyovers, Route I-80 west to Route 23 north	Passaic	(1,530,000)
29		South of Lalor Street to vicinity of Cass Street, landscape improvements	Mercer	(505,000)
2.	DESIGN			
1	7L	Pierson Avenue to south of Garden State Parkway, widening	Middlesex	(1,000,000)
29		Calhoun Street bridge to Assunpink Creek, pedestrian/ bike path	Mercer	(250,000)
30 73		Improvements in vicinity of Berlin Circle	Camden	(1,850,000)
46 CR614 /623	(47)	Interchange improvements at Van Houten Avenue and Grove Street	Passaic	(2,000,000)
3.	RIGHT-OF-WAY			
1		North of Garden State Parkway to Green Street, bridge replacement and roadway widening	Middlesex	(4,500,000)
21	TSM6	Green Street to Passaic Street, widening and bridge replacement	Essex	(16,210,000)
206	(39)	Old York Road and Rising Sun Road, Route I-295 to Route 68, operational improvements	Burlington	(1,400,000)
4.	PLANNING			
		Bergen Arches rail cut through Jersey City Palisades, needs assessment	Hudson	(4,950,000)
		South Amboy Intermodal Center: roadway, marina, and ferry slip	Middlesex	(2,160,000)
17		Bridge over New York, Susquehanna, and Western Railroad: bridge rehabilitation or replacement	Bergen	(495,000)
35		Tinton Avenue to Shrewsbury Avenue, grade separation	Monmouth	(700,000)
5.	PROJECT DEVELOPMENT			
		South Pemberton Road; Route 206 to County Route 644, reconstruction	Burlington	(500,000)

22		Chimney Rock Road, interchange	Somerset	(3,100,000)
30	1J 13D	Eliminate Collingswood		
130		Circle	Camden	(1,000,000)
70	(4)	Bridge over Manasquan River, replacement	Monmouth Ocean	(1,430,000)295
		Study A, ramps between I-295		
42		and Route 42	Camden	(1,000,000)
Special Purpose:				
CONGESTION MITIGATION AND AIR QUALITY PROGRAM				
1.	CONSTRUCTION			
		Enhanced vehicle inspection and maintenance program	Various	(45,000,000)
		Transportation Management Associations	Various	(3,200,000)
		Traffic Operations Centers	Various	(1,600,000)
		Traffic Signal Contract 16: Routes 70, 30, 38 and 73	Burlington Camden	(14,000,000)
		Transportation Demand Management/Smart Moves Program	Various	(3,000,000)
2.	PLANNING			
		Transportation Management Association program support	Various	(420,000)
3.	PROJECT DEVELOPMENT			
		Bicycle and pedestrian facilities/accommodations	Various	(500,000)
Special Purpose:				
NATIONAL HIGHWAY SYSTEM				
1.	CONSTRUCTION			
		Resurfacing program	Various	($10,150,000)
		Signs program	Various	(3,050,000)
		Traffic signal replacement	Various	(750,000)
1		Green Street to Route 35,		
9		widening and bridge replacement	Middlesex	(12,250,000)
1, 130, 6T	16E	Interchange improvements at		
171	1B	Route 1 and Route 130	Middlesex	(10,000,000)
1&9T	(26)	Charlotte Circle elimination and Tonnele Circle improvements	Hudson	(5,343,000)
4	2AE 2P	Garden State Parkway to		
17	3G	Farview Avenue, Route 4 and Route 17; interchange replacement	Bergen	(14,500,000)
18	4E 6E	North of Hillsdale Avenue to south of County Route 516, roadway improvements	Middlesex	(7,552,000)
29	10C 11B	Ferry Street to Lamberton Road, system connectivity	Mercer	(10,000,000)
29		South of Lalor Street to vicinity of Cass Street, landscape improvements	Mercer	(3,230,000)

30	5G	Vicinity of Chester Avenue to Shore Road, rehabilitation and operational improvements	Atlantic	(5,000,000)
40	2F	Cardiff Circle elimination	Atlantic	(3,100,000)
322				
130	(16)	Renaissance Boulevard to Adams Lane, intersection improvements	Middlesex	(5,000,000)
202		Route 31 to Wertsville Road,		
31		operational improvements	Hunterdon	(4,278,000)
206		Intersection improvements at		
15		Routes 15 and 206 (Ross's Corner)	Sussex	(2,625,000)
322	(7)	Intersection improvements at County Routes 536/610/654	Gloucester	(1,050,000)
2.	DESIGN			
1	(2S3J)	Washington Road to Harrison		
CR571		Street, grade separated interchange	Mercer	(1,500,000)
18Ext	2A	River Road to Hoes Lane, Extension along Metlars Lane, new alignment	Middlesex	(5,500,000)
18Ext	3A	Hoes Lane extension to Route I-287 at Possumtown Road	Middlesex	(1,200,000)
47		Interchange at Routes 47		
55Fwy		and 55, operational and safety improvements	Cumberland	(400,000)
73	(5)	Marlton Circle, elimination	Burlington	(1,300,000)
70				
130		Vicinity of Puchack Creek culvert, drainage improvements	Camden	(100,000)
3.	RIGHT-OF-WAY			
9 35	25C 25L	Grade separated interchange at Routes 9 and 35; Victory Circle elimination	Middlesex	(2,500,000)
27	6M	Amtrak structure over Evergreen Street, replacement	Middlesex	(300,000)
46	11M	Intersection improvements at New Road	Morris	(5,100,000)
4.	PROJECT DEVELOPMENT			
		Truck weigh stations	Various	(2,000,000)
Special Purpose:				
SURFACE TRANSPORTATION PROGRAM				
1.	CONSTRUCTION			
		Accident reduction program	Various	($1,000,000)
		Aerial photography - Year 2000, Delaware Valley Regional Planning Commission	Various	(115,000)
		Eliminate Airport Circle; intersection of Tilton Road and Delilah Road	Atlantic	(1,700,000)

Alloway-Woodstown Road, East Lake Road to County Route 616, resurfacing	Salem	(375,000)
Atlantic County vehicle purchase, Phase III	Atlantic	(300,000)
Bergen County Community Commuter	Bergen	(2,200,000)
Black Point Road bridge over south branch of Raritan River, replacement	Somerset	(980,000)
Bridge deck repair	Various	(3,000,000)
Bridge painting	Various	(6,500,000)
Burlington County computerized signal control, Phase III	Burlington	(1,050,000)
Burlington County traffic sign management program	Burlington	(875,000)
Camden County traffic sign management program	Camden	(1,025,000)
Cemetery Road bridge over Pequest River, replacement	Warren	(200,000)
Chimney Rock Road bridge over Middle Brook, replacement	Somerset	(1,550,000)
Colonial Road bridge over tributary to Pond Brook, replacement	Bergen	(2,600,000)
County Route 519: County Route 650 to New York State Line; County Route 650: 2,000 feet west of File Road to 1,000 feet west of Sherman Ridge Road, rehabilitation	Sussex	(1,100,000)
County Route 601 bridge over Rock Brook, replacement	Somerset	(750,000)
Disadvantaged Business Enterprises	Various	(200,000)
Emergency Service Patrol	Various	(3,750,000)
Gloucester County bus purchase	Gloucester	(54,000)
Gloucester County road resurfacing	Gloucester	(1,500,000)
Hartford Road; Route 38 to NJIT entrance, rehabilitation	Burlington	(2,000,000)
Incident and congestion management, operational support	Various	(1,700,000)
Intersection improvement program	Various	(1,250,000)
Kennedy Boulevard: West 53rd Street to West 1st Street, rehabilitation	Hudson	(2,116,000)

Landis Avenue; 22nd Street to 42nd Street, resurfacing	Cape May	(975,000)
Lincoln Avenue: Chestnut Avenue to Sherman Avenue, resurfacing	Cumberland	(400,000)
Market Street: Martin Luther King Boulevard to intersection of Ferry and Mott Streets; Elizabeth Avenue: City Line to Meeker Avenue, resurfacing	Essex	(200,000)
Motor vehicle accident record processing	Various	(2,500,000)
North Jersey Transportation Planning Authority - Future projects	Various	(1,599,000)
Ocean Heights Avenue: Phase III, Patcong Creek to Shore Road, resurfacing	Atlantic	(160,000)
Pre-apprenticeship training for minorities and females	Various	(1,000,000)
Rahway traffic signal modernization	Union	(205,000)
Rail-highway grade crossing program	Various	(4,450,000)
Restriping program	Various	(3,500,000)
Resurfacing program	Various	(1,500,000)
Salem County guiderail replacement	Salem	(500,000)
Sherman Avenue; Route 47 to Mays Landing Road, resurfacing	Cumberland	(825,000)
Sparta Munson Corner Road; Beardslee Hill Drive to 1600 feet north, realignment	Sussex	(1,730,000)
Stirling Road bridge over Stony Brook, replacement	Somerset	(1,350,000)
Traffic Operations Center (North)	Various	(3,700,000)
Train pre-emption program: traffic/train signals, clearance interval	Various	(2,300,000)
Transportation Enhancements	Various	(9,700,000)
Transportation grants	Various	(1,000,000)
Tuckahoe Road, Phase I; Route 40 to Landis Avenue, resurfacing	Atlantic	(650,000)
Tuckahoe Road, Section 6; 500 feet north of Marsh Lake Branch to Route 40, reconstruction	Atlantic Gloucester	(2,000,000)
USS New Jersey, port facility		(500,000)
Utility reconnaissance and relocation	Various	(1,000,000)

		Vernon-Glenwood Road from Carol Drive to Ann Place, realignment; Glenwood-Martin Station Road intersection with County Routes 667 and 565, intersection improvements	Sussex	(2,500,000)
		Warren Glen/Bloomsbury Road bridge, elimination	Warren	(3,000,000)
		Washington Street bridge over Jersey City reservoir, replacement	Morris	(750,000)
		West Avenue: 12th Street to 18th Street, resurfacing	Cape May	(363,000)
		Youth employment and TRAC programs	Various	(550,000)
9	50	Route 9 and 50 intersection, operational improvements	Cape May	(2,200,000)
17	3H 5AE	East Ridgewood Avenue over Route 17, rehabilitation	Bergen	(700,000)
31	6D	Flemington Circle to Bartles Corner Road, operational improvements	Hunterdon	(10,000,000)
42		Atlantic City Expressway to I-295, roadside rehabilitation	Camden	(1,500,000)
47		Corridor improvements, Intelligent Transportation Systems	Various	(300,000)
183	1B	Linden Avenue to Route 206, rehabilitation and operational improvements	Sussex	(4,800,000)
2.	DESIGN			
		Camden City resurfacing	Camden	(262,000)
		Camden City signal upgrade	Camden	(400,000)
		Emerging projects	Various	(1,000,000)
		Haddonfield-Berlin Road, Milford Road, Route 30, Berlin Circle; drainage improvements	Camden	(100,000)
		Mays Landing-Somers Point Road: Route 9 to Route 52, reconstruction and rehabilitation	Atlantic	(200,000)
		Sussex Turnpike; Route 10 to West Hanover Avenue, reconstruction	Morris	(1,000,000)
		Tilton Road at Route 9, operational improvements	Atlantic	(200,000)
1		Delaware & Raritan Canal pedestrian bridge	Mercer	(500,000)
1 and 9	(28)	North of Secaucus Road to vicinity of Broad Avenue, reconstruction	Hudson Bergen	(600,000)

1 and 9		Haynes Avenue over Waverly Yards, Haynes Avenue over Amtrak bridge replacements; southbound ramps at Haynes Avenue, safety and operational improvements	Essex	(2,500,000)
9		Intersection improvement at County Route 524	Monmouth	(250,000)
9	79	Intersection improvements at Schanck Road and Route 79	Monmouth	(300,000)
33		Intersection improvement at Howell Road, Five Points Road and Oakerson Road	Monmouth	(500,000)
33		Intersection improvement at Route 79	Monmouth	(250,000)
34		Intersection improvement at County Route 537	Monmouth	(625,000)
46		Route 3 to Garden State Parkway, roadside rehabilitation	Passaic	(300,000)
47		High Street to west of Greentree Road, operational improvements	Gloucester	(200,000)
47 40		Route 47: New Street to Marshall Mill Road; Route 40: Old Delsea Drive to Morris Avenue, roadway improvement and bridge replacement	Gloucester	(400,000)
71		Vicinity of Polly Pod Brook to vicinity of 18th Avenue, drainage improvements	Monmouth	(130,000)
3.	RIGHT-OF-WAY			
		Intersection improvements at Ark Road and Marne Highway	Burlington	(100,000)
		Tuckahoe Road, Section 6; 500 feet north of Marsh Lake Branch to Route 40, reconstruction	Gloucester Atlantic	(100,000)
1&9 (24) 3		Routes 1&9 over Amtrak, bridge replacement; modification of Route 1&9 and Route 3 merge	Hudson	(1,950,000)
9	(32)	Martin Terrace Road to North Shore Road, rehabilitation	Atlantic	(500,000)
35	5H	Hollowbrook culvert and channel, improvement	Monmouth	(500,000)
41 42Fwy	1A 2A 14M	Singley Avenue to Cooper Street, operational improvements	Gloucester Camden	(1,400,000)
71		Intersection improvements at Wall Street	Monmouth	(400,000)

206 Bypass	14A 15A	Belle Mead-Griggstown Road to Old Somerville Road, new alignment	Somerset	(6,000,000)
4.	PLANNING			
		Counties and cities, highway planning; Delaware Valley Regional Planning Commission	Various	(350,000)
5.	PROJECT DEVELOPMENT			
		Delaware Valley Regional Planning Commission	Various	(1,500,000)
		Delilah Road bridges; replace structures over Atlantic City Rail Line, Route 30, and water main	Atlantic	(500,000)
		Final scope development	Various	(12,865,000)
		Maintenance management system	Various	(300,000)
		North Jersey Transportation Planning Authority	Various	(2,000,000)
		Portway: Newark-Elizabeth Seaport, Newark Airport, study	Union Essex Hudson	(2,000,000)
		Preliminary engineering	Various	(1,200,000)
		Race Street bridge over south branch of Rancocas Creek, replacement	Burlington	(250,000)
		Regional geographic information systems support, Delaware Valley Regional Planning Commission	Various	(256,000)
9		Bennetts Crossing, intersection improvements	Cape May	(100,000)
40	(2)	Malaga Lake dam over Scotland Run, replacement	Gloucester	(100,000)
40 322		East of Dorset Avenue, drainage improvements	Atlantic	(100,000)
40		Intersection at Buck Road, drainage improvements	Salem	(100,000)
44		Vicinity of Fowler Lane, drainage improvements	Gloucester	(75,000)
48		Bridge over branch of Game Creek, replacement	Salem	(250,000)
50	2E 3B	Bridge over Tuckahoe River, replacement; intersection improvements at Route 49	Cape May Atlantic	(350,000)
73		Vicinity of Route 41 to vicinity of Main Street, operational improvements	Burlington	(500,000)
206		Vicinity of Carranza Road and Oakshade Road, drainage improvements	Burlington	(50,000)

206		Vicinity of Ewing Street, drainage improvements	Mercer	(50,000)
322		Commodore Barry bridge to east of Route 55, and local roads; corridor study	Gloucester	(1,000,000)
Special Purpose:				
BRIDGE PROGRAM				
1. CONSTRUCTION				
		Bridge inspections, local bridges	Various	($4,200,000)
		Bridge inspections, State bridges	Various	(9,000,000)
		Bridge scour	Various	(2,000,000)
		Kennedy Avenue bridge over Wallkill River, replacement	Sussex	(850,000)
		Lamington Road bridge, replacement	Somerset	(2,070,000)
		Locke Avenue bridge over Raccoon Creek, replacement	Gloucester	(165,000)
		Lumberton-Vincentown Road bridge over south branch of Rancocas Creek, replacement	Burlington	(1,291,000)
		Marlton Pike bridge over southwest branch of Rancocas Creek, replacement	Burlington	(1,000,000)
		Old Texas Road bridge, replacement	Middlesex	(2,600,000)
		Tomlin Station Road over Nehonsey Brook and White Sluice Race, replacement	Gloucester	(1,400,000)
		Vincentown-Retreat Road bridge over south branch of Rancocas Creek, replacement	Burlington	(912,000)
		County Route 542 bridge over Wading River, replace pilings and bulkhead	Burlington	(4,269,000)
		Washington Crossing-Pennington Road over Woolsey's Brook, replacement	Mercer	(1,500,000)
1&9T		Hackensack River bridge, repair	Hudson	(2,600,000)
7	1AG	Bridge over Passaic River, replacement	Bergen Essex Hudson	(14,600,000)
9	25K 1F	New structure over Raritan River	Middlesex	(25,800,000)
21,22 1&9	2N 15K 2AN	Bridge over Route I-78 and Amtrak, replacement	Essex	(34,000,000)
35 71	5J 3H	Bridge over Shark River and North Channel, replacement	Monmouth	(20,000,000)

35	12T	Victory Bridge over Raritan River, replacement	Middlesex	(35,000,000)
2.	DESIGN			
		Amwell Road bridge over Neshanic River, replacement	Somerset	(600,000)
		Chesterfield-Sykesville Road bridge over Black's Creek, replacement	Burlington	(550,000)
		Coles Mill Road bridge over Scotland Run, rehabilitation or replacement	Gloucester	(150,000)
		Cookstown-New Egypt Road bridge over tributary of North Run, replacement	Burlington	(100,000)
		First Street and Second Street over NJ Transit, replacement	Essex	(500,000)
		Hanover Street bridge over Rancocas Creek, replacement	Burlington	(200,000)
		Kelly-Saw Mill bridge; Alloway-Mullica Hill Road over Alloway Creek, replacement	Salem	(350,000)
		Wilson Avenue bridge over Bell's Lake Stream, replacement	Gloucester	(150,000)
1&9T	(25)	Bridge over St. Paul's Avenue and Conrail, replacement	Hudson	(4,000,000)
9	1M	Rehabilitation of existing Route 9, Edison Bridge	Middlesex	(2,500,000)
9	23 E	Bridge over County Route 522 and Conrail, replacement	Monmouth	(800,000)
36	3K	Bridge over Shrewsbury River, replacement	Monmouth	(2,500,000)
47	4D 5E	Bridge over Dennis Creek, replacement; intersection improvements	Cape May	(450,000)
3.	RIGHT-OF-WAY			
		Amwell Road railroad bridge over Conrail, replacement	Somerset	(300,000)
		East Atlantic Avenue over Peter's Creek, replacement	Camden	(50,000)
		Madison Avenue bridges over Green Brook, replacement	Somerset	(80,000)
46	7L 8K	Two bridges over Rockaway River; Route 15, NJ Transit Boonton Line and M & E Line, replacement	Morris	(5,000,000)
49	2A	Bridge over Salem River, replacement	Salem	(1,500,000)
49	3J 4C	Bridge over Alloway Creek, replacement	Salem	(350,000)
4.	PROJECT DEVELOPMENT			
		Bridge management system	Various	(400,000)

		Southard Street Bridge over Route 1 and Conrail, replace or rehabilitate	Mercer	(400,000)
		Timber bridges over west branch of Wading River, replacement	Burlington	(125,000)
52	(1)	Bridges over Beach Thorofare, Rainbow Channel, Elbow Thorofare and Ship Channel, replacement	Cape May Atlantic	(1,000,000)
Special Purpose:				
MINIMUM GUARANTEE				
1. CONSTRUCTION				
		Safety Management System	Various	($5,200,000)
		State Police enforcement and safety services	Various	(3,000,000)
1&9	1K	Eastbound bridge over		
46		Route 4, replacement	Bergen	(6,600,000)
1&9T		Passaic River bridge, repairs	Essex Hudson	(5,770,000)
4	1L 2W	Virginia Drive to Garden State		
208	3T	Parkway, rehabilitation and operational improvements	Bergen	(7,000,000)
7	1AG	Bridge over Passaic River, replacement	Bergen Hudson Essex	(700,000)
10	4L	Intersection improvement at Ridgedale Avenue, operational improvements	Morris	(6,900,000)
15	4C	Houses Corner Road, realignment of intersection with Route 15 and railroad grade separation	Sussex	(5,000,000)
33	9A	Route 35 to Route 71, widening	Monmouth	(7,000,000)
40	12 E	Bridge over Babcock Creek, replacement	Atlantic	(3,670,000)
47		Intersection improvements at Cattell Road	Gloucester	(1,840,000)
2. RIGHT-OF-WAY				
47	1C	Garden State Parkway to Railroad Avenue, operational improvements	Cape May	(2,500,000)
3. PLANNING				
		Traffic monitoring systems	Various	(5,000,000)
4. PROJECT DEVELOPMENT				
		Pavement management system	Various	(3,450,000)
Special Purpose:				
FERRY PROGRAM				
1. CONSTRUCTION				
		Bayshore Ferry Terminal	Monmouth	($5,000,000)

In order to provide the department with the flexibility to administer appropriations of federal funds, the commissioner may use moneys from the federal programs identified hereinabove as Interstate Program, Demonstration Program, Congestion

Mitigation and Air Quality Program, National Highway System, Surface Transportation Program, Bridge Program, Minimum Guarantee, and Ferry Program to finance the cost of the construction, design, right-of-way, planning, and project development phases of work of any project listed under any federal program pursuant to the following transfer provisions. The Commissioner of Transportation may transfer federal funds among projects having the same phase of work, subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer federal funds among projects having different phases of work. If the Director of the Division of Budget and Accounting shall consent thereto, the request to transfer federal funds among projects having different phases of work shall be transmitted to the Legislative Budget and Finance Officer for approval or disapproval and returned to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor shall be empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct the Legislative Budget and Finance Officer to approve or disapprove any transfer.

62 Public Transportation

29-6310	Congestion Mitigation and Air Quality Program	$10,000,000
96-6310	Federal Transit Administration	329,300,000
	Total Appropriation, Public Transportation	$339,300,000

Special Purpose:
CONGESTION MITIGATION AND AIR QUALITY PROGRAM

Emission control/rebuilt engines	Various	($2,150,000)
Montclair Connection	Essex Morris Passaic	(5,000,000)
Track program	Various	(2,850,000)

Special Purpose:
FEDERAL TRANSIT ADMINISTRATION:

Amtrak - Northeast Corridor Joint Benefit Agreement	Various	($7,000,000)
Advanced public transportation systems	Various	(3,200,000)
Building capital leases	Various	(8,460,000)
Bus acquisition program	Various	(4,870,000)
Bus support facilities and equipment	Various	(2,000,000)
Clean Air Programs	Various	(3,000,000)
Hoboken Terminal (non-historic)/ Yard rehabilitation	Hudson	(29,190,000)
Hudson/Bergen Light Rail Transit System, Minimal Operating Segment I	Hudson Bergen	(105,060,000)
Main/Bergen/Pascack Valley Lines upgrade	Bergen Passaic	(4,000,000)
Newark-Elizabeth Rail Link/ Light Rail Transit, Base maintenance facility	Essex Union	(16,000,000)

Newark Penn Station	Essex	(2,000,000)
Penn Station New York improvements	New York	(1,000,000)
Private carrier equipment program	Various	(5,720,000)
Rail fleet overhaul	Various	(10,000,000)
Rail support facilities and equipment	Various	(22,050,000)
Signals and communication	Various	(16,670,000)
Track program	Various	(18,160,000)
Tunnel and bridge rehabilitation	Various	(32,200,000)
Vehicle overhaul - bus	Various	(24,810,000)
Vehicle overhaul - rail	Various	(13,910,000)

64 Regulation and General Management

05-6070 Access and Use Management $15,000,000
Total Appropriation, Regulation and General Management .. $15,000,000
Special Purpose:
Airport Fund ..... ($15,000,000)

Total Appropriation, Department of Transportation $1,077,481,000

The unexpended balances of federal appropriations as of June 30, 1999 in this department are appropriated for expenditure on previously and currently authorized projects.

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development and Security

52 Economic Regulation

54-2007 Utility Regulation $600,000
56-2014 Energy Resource Management 1,725,000
Total Appropriation, Economic Regulation $2,325,000
Personal Services:
Salaries and Wages ..... ($1,218,000)
Employee Benefits ..... (164,000)
Materials and Supplies ..... (26,000)
Services Other Than Personal ..... (27,000)
Special Purpose:
Division of Gas Expansion ..... (600,000)
State Energy Conservation Program ..... (275,000)
Additions, Improvements and Equipment ..... (15,000)

80 Special Government Services

82 Protection of Citizens' Rights

57-2048 Trial Services to Indigents and Special Programs $1,228,000
58-2022 Mental Health Screening Services 223,000
Total Appropriation, Economic Regulation $1,451,000
Personal Services:
Salaries and Wages ..... ($288,000)
Employee Benefits ..... (17,000)

Materials and Supplies . . . . . (1,000)
Special Purpose:
State Legal Services Office . . . . . (7,000)
State Aid and Grants . . . . . (1,138,000)

Total Appropriation, Department of the Treasury $3,776,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

04-9725	Criminal Courts	$100,000
05-9730	Family Courts	3,531,000
05-9813	Family Courts	689,000
05-9823	Family Courts	830,000
05-9833	Family Courts	363,000
05-9843	Family Courts	404,000
05-9853	Family Courts	772,000
05-9863	Family Courts	575,000
05-9873	Family Courts	591,000
05-9883	Family Courts	683,000
05-9893	Family Courts	190,000
05-9903	Family Courts	256,000
05-9913	Family Courts	674,000
05-9923	Family Courts	809,000
05-9933	Family Courts	396,000
05-9943	Family Courts	400,000
05-9953	Family Courts	878,000
07-9740	Probation Services	7,781,000
07-9814	Probation Services	1,689,000
07-9824	Probation Services	1,974,000
07-9834	Probation Services	1,477,000
07-9844	Probation Services	3,189,000
07-9854	Probation Services	4,669,000
07-9864	Probation Services	2,607,000
07-9874	Probation Services	1,698,000
07-9884	Probation Services	1,590,000
07-9894	Probation Services	1,580,000
07-9904	Probation Services	1,085,000
07-9914	Probation Services	1,915,000
07-9924	Probation Services	2,001,000
07-9934	Probation Services	1,510,000
07-9944	Probation Services	1,202,000
07-9954	Probation Services	2,265,000

Total Appropriation, Judicial Services $50,373,000
Personal Services:
Salaries and Wages . . . . . ($33,429,000)
Employee Benefits . . . . . (6,738,000)
Materials and Supplies . . . . . (584,000)

Services Other Than Personal ..... (2,432,000)
Maintenance and Other Fixed Charges ..... (338,000)
Special Purpose:
Drug Court -- OJP -- Direct ..... (100,000)
NJ State Court Improvement Grant ..... (246,000)
State Access and Visitation Program ..... (150,000)
State Aid and Grants ..... (5,865,000)
Additions, Improvements and Equipment ..... (491,000)

Total Appropriation, Judiciary $50,373,000

Total Appropriation, Federal Funds $6,721,888,000

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25 percent of unanticipated grant awards, and up to 25 percent of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of $500,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The unexpended balances of federal funds as of June 30, 1999 are continued for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1999 of any unexpended balances which are continued.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 2000, reports on proposed expenditures during fiscal year 2000 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community

services block grant; the jobs training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide services under the block grants.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.

The sum herein appropriated to the Department of Transportation for the Hudson-Bergen Light Rail Transit System is hereby appropriated, to the extent necessary, to pay the principal of and interest on the grant anticipation notes issued by the New Jersey Transit Corporation.

To the extent that federal funds are received in fiscal year 2000 pursuant to the full funding grant agreement for the Hudson-Bergen Light Rail Transit System subsequent to the payment by the New Jersey Transportation Trust Fund Authority of its obligations under a Standby Deficiency Agreement, such federal funds are hereby appropriated to the New Jersey Transportation Trust Fund Authority to be allotted to projects as shall be determined by the Commissioner of Transportation.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Grand Total Appropriation, All Funds $26,236,270,000

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1999 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1999 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the Cash Management Improvement Act of 1990, Pub. L. 101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

7. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds, such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub. L. 99-514 (26 U.S.C. s.1 et seq.), which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

8. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such sums as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

9. In addition to the amounts appropriated hereinabove, such additional sums as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. Notwithstanding any provision of law to the contrary, any surplus balance remaining in the New Jersey Medical Malpractice Reinsurance Recovery Fund after all financial obligations of the New Jersey Medical Malpractice Reinsurance Association are funded, as determined by the Director of the Division of Budget and Accounting, is appropriated for transfer to the General Fund as State revenue.

11. There is appropriated $5,000,000 from the Sanitary Landfill Facility Contingency Fund for transfer to the General Fund as State revenue.

12. There is appropriated $21,600,000 from the Health Care Subsidy Fund for transfer to the General Fund as State revenue.

13. There is appropriated $11,600,000 from the Legal Services Trust Fund established pursuant to section 6 of P.L.1996, c.52 (C.22A:2-51), for transfer to the General Fund as State revenue to fund the following programs: $8,000,000 for Legal Services of New Jersey grant, $3,000,000 for ten additional judgeships in the Judiciary, and $600,000 for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School and Seton Hall Law School.

14. There is appropriated $30,000,000 from the Second Injury Fund for transfer to the General Fund as State revenue.

15. The unexpended balances as of June 30, 1999 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

16. Unless otherwise provided, balances remaining as of June 30, 1999 in accounts of appropriations enacted subsequent to April 1, 1999 are appropriated.

17. The unexpended balances as of June 30, 1999 in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

18. There are appropriated the unexpended balances as of June 30, 1999 in accounts that are funded by transfers from the Year 2000 Data Processing Initiative special purpose account in the Inter-Departmental accounts as the Director of the Division of Budget and Accounting shall determine.

19. Notwithstanding any other provisions in this act, no unexpended balances as of June 30, 1999 are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

20. The administrative costs of the Special Education Medicaid Initiative and the Early Periodic Screening, Diagnosis and Treatment (EPSDT) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

21. a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than $300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than $50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than $300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than $300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the State Contingency Fund and transfers from the appropriations to the various accounts in the category of Salary and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

22. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

23. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated January 25, 1999.

24. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, compliance with Statewide policies and standards and an approved department Information Technology Strategic Plan; authorization and approval by the Office of Information Technology is required for expenditure of amounts in excess of $25,000, as shall be specified by Circular Letter.

25. If the sum provided in this act for a State aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

26. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

27. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

28. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

29. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

30. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

31. Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Property Tax Relief Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

32. Notwithstanding any law to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Casino Revenue Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

33. All funds representing recoveries under the Set Off of Individual Liabilities (SOIL) program are lapsed, subject to the approval of the Director of the Division of Budget and Accounting.

34. Notwithstanding the provisions of P.L.1983, c.303 (C.52:27H-60 et seq.), each of the municipalities in which an enterprise zone is designated whose separate account in the enterprise zone assistance fund was reduced in fiscal year 1995 shall be entitled to receive such additional sums, not to exceed 100% of the annual sales tax revenue collected by certified vendors in their individual zones, to be distributed in a cumulative amount not to exceed: Elizabeth ($3,300,000), Jersey City ($3,870,000), Kearny ($780,000), Orange ($285,000), subject to the approval of the Director of the Division of Budget and Accounting.

35. No funds shall be expended by any State Department in the Executive Branch in connection with a contract for the production of films, videotapes, video conferences, video-assisted training or multi-media projects that include video images unless the New Jersey Public Broadcasting Authority (PBA) has the opportunity to match any successful bid as part of any formal or informal contract award process. This is not a requirement to award a contract to PBA since the decision to award a contract may also be based on non-cost considerations.

36. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium as if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

37. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.

38. Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer the same as payment for funds so withheld.

39. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

40. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

41. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

42. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at

the average rate of earnings during the fiscal year from the State's general investments.

43. Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

44. The Director of the Division of Budget and Accounting may settle any claim not exceeding $2,000 due and owing to the State.

45. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $4,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

46. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

47. Notwithstanding any other law to the contrary, each local school district which participates in the Special Education Medicaid Initiative including the new Early and Periodic Screening, Diagnosis and Treatment (EPSDT) initiative, shall receive a percentage of the federal revenue that the district's participation yields for the current year claims. The percentage share for local school districts shall be 15% of the first $53,000,000 of federal reimbursements realized. After federal reimbursements are realized in excess of $53,000,000, local school districts shall receive a percentage of such revenue based on the level of participation they achieve. Each district's reimbursement percentage shall be calculated as the product

of its special education enrollment multiplied by the percentage of its enrolled pupils eligible for the federal free lunch program. Districts with a participation rate of 80% or more shall receive 85% of its share of federal revenues in excess of $53,000,000 in recognition of their successful efforts to maximize participation. Each district with a participation rate of 60% to 79% shall receive 50% of its share of federal revenues in excess of $53,000,000. Each district with a participation rate of less than 60% shall receive 15% of its share of federal revenues in excess of $53,000,000.

48. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be $.25 per mile.

49. State agencies shall prepare and submit a copy of their agency or departmental budget requests for Fiscal Year 2001 by October 1, 1999 to the Director of the Division of Budget and Accounting and a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, 1999, and updated spending plans on February 1, and May 1, 2000. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

50. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

51. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of the fiscal year 2000 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

52. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts

relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

53. There is hereby created and established in the Department of the Treasury a separate non-lapsing fund, to be known as the "Tobacco Settlement Fund," to be deposited in such depositories as the State Treasurer may select. The Tobacco Settlement Fund shall be maintained as a separate account and shall consist of all payments made by the tobacco manufacturers pursuant to the settlement agreement entered into by the tobacco manufacturers and the State on November 23, 1998 that resolved the State's pending claims against the tobacco industry and all other moneys credited or transferred thereto from any other fund or source pursuant to law. The following appropriations in various departments shall be charged to the Tobacco Settlement Fund and shall be excluded when calculating compliance with the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.). Tobacco settlement funds received in excess of $92,808,000 shall be excluded when calculating deposits to the Surplus Revenue Fund, section 1 of P.L.1990, c.44 (C.52:9H-14):

Department	**Line Item**	**Amount**
	Direct State Services	
Corrections	Enhanced Mental Health Services	$9,695,000
Health & Senior Services	Youth Anti-Tobacco Awareness Media Campaign	$7,262,000
	Smoking Cessation Programs for Addicted Adults and Youth	$2,600,000
	Research, Surveillance, Evaluation & Assistance for Anti-Smoking Programs	$1,700,000
	School Based Programs for the Prevention of Tobacco Use	$2,200,000
	Community Based Tobacco Control Programs	$4,800,000
	Cancer Screening - Early Detection & Education Program	$2,700,000
	Identification System for Children's Health & Disabilities	$900,000
	Worker & Community Right to Know	$630,000

	Evaluation of Human Exposure to Hazardous Wastes	$200,000
	Resident Satisfaction System - Long Term Care	$155,000
Inter-Departmental	State Employees' Health Benefits	$36,421,000
	Grants-in-Aid	
Health & Senior Services	Primary Care Services - Dover Free Clinic	$225,000
	ElderCare Initiatives	$10,337,000
	Pharmaceutical Assistance to the Aged-Claims	$8,700,000
Human Services	Substance Abuse Initiatives (General Assistance)	$3,000,000
	State-Aid	
Human Services	Payments to Municipalities for Cost of General Assistance	$1,283,000

54. If receipts to the Tobacco Settlement Fund are less than anticipated, such sums as are necessary up to the limit of the appropriations above shall be appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are more than anticipated, such sums shall be appropriated at a later date.

55. Notwithstanding any other provision of law, funds derived from the sale or conveyance of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities subject to the approval of the Director of the Division of Budget and Accounting.

56. The unexpended balances as of June 30, 1999 in the Capital Construction accounts for all departments are appropriated.

57. The unexpended balances as of June 30, 1999 in accounts of items of appropriations that are funded by items of appropriations in P.L.1998, c.45 that were not recommended in the fiscal year 1999 Governor's Budget Recommendation Document, and that required the submission of the Division of Budget and Accounting Special Purpose Funding form, are appropriated.

58. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, amounts not in excess of the amounts below for each project identified, provided that that project does not receive before April 1, 2000, an appropriation from bond funds established pursuant to State general obligation bond acts.

Hardyston Township - Wallkill River Cleanup/ Landfill Remediation for Rail Yard	$2,500,000
Vernon Township - Wallkill River Cleanup/ Wastewater Treatment Plant	$1,000,000

Ogdensburg Borough - Wallkill River Basin Water Quality	$1,000,000
Dear Trail Lake Dam Restoration	$10,000
Paulinskill Lake Dam Restoration	$250,000
Hackensack River Basin Area Flood Control Study, Design, Engineering and Construction	$1,000,000

59. There is appropriated $2,000,000 from the Catastrophic Illness in Children Relief Fund to the New Jersey Housing and Mortgage Finance Agency for the purpose of establishing a Home Ownership for Permanency Project demonstration program to maximize affordable housing opportunities and other financing arrangements for principal places of residence for eligible borrowers who are pursuing formal adoptions.

60. There is appropriated an amount not to exceed $1,000,000 for administrative costs incurred in the Departments of Environmental Protection, Agriculture, and State, related to the "Garden State Preservation Trust Fund Act," P.L.1999, c.152 (C.13:8C-1 et seq.), for implementation of the Open Space Preservation program, subject to the approval of the Director of the Division of Budget and Accounting.

61. This act shall take effect July 1, 1999.

Approved June 28, 1999.

CHAPTER 139

AN ACT concerning the State Parole Board and amending P.L.1979, c.441.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to read as follows:

C.30:4-123.47 State parole board.

3. a. There is hereby created and established within the Department of Corrections a State Parole Board which shall consist of a chairman, 10 associate members and one alternate board member. The chairman, associate members and alternate board member shall be appointed by the Governor with the advice and consent of the Senate from qualified persons with training or experience in law, sociology, criminal justice, juvenile justice or related branches of the social sciences. Members of the board and the alternate board member shall be appointed for terms of six years and the terms of their successors shall be calculated from the expiration of the

incumbent's term. Members shall serve until their successors are appointed and have qualified.

The Governor shall designate a vice-chairman from among the associate members. The vice-chairman shall assume the duties of the chairman when the chairman is absent or otherwise incapable of performing his duties, or, in the case of removal or a permanent incapacity, until the qualification of a successor chairman appointed by the Governor.

The alternate board member may assume the duties of an associate member when the associate member is absent or otherwise unable to perform his duties or assumes the duties of the chairman, and shall perform those duties only until the associate resumes his duties, or, in the case of removal or a permanent incapacity, the qualification of a successor appointed by the Governor.

b. Any vacancy occurring in the membership of the board, otherwise than by expiration of term, shall be filled in the same manner as one occurring by expiration of term, but for the unexpired term only. In the event that any member of the board shall be rendered incapable of performing his duties and the alternate board member is incapable of performing that associate's duties, either because the alternate board member has assumed the duties of another associate or is otherwise rendered incapable of performing the associate's duties, the Governor shall appoint a qualified person to act in his stead during the period of his incapacity. Any member of the board, including the alternate board member, may be removed from office by the Governor for cause.

c. The members of the board shall devote their full time to the performance of their duties and be compensated pursuant to section 2 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be entitled to compensation. The amount of such compensation shall be determined by multiplying the rate an associate member would be paid on a per diem basis times the number of days the alternate board member actually performed the duties of an associate member in accordance with the provisions of this section.

d. At the time of appointment, the Governor shall designate two associate members of the board to serve on a panel on juvenile commitments. The remaining eight associate members of the board shall be appointed by the Governor to panels on adult sentences. The chairman of the board shall assign six of the associate members so appointed to three panels on prison sentences, and the remaining two associate members so appointed to a panel on young adult sentences. The chairman of the board shall be a member of each panel. Nothing provided herein shall prohibit the chairman from reassigning any member appointed to a panel on adult sentences to facilitate the efficient function of the board. Nothing provided herein shall prohibit the chairman from temporarily reassigning any member appointed to a panel

on juvenile commitments to a panel on adult sentences either as a member of a panel on prison sentences or a panel on young adult sentences to facilitate the efficient function of the board. The alternate board member may assume, in accordance with the provisions of this section, the duties of any associate member, regardless of whether that associate member serves on a panel on juvenile commitments or panels on adult sentences either as a member of a panel on prison sentences or a panel on young adult sentences.

2. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 140

AN ACT clarifying the corporation business tax surrendered tax benefit certificate transfer program for new or expanding emerging technology and biotechnology companies in this State, amending and supplementing P.L.1997, c.334.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:1B-7.42b Definitions relative to certain corporation tax benefits program.

1. As used in P.L.1997, c.334 (C.34:1B-7.42a et al.):

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P.L. 1974, c.80 (C.34:1B-4);

"Biotechnology" means the continually expanding body of fundamental knowledge about the functioning of biological systems from the macro level to the molecular and sub-atomic levels, as well as novel products, services, technologies and sub-technologies developed as a result of insights gained from research advances that add to that body of fundamental knowledge;

"Biotechnology company" means an emerging corporation that has its headquarters or base of operations in this State and that is engaged in the research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes, agricultural purposes, and environmental purposes, or a person whose headquarters or base of operations is located in this State, engaged in providing services or products necessary for such research, development, production, or provision;

"New or expanding" means a technology or biotechnology company that has fewer than 225 employees, of whom 75% are New Jersey-based employees filling a position or job in this State; and

"Technology company" means an emerging corporation that has its headquarters or base of operations in this State and that employs some combination of the following: highly educated or trained managers and workers, or both, employed in this State who use sophisticated scientific research service or production equipment, processes or knowledge to discover, develop, test, transfer or manufacture a product or service.

2. Section 1 of P.L.1997, c.334 (C.34:1B-7.42a) is amended to read as follows:

C.34:1B-7.42a Corporation business tax benefit certificate transfer program.

1. a. The New Jersey Economic Development Authority shall establish within the New Jersey Emerging Technology and Biotechnology Financial Assistance Program established pursuant to P.L.1995, c.137 (C.34:1B-7.37 et seq.), a corporation business tax benefit certificate transfer program to allow new or expanding emerging technology and biotechnology companies in this State with unused amounts of research and development tax credits otherwise allowable which cannot be applied for the credit's tax year due to the limitations of subsection b. of section 1 of P.L.1993, c.175 (C.54:10A-5.24) and unused net operating loss carryover pursuant to subparagraph (B) of paragraph (6) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4), to surrender those tax benefits for use by other corporation business taxpayers in this State, provided that the taxpayer receiving the surrendered tax benefits is not affiliated with a corporation that is surrendering its tax benefits under the program established under P.L.1997, c.334. For the purposes of this section, the test of affiliation is whether the same entity directly or indirectly owns or controls 5% or more of the voting rights or 5% or more of the value of all classes of stock of both the taxpayer receiving the benefits and a corporation that is surrendering the benefits. The tax benefits may be used on the corporation business tax returns to be filed by those taxpayers in exchange for private financial assistance to be provided by the corporation business taxpayer that is the recipient of the corporation business tax benefit certificate to assist in the funding of costs incurred by the new or expanding emerging technology and biotechnology company.

b. The authority, in cooperation with the Division of Taxation in the Department of the Treasury, shall review and approve applications by new or expanding emerging technology and biotechnology companies in this State with unused but otherwise allowable carryover of research and

development tax credits pursuant to section 1 of P.L.1993, c.175 (C.54:10A-5.24), and unused but otherwise allowable net operating loss carryover pursuant to paragraph (6) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4), to surrender those tax benefits in exchange for private financial assistance to be made by the corporation business taxpayer that is the recipient of the corporation business tax benefit certificate in an amount equal to at least 75% of the amount of the surrendered tax benefit. Provided that the amount of the surrendered tax benefit for a surrendered research and development tax credit carryover is the amount of the credit, and provided that the amount of the surrendered tax benefit for a surrendered net operating loss carryover is the amount of the loss multiplied by the new or expanding emerging technology or biotechnology company's anticipated allocation factor, as determined pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6) for the tax year in which the benefit is transferred and subsequently multiplied by the corporation business tax rate provided pursuant to subsection (c) of section 5 of P.L.1945, c.162 (C.54:10A-5). The authority shall be authorized to approve the transfer of no more than $50,000,000 of tax benefits over State fiscal year 2000 and $40,000,000 of tax benefits over each State fiscal year thereafter. If the total amount of transferable tax benefits requested to be surrendered by approved applicants exceeds $50,000,000 for State fiscal year 2000 or $40,000,000 for each State fiscal year thereafter, the authority, in cooperation with the Division of Taxation in the Department of the Treasury, shall not be authorized to approve the transfer of more than $50,000,000 for State fiscal year 2000 or more than $40,000,000 for each State fiscal year thereafter and shall allocate the transfer of tax benefits by approved companies using the following method:

(1) an eligible applicant with $250,000 or less of transferable tax benefits shall be authorized to surrender the entire amount of its transferable tax benefits;

(2) an eligible applicant with more than $250,000 of transferable tax benefits shall be authorized to surrender a minimum of $250,000 of its transferable tax benefits;

(3) an eligible applicant with more than $250,000 of transferable tax benefits that was approved to surrender tax benefits in the prior fiscal year shall be authorized to surrender a minimum of 50% of the transferable tax benefits surrendered in the prior fiscal year or $250,000 whichever is greater, provided that the amount of transferable tax benefits authorized shall not exceed the applicant's transferable tax benefits for the current fiscal year;

(4) an eligible applicant with more than $250,000 shall also be authorized to surrender additional transferable tax benefits determined by multiplying the applicant's transferable tax benefits less the minimum

transferable tax benefits that company is authorized to surrender under paragraph (2) or (3) of this subsection by a fraction, the numerator of which is the total amount of transferable tax benefits that the authority is authorized to approve less the total amount of transferable tax benefit approved under paragraphs (1), (2) and (3) of this subsection and the denominator of which is the total amount of transferable tax benefits requested to be surrendered by all eligible applicants less the total amount of transferable tax benefits approved under paragraphs (1), (2) and (3) of this subsection.

If the total amount of transferable tax benefits that would be authorized using the above method exceeds $50,000,000 for State fiscal year 2000 or $40,000,000 for each State fiscal year thereafter, then the authority, in cooperation with the Division of Taxation in the Department of the Treasury, shall limit the total amount of tax benefits authorized to be transferred to $50,000,000 for State fiscal year 2000 or $40,000,000 for each State fiscal year thereafter by applying the above method on an apportioned basis.

For purposes of this section transferable tax benefits include an eligible applicant's unused but otherwise allowable carryover of net operating losses multiplied by the applicant's anticipated allocation factor as determined pursuant to section 6 of PL. 1945, c.162 (C.54:10A-6) for the tax year in which the benefit is transferred and subsequently multiplied by the corporation business tax rate as provided in subsection (c) of section 5 of P.L.1945, c.162 (C.54:10A-5) plus the total amount of the applicant's unused but otherwise allowable carryover of research and development tax credits. An eligible applicant's transferable tax benefits shall be limited to net operating losses and research and development tax credits that the applicant requests to surrender in its application to the authority and shall not, in total, exceed the maximum amount of tax benefits that the applicant is eligible to surrender.

The maximum lifetime value of surrendered tax benefits that a corporation shall be permitted to surrender pursuant to the program is $10,000,000. Applications must be received within 30 days from enactment of P.L.1999, c.140 (C.34:1B-7.42b et al.) for State fiscal year 2000 and on or before June 30 for each subsequent State fiscal year.

The private financial assistance shall be used to fund expenses incurred in connection with the operation of the new or expanding emerging technology or biotechnology company in the State, including but not limited to the expenses of fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures and any other expenses determined by the authority to be necessary to carry out the

purposes of the New Jersey Emerging Technology and Biotechnology Financial Assistance Program.

c. The authority, in cooperation with the Division of Taxation in the Department of the Treasury, shall review and approve applications by taxpayers under the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), to acquire surrendered tax benefits approved pursuant to subsection b. of this section which shall be issued in the form of corporation business tax benefit transfer certificates, in exchange for private financial assistance to be made by the taxpayer in an amount equal to at least 75% of the amount of the surrendered tax benefit of an emerging technology or biotechnology company in the State. The private financial assistance shall assist in funding expenses incurred in connection with the operation of the new or expanding emerging technology or biotechnology company in the State, including but not limited to the expenses of fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures and any other expenses determined by the authority to be necessary to carry out the purposes of the New Jersey Emerging Technology and Biotechnology Financial Assistance Program.

d. The authority shall coordinate the applications for surrender and acquisition of unused but otherwise allowable tax benefits pursuant to this section in a manner that can best stimulate and encourage the extension of private financial assistance to new and expanding emerging technology and biotechnology companies in this State. The applications shall be submitted and the authority shall approve or disapprove the applications.

The authority shall, in consultation with the New Jersey Commerce and Economic Growth Commission, the New Jersey Commission on Science and Technology and any institution of higher education in New Jersey, develop criteria for the approval or disapproval of applications. Such criteria shall include, but need not be limited to, an evaluation of the new or expanding emerging technology or biotechnology company's actual or potential scientific and technological viability, a determination that the new or expanding emerging technology or biotechnology company's principal products or services are sufficiently innovative to provide a competitive advantage, a determination that the proposed financial assistance will result in significant growth in permanent, full-time employment in the State, a determination made by the authority that the new or expanding emerging technology or biotechnology company does not have sufficient resources to operate in the short term or cannot secure financial assistance from venture capital, stock issuance, product sales revenue, a parent corporation or other affiliates, bank or any other method of obtaining capital, and a determination that the financial assistance provided pursuant to this act demonstrates

the prospect of a significant positive change in the applicant's net income. The authority shall establish the weight of importance to be given each criterion utilized in its application approval process. No application shall be approved in which the new or expanding technology or biotechnology company (1) has demonstrated positive net income in any of the two previous full years of ongoing operations as determined on its financial statements; or (2) has demonstrated a ratio in excess of 110% or greater of operating revenues divided by operating expenses in any of the two previous full years of operations as determined on its financial statements; or (3) is directly or indirectly at least 50% owned or controlled by another corporation that has demonstrated positive net income in any of the two previous full years of ongoing operations as determined on its financial statements or is part of a consolidated group of affiliated corporations, as filed for federal income tax purposes, that in the aggregate has demonstrated positive net income in any of the two previous full years of ongoing operations as determined on its combined financial statements.

Once an application has been approved, the applicant shall be permitted to surrender, subject to the limitations set forth in subsection b. of this section and the net operating loss carryover and research and development tax credit carryover time periods pursuant to subparagraph (B) of paragraph (6) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4) and subsection b. of section 1 of P.L.1993, c.175 (C.54:10A-5.24), the surrendered tax benefits that are requested in the application regardless of whether the applicant continues to meet the eligibility criteria set forth in the act in subsequent years.

The authority shall require a corporation business taxpayer that acquires a corporation business tax benefit certificate to enter into a written agreement with the new or expanding emerging technology or biotechnology company concerning the terms and conditions of the private financial assistance made in exchange for the certificate. The written agreement may contain terms concerning the maintenance by the new or expanding emerging technology or biotechnology company of a headquarters or a base of operation in this State.

3. Section 2 of P.L.1997, c.334 (C.54:10A-4.2) is amended to read as follows:

C.54:10A-4.2 Attachment of certificate to return for net operating loss carryover.

2. a. Notwithstanding the provisions of paragraph (6) of subsection (k) of section 4 of P.L.1945, c.162 (C.54:10A-4) to the contrary, a taxpayer that has acquired a corporation business tax benefit certificate pursuant to the provisions of section 1 of P.L.1997, c.334 (C.34:1B-7.42a), that includes the

right to a net operating loss carryover deduction shall attach that certificate to any return the taxpayer is required to file under P.L.1945, c.162 (C.54:10A-1 et seq.), and shall determine the amount of its net operating loss carryover deduction by multiplying the surrendered net operating loss by the new or expanding emerging technology or biotechnology company's anticipated allocation factor determined pursuant to subsection b. of section 1 of P.L.1997, c.334 (C.34:1B-7.42a) and subsequently dividing the amount by the taxpayer's allocation factor determined pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6) for the tax year in which the surrendered tax benefit is used. The taxpayer shall otherwise apply the net operating loss carryover deduction as evidenced by the certificate according to the provisions of subsection (k) of section 4 of P.L.1945, c.162 and any rules or regulations the director may adopt to carry out the provisions of this section.

b. A new or expanding emerging technology or biotechnology company that has surrendered an unused net operating loss carryover pursuant to the provisions of section 1 of P.L.1997, c.334 (C.34:1B-7.42a), shall not be allowed a net operating loss carryover deduction based upon the right to such a deduction as evidenced by the corporation business tax benefit certificate and shall attach a copy of the certificate to any return the taxpayer is required to file under P.L.1945, c.162 (C.54:10A-1 et seq.).

4. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the New Jersey Economic Development Authority and the Division of Taxation in the Department of the Treasury may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the authority or division respectively deems necessary for it to implement the provisions of P.L.1999, c.140 (C.34:1B-7.42b et al.), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. Such regulations may thereafter be amended, adopted or readopted by the authority or the division as the authority or division deems necessary in accordance with the requirements of P.L.1968, c.410.

5. This act shall take effect immediately and apply to tax years beginning on and after January 1, 1999.

Approved June 28, 1999.

CHAPTER 141

AN ACT concerning municipal authority to regulate nudity on State-owned lands, and amending R.S.40:48-1.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages;

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or

costumes of a similar character; regulate or prohibit persons from appearing upon State-owned lands within its borders in a state of nudity;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape

therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only party upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 45 of P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12.

2. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 142

AN ACT concerning oversight of the Abbott districts and supplementing P.L.1996, c.138 (C.18A:7F-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:7F-35 Regulations to implement Abbott v. Burke proposed by Commissioner of Education.

1. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, regulations may be proposed by the Commissioner of Education to implement the order of the Supreme Court of New Jersey in Abbott v. Burke and may, following the close of the public comment period provided by that act, be adopted by the commissioner with amendments notwithstanding that the amendments have not been submitted to the Office of Administrative Law for publication prior to adoption. The regulations adopted pursuant to this section shall be effective immediately upon filing with the Office of Administrative Law for the 1999-2000 school year and shall expire June 30, 2000.

Except as provided herein, the commissioner shall fully comply with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

C.18A:7F-36 Regulations to implement Abbott v. Burke adopted by State Board of Education.

2. The State Board of Education shall adopt regulations to implement the order of the Supreme Court of New Jersey in Abbott v. Burke for the 2000-2001 school year and thereafter pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.). Any amendments to, or changes in, the regulations and any additional regulations adopted by the State board to implement the Supreme Court's order in Abbott v. Burke shall be subject to the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

3. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 143

AN ACT concerning the calculation of the special purpose apportionment for the support of certain functions of the Division of Insurance in the Department of Banking and Insurance and amending P.L.1995, c.156.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1995, c.156 (C.17:1C-20) is amended to read as follows:

C.17:1C-20 Certification of expenses incurred, apportionment.

2. a. The Director of the Division of Budget and Accounting in the Department of the Treasury shall, on or before August 15 in each year, ascertain and certify to the Commissioner of Banking and Insurance by category the total amount of expenses incurred by the State in connection with the administration of the special functions of the Division of Insurance in the Department of Banking and Insurance relative to the financial regulation, supervision and monitoring of insurers and health maintenance organizations during the preceding fiscal year. Those expenses shall include, in addition to the direct cost of personal service, the cost of maintenance and operation, the cost of employee benefits and the workers' compensation paid for and on account of personnel, rentals for space occupied in State-owned or State-leased buildings and all other direct and indirect costs of the administration of those functions of the department, as well as any amounts remaining uncollected from the special purpose apportionment of the previous fiscal year. Certification made pursuant to this subsection shall be made by the Director of the Division of Budget and Accounting in consideration of revenues paid by insurers and health maintenance organizations pursuant to all other special purpose assessments made pursuant to applicable law in effect on the effective date of this act.

b. (1) Upon receipt of the certification made by the Director of the Division of Budget and Accounting pursuant to subsection a. of this section, but no later than September 1 in each year following the close of the previous fiscal year, the commissioner shall issue, in accordance with the provisions of this section, a special purpose apportionment for the amount of the expenses incurred by, or on behalf of, the department for those special purposes recognized in this act.

(2) Special purpose apportionments made pursuant to this section shall be distributed among all of the companies engaged in business pursuant to subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.), subtitle 3 of Title 17B of the New Jersey Statutes (N.J.S.17B:17-1 et seq.), and P.L.1973, c.337 (C.26:2J-1 et seq.), in this State in the proportion that the net written premiums received by each of them for such insurance written or renewed on risks, in this State during the calendar year immediately preceding, bears to the sum total of all such net written premiums received by all companies writing that insurance or coverage within the State during that calendar year, as reported.

"Net written premiums received" means gross direct premiums written, less return premiums thereon and dividends credited or paid to policyholders

as reported on the company's annual financial statement. For the purpose of calculating the apportionment amount for companies engaged in business pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), "net written premiums received" means direct premiums as reported on the annual financial statement submitted pursuant to section 9 of P.L.1973, c.337 (C.26:2J-9).

c. For the purposes of this section, no company shall be required to pay a special purpose apportionment which exceeds.10 percent of its net written premiums received during the calendar year immediately preceding.

d. The commissioner shall certify the amount of the special purpose apportionment issued to each company. Each company shall remit the amount so certified and apportioned to it to the department in accordance with the procedures established in this act. Amounts collected by the department shall be used for reimbursement to the State for expenses incurred in connection with the special functions of the Division of Insurance relative to the financial regulation, supervision and monitoring of insurers and health maintenance organizations, provided that the amount collected for those expenses shall not exceed the amount appropriated by the Legislature for those expenses

2. Section 13 of P.L.1995, c.156 (C.17:1C-31) is amended to read as follows:

C.17:1C-31 Permitted increase in amount assessable.

13. Commencing with fiscal year 1999 and in each fiscal year thereafter, the total amount assessable to companies in any fiscal year for all special purpose assessments made pursuant to applicable law as of the effective date of this act, including the special purpose apportionment established by this act, shall not exceed 0.20 percent of the combined net written premiums received, as defined in subsection b. of section 2 of this act, by all companies for the previous year.

3. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 144

AN ACT appropriating $14,774,450 from the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund" established pursuant to section 14 of the "Urban and Rural Centers Unsafe Buildings Demolition Bond Act," P.L.1997, c.125, for loans for demolition and renewal projects in various municipalities.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Department of Community Affairs from the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund," established pursuant to section 14 of the "Urban and Rural Centers Unsafe Buildings Demolition Bond Act," P.L.1997, c.125, the amount of $14,774,450, to be used for loans for building demolition and disposal projects in the following municipalities in the amounts set forth:

Asbury Park	$213,000
City of Bayonne	$600,000
City of Bridgeton	$1,520,575
City of Camden	$ 5,000,000
City of East Orange	$739,250
City of Elizabeth	$1,756,000
Borough of Hampton	$125,000
Jersey City	$744,000
Long Branch City	$385,000
City of Orange	$209,001
City of Passaic	$2,200,000
City of Paterson	$432,500
Penns Grove Borough	$150,124
City of Perth Amboy	$325,000
City of Pleasantville	$100,000
Union City	$200,000
City of Vineland	$75,000

2. The loans authorized by section 1 of this act shall be for a term not to exceed 20 years, at an interest rate not to exceed four percent per annum and upon such terms and conditions as determined by the Commissioner of Community Affairs and approved by the State Treasurer. Loan repayments shall be deposited to the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund."

3. All appropriated funds that are not expended within the time period allowed under rules adopted by the Commissioner of Community Affairs shall be returned to the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund."

4. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 145

AN ACT concerning parental notification for abortion, amending and supplementing P.L.1965, c.217.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1965, c.217 (C.9:17A-1) is amended to read as follows:

C.9:17A-1 Consent by minor to medical, surgical care.

1. The consent to the performance of medical or surgical care and procedure by a hospital or by a physician licensed to practice medicine and surgery executed by a married person who is a minor, or by a pregnant woman who is a minor, on his or her behalf or on behalf of any of his or her children, shall be valid and binding, and, for such purposes, a married person who is a minor or a pregnant woman who is a minor shall be deemed to have the same legal capacity to act and shall have the same powers and obligations as has a person of legal age. Notwithstanding any other provision of the law, an unmarried, pregnant minor may give consent to the furnishing of hospital, medical and surgical care related to her pregnancy or her child, although prior notification of a parent may be required pursuant to P.L.1999, c.145 (C.9:17A-1.1 et al.) and such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of an unmarried, pregnant minor shall not be necessary in order to authorize hospital, medical and surgical care related to her pregnancy or her child.

C.9:17A-1.1 Short title.

2. Sections 2 through 13 of this act shall be known and may be cited as the "Parental Notification for Abortion Act."

C.9:17A-1.2 Findings relative to parental notification for abortion.

3. The Legislature finds that there exist compelling and important State interests in protecting minors against their own immaturity, in fostering the family structure and preserving it as a viable social unit, and in protecting the rights of parents to rear their children.

The Legislature further finds that minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences of their actions; that the medical, emotional, and psychological consequences of abortion are serious and of indeterminate duration, particularly when the patient is a minor; that parents ordinarily possess information essential to a physician's exercise of his best medical judgment

concerning their child; and that parents who are aware that their minor daughter has had an abortion may better insure that the minor receives adequate medical attention after her abortion. The Legislature further finds that parental consultation regarding abortion is desirable and in the best interests of the minor.

It is, therefore, the intent of the Legislature to further the interests stated above by enacting this parental notice provision.

C.9:17A-1.3 Definitions relative to parental notification for abortion.

4. As used in this act:

"Abortion" means the use of any means to terminate the pregnancy of a female known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus.

"Medical emergency" means a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant unemancipated minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

"Parent" means a parent with care and control of the unemancipated minor, unless the parent has no custodial rights; or if there is no parent with care and control, then the foster parent or the guardian of the unemancipated minor; or a person standing in loco parentis to the unemancipated minor.

"Person standing in loco parentis" means (1) that the biological or adoptive parent consented to and fostered, the person's formation and establishment of a parent-like relationship with the minor; (2) that the person and the minor live together in the same household; (3) that the person assumed obligations of parenthood by taking significant responsibility for the minor's care, education and development, including contributing towards the minor's support, without expectation of financial compensation; and (4) that the person has been in a parental role for a length of time sufficient to have established with the minor a bonded, dependent relationship parental in nature.

"Unemancipated minor" means a female under the age of 18 years who is unmarried and is not currently serving active duty in one of the military services of the United States of America or a female for whom a guardian has been appointed pursuant to N.J.S.3B:12-25 because of a finding of incompetency. For the purposes of this act, pregnancy does not emancipate a female under the age of 18 years.

C.9:17A-1.4 Written notice of pending operation.

5. a. Notwithstanding any other provision of law to the contrary, an abortion shall not be performed upon an unemancipated minor until at least

48 hours after written notice of the pending operation has been delivered in the manner specified in this act.

b. The notice shall be addressed to the parent at the parent's last known address and delivered personally to the parent by the physician.

c. In lieu of the personal delivery required in subsection b. of this section, notice may be made by certified mail addressed to the parent at the parent's last known address with return receipt requested and restricted delivery to the addressee, which means a postal employee may only deliver the mail to the authorized addressee. At the same time that notice is mailed by certified mail, it shall also be sent by first class mail to the parent at the parent's last known address. The 48-hour period for notice sent under the provisions of this subsection shall begin at noon on the next day on which regular mail delivery takes place following the day on which the mailings are posted.

C.9:17A-1.5 Notice not required if parent already notified.

6. Notice of a pending abortion shall not be required under this act if the parent who is entitled to notice has set forth in a notarized writing that notice was received.

C.9:17A-1.6 Notice not required if abortion due to medical emergency.

7. Notice of a pending abortion shall not be required under this act if the attending physician certifies in the unemancipated minor's medical records that the abortion is necessary due to a medical emergency.

C.9:17A-1.7 Waiver of parental notification by court proceedings.

8. a. A minor may, by petition or motion, seek a waiver of parental notification from a judge of the Superior Court. The petition or motion shall include a statement that the minor is pregnant and is not emancipated.

b. The minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court appointed counsel, and shall, upon her request, provide her with such counsel.

c. Proceedings in the court under this section shall be confidential and insure the anonymity of the minor and shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interests of the minor. A judge of the Superior Court who conducts proceedings under this section shall make written factual findings and legal conclusions within 48 hours of the time that the petition or motion is filed unless the time is extended at the request of the unemancipated minor. If the court fails to rule within 48 hours and the time is not extended, the petition is granted and the notice requirement shall be waived. The judge shall order a record of the evidence to be

maintained including the judge's written factual findings and legal conclusions supporting the decision.

d. (1) If the judge finds, by clear and convincing evidence, that the unemancipated minor is sufficiently mature to decide whether to have an abortion, the judge shall authorize a waiver of notification.

(2) If the judge finds, by clear and convincing evidence, that there is evidence of a pattern of physical, sexual or emotional abuse of the minor by the parent, guardian or legal custodian, the judge shall authorize a waiver of notification. Notice of a determination made under this paragraph shall be made to the Division of Youth and Family Services.

(3) If the judge finds, by clear and convincing evidence, that the notification of the parent is not in the best interests of the minor, the judge shall authorize a waiver of notification.

e. If the judge does not make a finding specified in subsection d. of this section, the judge shall dismiss the petition or motion and notice shall be given as provided for in section 5 of this act.

f. An expedited confidential appeal shall be available to a minor for whom the court denies an order waiving notification. No filing fees shall be required of any minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a minor on an emergent basis in accordance with the Rules of Court.

C.9:17A-1.8 Fact sheet for distribution to unemancipated pregnant minors.

9. The Department of Health and Senior Services shall prepare a fact sheet for distribution to unemancipated pregnant minors who are seeking abortion services.

a. The fact sheet shall be written in terms generally understood by a teenager and shall explain the parental notification requirements of this act, including, but not limited to:

(1) that a minor may, by petition or motion, seek a waiver of parental notification from a judge of the Superior Court;

(2) that a minor may participate in proceedings in the court on her own behalf, that the court may appoint a guardian ad litem for her and that the minor has a right to court appointed counsel, which shall be provided to her by the court upon her request; and

(3) the procedure established by the court for petitioning or making a motion before the court.

b. The department shall distribute the fact sheet, at no charge, to ambulatory care facilities and hospitals licensed pursuant to P.L.1971, c.136

(C.26:2H-1 et seq.), public and private agencies and physicians' offices that provide family planning services and prenatal care.

c. The physician who is responsible for providing notification to an unemancipated minor's parent pursuant to this act, or his designee, shall provide the unemancipated minor with a copy of the fact sheet at the time the minor initially requests abortion services from the physician.

C.9:17A-1.9 Entitlement to benefits unaffected.

10. Nothing in this act shall be interpreted to deny a pregnant unemancipated minor who is under the age of 18 any benefits to which she would otherwise be entitled pursuant to law.

C.9:17A-1.10 Violation; penalty.

11. Any person who performs an abortion in violation of this act shall be subject to a civil penalty of not less than $1,000 and not more than $5,000 and shall be liable in a civil action by a parent wrongfully denied notification. A person shall not be liable under this act if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the unemancipated minor regarding information necessary to comply with this section are bona fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so.

C.9:17A-1.11 Rules, regulations.

12. The Commissioner of the Department of Health and Senior Services, in consultation with the Department of Law and Public Safety, shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), concerning procedures for physicians to follow in effectuating the notice required pursuant to the provisions of P.L.1999, c.145 (C.9:17A-1.1 et al.).

C.9:17A-1.12 Provisions of act severable.

13. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the sections which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

14. This act shall take effect on the 90th day following enactment except for section 12 which shall take effect immediately.

Approved June 28, 1999.

CHAPTER 146

AN ACT concerning the disposition of certain excess receipts in the State's vending machine program and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:6-15.3 Administration of State's vending machine program; use of revenues.

1. The State's vending machine program for State properties shall be administered by the New Jersey Commission for the Blind and Visually Impaired in the Department of Human Services.

There is appropriated annually to the Commission for the Blind and Visually Impaired the amount of revenue from the audits or other collection activities of the State's vending machine program. From these revenues, an annual amount shall be appropriated to provide vision screening services and other prevention services within the Commission for the Blind and Visually Impaired based on available funding and program need, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury. In each fiscal year, there shall be a maximum amount allowable for costs within the Commission for the Blind and Visually Impaired to administer the vending machine program and for audits or other collection activities. The maximum amount of administrative costs permitted shall be no more than 15% of the revenue collected in the respective fiscal year, and in no case shall exceed $130,000. This amount shall also be subject to the approval of the Director of the Division of Budget and Accounting.

C.30:6-15.4 Appropriation of excess revenues.

2. At the discretion of the Commissioner of Human Services, revenues in excess of the amounts budgeted to expand vision screening services and other prevention services and associated administrative costs may be appropriated:

a. to return up to 25% of the revenue received from respective Department of Human Services facilities to the facilities to be used for client welfare programs when not needed for vision screening and other prevention services;

b. to provide liability insurance for clients of the Commission for the Blind and Visually Impaired who are operators of vending facilities in the commission's Business Enterprise Program; and

c. to expand vision screening and other prevention services.

C.30:6-15.5 Appropriation of unexpended balance.

3. The unexpended balance of vending machine program receipts at the end of the State fiscal year on June 30, 1999 and any subsequent fiscal year shall be appropriated to expand vision screening services and other prevention services.

4. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 147

AN ACT concerning the financing of the State's transportation system.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding the provisions of section 8 of P.L.1987, c.460 (C.27:1B-21.1) or any other law, rule or regulation to the contrary, for the fiscal year beginning July 1, 1999 the total amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for projects shall not exceed $900,000,000 exclusive of federal funds.

2. Notwithstanding the provisions of subsection i. of section 9 of P.L.1984, c.73 (C.27:1B-9) or any other law, rule or regulation to the contrary, for the fiscal year beginning July 1, 1999 the New Jersey Transportation Trust Fund Authority shall not incur debt in excess of $900,000,000, except that if that permitted amount of debt, or any portion thereof, is not incurred in the fiscal year in which it is authorized to be incurred, it may be incurred in a subsequent fiscal year. In computing the foregoing limitation as to the amount of debt the authority may incur, the authority may exclude any bonds, notes or other obligations, including subordinated indebtedness of the authority, issued for refunding purposes in accordance with the provisions of section 9 of P.L.1984, c.73 (C.27:1B-9) only if any savings realized by the issuance of the refunding bonds shall be used for funding transportation projects.

3. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 148

AN ACT concerning certain tobacco product manufacturers and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:4D-1 Cigarette smoking, health, financial concerns to State; policy.

1. a. Cigarette smoking presents serious public health concerns to the State and to the citizens of the State. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases, and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

b. Cigarette smoking also presents serious financial concerns for the State. Under certain health care programs, the State may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking, and those persons may have a legal entitlement to receive such medical assistance.

c. Under these programs, the State pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

d. It is the policy of the State that financial burdens imposed on the State by cigarette smoking be borne by tobacco product manufacturers rather than by the State to the extent that such manufacturers either determine to enter into a settlement with the State or are found culpable by the courts.

e. On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the State. The Master Settlement Agreement obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to: pay substantial sums to the State, tied in part to their volume of sales; fund a national foundation devoted to the interests of public health; and make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

f. It would be contrary to the policy of the State if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the State will have an eventual source of recovery from them if they are proven to have acted

culpably. It is thus in the interest of the State to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

C.52:4D-2 Definitions relative to tobacco product manufacturers.

2. As used in this act:

"Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.

"Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the term "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10% or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

"Allocable share" means allocable share as that term is defined in the Master Settlement Agreement.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (1) of this definition.

The term "cigarette" includes "roll-your-own," which means any tobacco that, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Master Settlement Agreement" means the settlement agreement, and related documents, entered into on November 23, 1998 by the State and leading United States tobacco product manufacturers.

"Qualified escrow fund" means an escrow arrangement with a federally or State chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least $1,000,000,000 where

such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with paragraph (2) of subsection b. of section 3 of this act.

"Released claims" means released claims as that term is defined in the Master Settlement Agreement.

"Releasing parties" means releasing parties as that term is defined in the Master Settlement Agreement.

"Tobacco Product Manufacturer" means an entity that after the date of enactment of this act directly, and not exclusively through any affiliate:

(1) manufactures anywhere cigarettes that the manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer; provided, however, that an entity that manufactures cigarettes that it intends to be sold in the United States shall not be considered to be a tobacco product manufacturer under this paragraph (1) if (a) such cigarettes are sold in the United States exclusively through an importer that is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and (b) the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States;

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2) of this definition.

The term "tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of paragraphs (1) through (3) of this definition.

"Units sold" means the number of individual cigarettes sold in the State by the applicable tobacco product manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question, as measured by excise taxes collected by the State on containers of "roll-your-own" tobacco, and on packs of cigarettes bearing the excise tax stamp of the State. The State Treasurer shall promulgate such regulations as are necessary to ascertain the amount of State excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

C.52:4D-3 Responsibilities of tobacco product manufacturer.

3. Any tobacco product manufacturer selling cigarettes to consumers within the State, whether directly or through a distributor, retailer or similar intermediary or intermediaries, after the date of enactment of this act shall do one of the following:

a. become a participating manufacturer, as that term is defined in section II(jj) of the Master Settlement Agreement, and generally perform its financial obligations under the Master Settlement Agreement; or

b. (1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts, as such amounts are adjusted for inflation:

(a) 1999, $.0094241 per unit sold after the date of enactment of this act;

(b) 2000, $.0104712 per unit sold;

(c) for each of 2001 and 2002, $.0136125 per unit sold;

(d) for each of 2003 through 2006, $.0167539 per unit sold; and

(e) for each of 2007 and each year thereafter, $.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) of this subsection shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

(a) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph: (i) in the order in which they were placed into escrow; and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(b) to the extent that the tobacco product manufacturer establishes that the amount that it was required to place into escrow in a particular year was greater than the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement had it been a participating manufacturer, as such payments are determined pursuant to section IX (i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment, the excess shall be released from escrow and revert back to the tobacco product manufacturer; or

(c) to the extent not released from escrow under subparagraph (a) or (b) of this paragraph, funds shall be released from escrow and revert back to the tobacco product manufacturer 25 years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney

General that it is in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

(a) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty, to be paid into the General Fund, in an amount not to exceed 5% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100% of the original amount improperly withheld from escrow;

(b) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty, to be paid into the General Fund, in an amount not to exceed 15% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300% of the original amount improperly withheld from escrow; and

(c) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State, whether directly or through a distributor, retailer or similar intermediary or intermediaries, for a period not to exceed two years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. A person who violates this section shall pay the State's costs and attorney's fees incurred during a successful prosecution under this paragraph (3).

4. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 149

AN ACT concerning the use of electronic and digital processes by the Division of Motor Vehicles in the Department of Transportation and supplementing chapter 2 of Title 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:2-3.8 Electronic, digital processing of motor vehicle transactions.

1. a. Whenever any law, rule or regulation requires or permits documents or information to be prepared by or submitted to the Division of Motor Vehicles in the Department of Transportation, the director may permit the documents or information to be prepared by or submitted to the division in electronic or digital form, or processed electronically. In no event shall an individual be required to submit documents or information only in electronic or digital form; nor shall documents or information be made available to an individual only in electronic or digital form. Submission in electronic or digital form may be permitted pursuant to this section notwithstanding that any law, rule or regulation requires documents or information to be written or to be submitted in writing, specifies that documents or information be signed, certified, verified or witnessed, or otherwise explicitly or implicitly requires the preparation or submission of documents or information on paper or in written form. As used in this subsection, "individual" means a natural person.

b. The director, after consultation with the State Records Committee in the Department of State, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations specifying how the signature, verification, certification, witnessing or other formal requirements shall be met with respect to documents or information permitted to be prepared or submitted in electronic or digital form pursuant to this section and specifying such additional safeguards as the director deems necessary to protect the privacy, and prevent improper access to or disclosure, of any personal information as defined in section 1 of P.L.1997, c.188 (C.39:2-3.3) that may be transmitted in an electronic or digital form, or processed electronically. Regulations adopted pursuant to this subsection may permit the use of digital signature technology for the signing of documents and other appropriate purposes.

2. This act shall take effect immediately.

Approved June 28, 1999.

CHAPTER 150

AN ACT concerning the State Highway System and repealing P.L.1959, c.57.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Repealer.

1. P.L.1959, c.57 (C.27:6-1) is repealed.

2. This act shall take effect immediately.

Approved June 30, 1999.

CHAPTER 151

AN ACT concerning wiretapping and electronic surveillance and amending P.L.1968, c.409 and P.L.1993, c.29.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 28 of P.L.1968, c.409 is amended to read as follows:

28. This act shall take effect January 1, 1969.

2. Section 2 of P.L.1968, c.409 (C.2A:156A-2) is amended to read as follows:

C.2A:156A-2 Definitions.

2. As used in this act:

a. "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate or foreign communication. "Wire communication" includes any electronic storage of such communication, and the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

b. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but does not include any electronic communication;

c. "Intercept" means the aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical, or other device;

d. "Electronic, mechanical or other device" means any device or apparatus, including an induction coil, that can be used to intercept a wire, electronic or oral communication other than:

(1) Any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

e. "Person" means that term as defined in R.S.1:1-2 and includes any officer or employee of the State or of a political subdivision thereof;

f. "Investigative or law enforcement officer" means any officer of the State of New Jersey or of a political subdivision thereof who is empowered by law to conduct investigations of, or to make arrests for, any offense enumerated in section 8 of P.L.1968, c.409 (C.2A:156A-8) and any attorney authorized by law to prosecute or participate in the prosecution of any such offense;

g. "Contents," when used with respect to any wire, electronic or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication, except that for purposes of sections 22, 23, 24 and 26 of P.L.1993, c.29 (C.2A:156A-28, C.2A:156A-29, C.2A:156A-30, and C.2A:156A-32) contents, when used with respect to any wire, electronic, or oral communication means any information concerning the substance, purport or meaning of that communication;

h "Court of competent jurisdiction" means the Superior Court;

i. "Judge," when referring to a judge authorized to receive applications for, and to enter, orders authorizing interceptions of wire, electronic or oral communications, means one of the several judges of the Superior Court to be designated from time to time by the Chief Justice of the Supreme Court to receive applications for, and to enter, orders authorizing interceptions of wire, electronic or oral communications pursuant to this act;

j. "Communication common carrier" means any person engaged as a common carrier for hire, in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy; but a person engaged in radio broadcasting shall not, while so engaged, be deemed a common carrier;

k. "Aggrieved person" means a person who was a party to any intercepted wire, electronic or oral communication or a person against whom the interception was directed;

l. "In-progress trace" means the determination of the origin of a telephonic communication to a known telephone during the communication;

m. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system that affects interstate, intrastate or foreign commerce, but does not include:

(1) Any wire or oral communication;

(2) Any communication made through a tone-only paging device; or

(3) Any communication from a tracking device;

n. "User" means any person or entity who:

(1) Uses an electronic communication service; and

(2) Is duly authorized by the provider of such service to engage in such use;

o. "Electronic communication system" means any wire, radio, electromagnetic, photo-optical or photoelectronic facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications;

p. "Electronic communication service" means any service which provides to the users thereof the ability to send or receive wire or electronic communications;

q. "Electronic storage" means:

(1) Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

(2) Any storage of such communication by an electronic communication service for purpose of backup protection of the communication;

r. "Readily accessible to the general public" means, with respect to a radio communication, that such communication is not:

(1) Scrambled or encrypted;

(2) Transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication;

(3) Carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) Transmitted over a communication system provided by a common carrier, unless the communication is a tone-only paging system communication; or

(5) Transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications

Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio;

s. "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communication system;

t. "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception;

u. "Tracking device" means an electronic or mechanical device which permits the tracking of the movement of a person or device;

v. "Point of interception" means the site at which the investigative or law enforcement officer is located at the time the interception is made.

3. Section 4 of P.L.1968, c.409 (C.2A:156A-4) is amended to read as follows:

C.2A:156A-4 Lawful interception activities; exceptions.

4. It shall not be unlawful under this act for:

a. An operator of a switchboard, or an officer, agent or employee of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service. No provider of wire or electronic communication service shall utilize service observing or random monitoring except for mechanical or service quality control checks;

b. Any investigative or law enforcement officer to intercept a wire, electronic or oral communication, where such officer is a party to the communication or where another officer who is a party to the communication requests or requires him to make such interception;

c. Any person acting at the direction of an investigative or law enforcement officer to intercept a wire, electronic or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made without the prior approval of the Attorney General or his designee or a county prosecutor or his designee;

d. A person not acting under color of law to intercept a wire, electronic or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such

interception unless such communication is intercepted or used for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State or for the purpose of committing any other injurious act. The fact that such person is the subscriber to a particular telephone does not constitute consent effective to authorize interception of communications among parties not including such person on that telephone. Any person who unlawfully intercepts or uses such communication as provided in this paragraph shall be subject to the civil liability established in section 24 of P.L.1968, c.409 (C.2A:156A-24), in addition to any other criminal or civil liability imposed by law;

e. Any person to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public;

f. Any person to intercept any radio communication which is transmitted:

(1) by any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(2) by any governmental, law enforcement, civil defense, private land mobile, or public safety communication system, including police and fire, readily accessible to the general public;

(3) by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

(4) by any marine or aeronautical communications system;

g. Any person to engage in any conduct which:

(1) is prohibited by section 633 of the Communications Act of 1934; or

(2) is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;

h. Any person to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted; or

i. A provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.

4. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to read as follows:

C.2A:156A-8 Authorization for application for order to intercept communications.

8. The Attorney General, county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire, or electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, a violation of paragraph (1) or (2) of subsection b. of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by imprisonment for more than one year, a violation of P.L.1994, c.121 (C.2C:21-23 et seq.), terroristic threats, violations of N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116), arson, burglary, theft and related offenses punishable by imprisonment for more than one year, endangering the welfare of a child pursuant to N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable by imprisonment for more than one year, alteration of motor vehicle identification numbers, unlawful manufacture, purchase, use, or transfer of firearms, unlawful possession or use of destructive devices or explosives, racketeering or a violation of subsection g. of N.J.S.2C:5-2, leader of organized crime, organized criminal activity directed toward the unlawful transportation, storage, disposal, discharge, release, abandonment or disposition of any harmful, hazardous, toxic, destructive, or polluting substance, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

5. Section 12 of P.L.1968, c.409 (C.2A:156A-12) is amended to read as follows:

C.2A:156A-12 Order; contents; limitations; extensions; renewals; progress reports; assistance of providers; point of execution.

12. Each order authorizing the interception of any wire, electronic or oral communication shall state:

a. The judge is authorized to issue the order;

b. The identity of, or a particular description of, the person, if known, whose communications are to be intercepted;

c. The character and location of the particular communication facilities as to which, or the particular place of the communication as to which, authority to intercept is granted, or, in the case of an application meeting the requirements of subsection g. of section 9 of P.L.1968, c.409 (C.2A:156A-9) that specification is not practical or that the purpose to thwart interception by changing facilities has been shown;

d. A particular description of the type of the communication to be intercepted and a statement of the particular offense to which it relates;

e. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept a wire, electronic or oral communication is given and the identity of whoever authorized the application; and

f. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

No order entered under this section shall authorize the interception of any wire, electronic or oral communication for a period of time in excess of that necessary under the circumstances. Every order entered under this section shall require that such interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of such communications not otherwise subject to interception under this act by making reasonable efforts, whenever possible, to reduce the hours of interception authorized by said order. In the event the intercepted communication is in a language other than English, or is in a code, and an interpreter or expert in that language or code is not reasonably available during the interception period or a portion of the interception period, minimization shall be accomplished as soon as practicable after the interception. Except as provided below in subsection g. of this section, no order entered under this section shall authorize the interception of wire, electronic or oral communications for any period exceeding 20 days. Extensions or renewals of such an order may be granted for two additional periods of not more than 10 days. No extension or renewal shall be granted unless an application for it is made in accordance with this section, and the court makes the findings required by sections 10 and 11 of P.L.1968, c.409 (C.2A:156A-10 and 2A:156A-11) and by this section.

g. Orders entered under this section to provide evidence of racketeering in violation of N.J.S.2C:41-2, leader of organized crime in violation of subsection g. of N.J.S.2C:5-2, or leader of narcotics trafficking network in violation of N.J.S.2C:35-3, may authorize the interception of wire, electronic or oral communications for a period not to exceed 30 days and extensions or renewals of any order may be granted for additional periods of not more than 30 days, without limitation on the number of extension or

renewal orders; provided, however, that orders authorized pursuant to this subsection shall not exceed six months.

h. Whenever an order authorizing an interception is entered, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require.

An order authorizing the interception of a wire, electronic or oral communication shall, upon request of the applicant, direct that a provider of electronic communication service shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such provider is affording the person whose communications are to be intercepted.

The obligation of a provider of electronic communication service under such an order shall include but is not limited to conducting an in-progress trace during an interception and shall also include the provision of technical assistance and equipment and utilization of any technological features which are available to the provider of electronic communication service. The obligation of the provider of electronic communication service to conduct an in-progress trace and provide other technical assistance may arise pursuant to court order based upon probable cause, under circumstances not involving an interception pursuant to this act. Any provider of electronic communication service furnishing such facilities or assistance shall be compensated therefor by the applicant at the prevailing rates. Said provider shall be immune from civil liability for any assistance rendered to the applicant pursuant to this section.

An order authorizing the interception of a wire, electronic or oral communication may be executed at any point of interception within the jurisdiction of an investigative or law enforcement officer executing the order.

6. Section 23 of P.L.1993, c.29 (C.2A:156A-29) is amended to read as follows:

C.2A:156A-29 Requirements for access.

23. Requirements for access.

a. A law enforcement agency, but no other governmental entity, may require the disclosure by a provider of electronic communication service or remote computing service of the contents of an electronic communication without notice to the subscriber or the customer if the law enforcement agency obtains a warrant.

b. Except as provided in subsection c. of this section, a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber or customer of the service to any person other than a governmental entity. This subsection shall not apply to the contents covered by subsection a. of this section.

c. A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber or customer of the service, other than contents covered by subsections a. and f. of this section, to a law enforcement agency under the following circumstances:

(1) the law enforcement agency has obtained a warrant;

(2) the law enforcement agency has obtained the consent of the subscriber or customer to the disclosure; or

(3) the law enforcement agency has obtained a court order for such disclosure under subsection e. of this section.

A law enforcement agency receiving records or information pursuant to this subsection is not required to provide notice to the customer or subscriber.

d. Notwithstanding any other provision of law to the contrary, no service provider, its officers, employees, agents or other specified persons shall be liable in any civil action for damages as a result of providing information, facilities or assistance in accordance with the terms of a court order or warrant under this section.

e. A court order for disclosure under subsection b. or c. may be issued by a judge of competent jurisdiction and shall issue only if the law enforcement agency offers specific and articulable facts showing that there are reasonable grounds to believe that the record or other information pertaining to a subscriber or customer of an electronic communication service or remote computing service is relevant and material to an ongoing criminal investigation. A judge who has issued an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

f. A provider of electronic communication service or remote computing service shall disclose to a law enforcement agency the name, address, telephone number or other subscriber number or identity, and length of service provided to a subscriber or customer of such service and the types of services the subscriber or customer utilized, when the law enforcement entity obtains a grand jury or trial subpoena.

g. Upon the request of a law enforcement agency, a provider of wire or electronic communication service or a remote computing service shall take all necessary steps to preserve, for a period of 90 days, records and

other evidence in its possession pending the issuance of a warrant. The preservation period shall be extended for an additional 90 days upon the request of the law enforcement agency.

7. This act shall take effect immediately.

Approved June 30, 1999.

CHAPTER 152

AN ACT concerning open space, farmland, and historic preservation, establishing the Garden State Preservation Trust, supplementing Title 13 of the Revised Statutes, and amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.13:8C-1 Short title.

1. Sections 1 through 42 of this act shall be known, and may be cited, as the "Garden State Preservation Trust Act."

C.13:8C-2 Findings, declarations relative to open space, farmland, and historic preservation.

2. The Legislature finds and declares that enhancing the quality of life of the citizens of New Jersey is a paramount policy of the State; that the acquisition and preservation of open space, farmland, and historic properties in New Jersey protects and enhances the character and beauty of the State and provides its citizens with greater opportunities for recreation, relaxation, and education; that the lands and resources now dedicated to these purposes will not be adequate to meet the needs of an expanding population in years to come; that the open space and farmland that is available and appropriate for these purposes will gradually disappear as the costs of preserving them correspondingly increase; and that it is necessary and desirable to provide funding for the development of parks and other open space for recreation and conservation purposes.

The Legislature further finds and declares that agriculture plays an integral role in the prosperity and well-being of the State as well as providing a fresh and abundant supply of food for its citizens; that much of the farmland in the State faces an imminent threat of permanent conversion to non-farm uses; and that the retention and development of an economically viable agricultural industry is of high public priority.

The Legislature further finds and declares that there is an urgent need to preserve the State's historic heritage to enable present and future generations to experience, understand, and enjoy the landmarks of New Jersey's role in the birth and development of this nation; that the restoration and preservation of properties of historic character and importance in the State is central to meeting this need; and that a significant number of these historic properties are located in urban centers, where their restoration and preservation will advance urban revitalization efforts of the State and local governments.

The Legislature further finds and declares that there is growing public recognition that the quality of life, economic prosperity, and environmental quality in New Jersey are served by the protection and timely preservation of open space and farmland and better management of the lands, resources, historic properties, and recreational facilities that are already under public ownership or protection; that the preservation of the existing diversity of animal and plant species is essential to sustaining both the environment and the economy of the Garden State, and the conservation of adequate habitat for endangered, threatened, and other rare species is necessary to preserve this biodiversity; that there is a need to establish a program to serve as the successor to the programs established by the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, nine previous similar bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987, 1989, and 1992, and various implementing laws; and that any such successor program should support implementation of Statewide policies, goals, and strategies concerned with and emphasizing the importance of preserving open space, sensitive environmental areas, critical wildlife habitat, farmland, and historic resources.

The Legislature further finds and declares that the citizens of the State have indicated their very strong support for open space, farmland, and historic preservation efforts not only in the past approval of State Green Acres bond acts and numerous county and municipal dedicated funding sources for those purposes, but most recently in 1998 with the approval of an amendment to the New Jersey Constitution that provides for a stable and dedicated source of funding for those purposes for the next decade and beyond.

The Legislature therefore determines that it is in the public interest to preserve as much open space and farmland, and as many historic properties, as possible within the means provided by the 1998 constitutional amendment; that, in recognition of the recommendations of the Governor's Council on New Jersey Outdoors, it is a worthy goal to preserve one million more acres of open space and farmland in the Garden State in the next decade to protect the quality of life for New Jersey residents; and that, to

accomplish that goal, it is also in the public interest to create the Garden State Preservation Trust and to enable it to raise revenue for those purposes, and to delegate to it such other duties and responsibilities as shall be necessary to further the purposes of the constitutional amendment and to advance the policies and achieve the goals set forth in this preamble.

C.13:8C-3 Definitions relative to open space, farmland, and historic preservation.

3. As used in sections 1 through 42 of this act:

"Acquisition" or "acquire" means the obtaining of a fee simple or lesser interest in land, including but not limited to a development easement, a conservation restriction or easement, or any other restriction or easement permanently restricting development, by purchase, installment purchase agreement, gift, donation, eminent domain by the State or a local government unit, or devise; except that any acquisition of lands by the State for recreation and conservation purposes by eminent domain shall be only as authorized pursuant to section 28 of this act;

"Bonds" means bonds issued by the trust pursuant to this act;

"Commissioner" means the Commissioner of Environmental Protection;

"Committee" means the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4);

"Constitutionally dedicated moneys" means any moneys made available pursuant to Article VIII, Section II, paragraph 7 of the State Constitution or through the issuance of bonds, notes or other obligations by the trust, as prescribed by Article VIII, Section II, paragraph 7 of the State Constitution and this act, or any moneys from other sources deposited in the trust funds established pursuant to sections 19, 20, and 21 of this act, and appropriated by law, for any of the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution or this act;

"Convey" or "conveyance" means to sell, donate, exchange, transfer, or lease for a term of 25 years or more;

"Cost" means the expenses incurred in connection with: all things deemed necessary or useful and convenient for the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee simple titles to farmland, or the preservation of historic properties, as the case may be; the execution of any agreements or franchises deemed by the Department of Environmental Protection, State Agriculture Development Committee, or New Jersey Historic Trust, as the case may be, to be necessary or useful and convenient in connection with any project funded in whole or in part using constitutionally dedicated moneys; the procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other

professional advice, estimates, reports, services, or studies; the purchase of title insurance; the undertaking of feasibility studies; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys that may have been transferred or advanced therefrom to any fund established by this act, or any moneys that may have been expended therefrom for, or in connection with, this act;

"Department" means the Department of Environmental Protection;

"Development" or "develop" means, except as used in the definitions of "acquisition" and "development easement" in this section, any improvement made to a land or water area designed to expand and enhance its utilization for recreation and conservation purposes, and shall include the construction, renovation, or repair of any such improvement, but shall not mean shore protection or beach nourishment or replenishment activities;

"Development easement" means an interest in land, less than fee simple title thereto, which interest represents the right to develop that land for all nonagricultural purposes and which interest may be transferred under laws authorizing the transfer of development potential;

"Farmland" means land identified as having prime or unique soils as classified by the Natural Resources Conservation Service in the United States Department of Agriculture, having soils of Statewide importance according to criteria adopted by the State Soil Conservation Committee, established pursuant to R.S.4:24-3, or having soils of local importance as identified by local soil conservation districts, and which land qualifies for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), and any other land on the farm that is necessary to accommodate farm practices as determined by the State Agriculture Development Committee;

"Farmland preservation," "farmland preservation purposes" or "preservation of farmland" means the permanent preservation of farmland to support agricultural or horticultural production as the first priority use of that land;

"Garden State Farmland Preservation Trust Fund" means the Garden State Farmland Preservation Trust Fund established pursuant to section 20 of this act;

"Garden State Green Acres Preservation Trust Fund" means the Garden State Green Acres Preservation Trust Fund established pursuant to section 19 of this act;

"Garden State Historic Preservation Trust Fund" means the Garden State Historic Preservation Trust Fund established pursuant to section 21 of this act;

"Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State general obligation bond act that may be approved after the date of enactment of this act for the purpose of providing funding for the acquisition or development of lands for recreation and conservation purposes;

"Historic preservation," "historic preservation purposes," or "preservation of historic properties" means any work relating to the conservation, improvement, interpretation, preservation, protection, rehabilitation, renovation, repair, restoration, or stabilization of any historic property, and shall include any work related to providing access thereto for disabled or handicapped persons;

"Historic property" means any area, building, facility, object, property, site, or structure approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.);

"Indoor recreation" means active recreation that otherwise is or may be pursued outdoors but, for reasons of extending the season or avoiding inclement weather, is or may be pursued indoors within a fully or partially enclosed building or other structure, and includes basketball, ice skating, racquet sports, roller skating, swimming, and similar recreational activities and sports as determined by the Department of Environmental Protection;

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges and all other rights or interests of any kind or description in, relating to, or connected with real property;

"Local government unit" means a county, municipality, or other political subdivision of the State, or any agency, authority, or other entity thereof; except, with respect to the acquisition and development of lands for recreation and conservation purposes, "local government unit" means a county, municipality, or other political subdivision of the State, or any agency, authority, or other entity thereof the primary purpose of which is to administer, protect, acquire, develop, or maintain lands for recreation and conservation purposes;

"New Jersey Historic Trust" means the entity established pursuant to section 4 of P.L.1967, c.124 (C.13:1B-15.111);

"Notes" means the notes issued by the trust pursuant to this act;

"Pinelands area" means the pinelands area as defined pursuant to section 3 of P.L.1979, c.111 (C.13:18A-3);

"Pinelands regional growth area" means a regional growth area established pursuant to the pinelands comprehensive management plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

"Project" means all things deemed necessary or useful and convenient in connection with the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee simple titles to farmland, or the preservation of historic properties, as the case may be;

"Qualifying open space referendum county" means any county that has: (1) approved and implemented, and is collecting and expending the revenue from, an annual levy authorized pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate equivalent to at least one half of one cent per $100 of assessed value of real property, or for an amount or at a rate established by the county and in effect as of April 1, 1999, whichever is greater; or (2) adopted an alternative means of funding for the same or similar purposes as an annual levy, which the Department of Environmental Protection, in consultation with the committee and the New Jersey Historic Trust, approves to be stable and reasonably equivalent in effect to an annual levy;

"Qualifying open space referendum municipality" means any municipality that has: (1) approved and implemented, and is collecting and expending the revenue from, an annual levy authorized pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate equivalent to at least one half of one cent per $100 of assessed value of real property, or for an amount or at a rate established by the municipality and in effect as of April 1, 1999, whichever is greater; or (2) adopted an alternative means of funding for the same or similar purposes as an annual levy, which the Department of Environmental Protection, in consultation with the committee and the New Jersey Historic Trust, approves to be stable and reasonably equivalent in effect to an annual levy;

"Qualifying tax exempt nonprofit organization" means a nonprofit organization that is exempt from federal taxation pursuant to section 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to section 27, 39, or 41 of this act;

"Recreation and conservation purposes" means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both; and

"Trust" means the Garden State Preservation Trust established pursuant to section 4 of this act.

C.13:8C-4 "Garden State Preservation Trust."

4. a. There is hereby established in but not of the Department of the Treasury a public body corporate and politic, with corporate succession, to be known as the "Garden State Preservation Trust." For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the trust is hereby allocated within the Department of the Treasury, but notwithstanding that allocation, the trust shall be independent of any supervision or control by that department or by any board or officer thereof. The trust is hereby constituted as an instrumentality of the State, exercising public and essential governmental functions, no part of whose revenues shall accrue to the benefit of any individual, and the exercise by the trust of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The trust shall consist of nine voting members as follows: the Commissioner of Environmental Protection, the Secretary of Agriculture, the Secretary of State, and the State Treasurer, who shall be members ex officio; and five public members, one of whom shall be appointed by the Governor, two of whom shall be appointed by the President of the Senate and of those two so appointed no more than one shall be from the same political party, and two of whom shall be appointed by the Speaker of the General Assembly and of those two so appointed no more than one shall be from the same political party. The public member appointed by the Governor shall serve a term of five years. Each public member appointed by the President of the Senate shall serve a term of five years, except of those first appointed, one shall serve a term of three years and the other a term of two years. Each public member appointed by the Speaker of the General Assembly shall serve a term of five years, except of those first appointed, one shall serve a term of three years and the other a term of two years.

No person holding elective public office shall be eligible to be a member of the trust.

c. Each public member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A public member shall be eligible for reappointment. Any vacancy in a public membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

d. Any public member may be removed from office by the appointing authority, for cause, after a public hearing, and may be suspended by the appointing authority pending the completion of the hearing. All members before entering upon their duties shall take and subscribe an oath to perform the duties of their office faithfully, impartially and justly to the best of their

ability. A record of each oath shall be filed in the Office of the Secretary of State.

e. The first chairperson of the trust shall be the public member first appointed by the Governor. At the first meeting of the trust held in each subsequent year, the members shall elect one of the public members to serve as chairperson of the trust in a manner that ensures that the chair rotates annually among at least one of the appointees of the President of the Senate, at least one of the appointees of the Speaker of the General Assembly, and the appointee of the Governor.

f. The trust shall not be deemed to be constituted and shall not take action or adopt motions or resolutions until all five authorized public members shall have been appointed and qualified in the manner provided in this section. The members shall annually elect one of the public members as vice chairperson. The members shall elect a secretary and a treasurer, who need not be members, and the same person may be elected to serve as both secretary and treasurer. The powers of the trust shall be vested in the members thereof in office from time to time and five members of the trust shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the trust at any meeting thereof by the affirmative vote of a majority of the full membership of the trust. No vacancy in the membership of the trust shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the trust. The trust shall in all respects comply with the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

g. Each public member of the trust shall receive compensation in the amount of $150 per day for each day that the public member attends a meeting of the trust, unless otherwise prohibited by law. Ex officio members of the trust shall serve without compensation. All members shall be reimbursed for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no member shall be deemed to have forfeited nor shall the member forfeit the member's office or employment or any benefits or emoluments thereof by reason of the member's acceptance of the office of ex officio member of the trust or the member's services therein.

h. Each ex officio member may designate an employee of the member's department or agency to represent the member at meetings of the trust. All designees may lawfully vote and otherwise act on behalf of the member for whom they constitute the designee. The designation shall be in writing delivered to the trust and shall continue in effect until revoked or amended in writing delivered to the trust.

i. A true copy of the minutes of every meeting of the trust shall be delivered forthwith by and under the certification of the secretary thereof to

the Governor. No action taken at the meeting by the trust shall have force or effect until 15 days after the copy of the minutes shall have been so delivered, unless during this 15-day period the Governor shall approve in writing the minutes or any part thereof, in which case the action shall become effective upon approval. If, within that 15-day period, the Governor returns a copy of the minutes with the Governor's veto of any action taken by the trust or any member thereof at the meeting, the action shall be null and void and of no effect. Notwithstanding the foregoing, if the last day of the 15-day period shall be a Saturday, Sunday or legal holiday, then the 15-day period shall be deemed extended to the next following business day. The powers conferred in this subsection upon the Governor shall be exercised with due regard for the rights of the holders of bonds, notes or other obligations of the trust at any time outstanding, and nothing in, or done pursuant to, this subsection shall in any way limit, restrict or alter the obligation or powers of the trust or any representative or officer of the trust to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the trust with respect to its bonds, notes or other obligations or for the benefit, protection or security of the holders thereof.

j. The trust shall continue in existence until dissolved by act of the Legislature. However, any dissolution of this trust shall be on condition that the trust has no debts, contractual duties or obligations outstanding, or that provision has been made for the payment, discharge or retirement of these debts, contractual duties or obligations. Upon any dissolution of the trust, all property, rights, funds and assets thereof shall pass to and become vested in the State.

C.13:8C-5 Purpose of trust.

5. It shall be the sole purpose of the trust established pursuant to this act to:

a. Provide funding to the Department of Environmental Protection, the State Agriculture Development Committee, and the New Jersey Historic Trust for all or a portion of the cost of projects undertaken by those entities or by grant or loan recipients in accordance with the purposes and procedures established by Article VIII, Section II, paragraph 7 of the State Constitution and this act; and

b. Perform such other duties and responsibilities as authorized pursuant to this act or any other law.

C.13:8C-6 Powers of trust.

6. In addition to all other powers granted to the trust in this act, the trust shall have power:

a. To sue and be sued;

b. To have an official seal and alter it at the trust's pleasure;

c. To make and alter bylaws for its organization and internal management and rules and regulations for the conduct of its affairs and business;

d. To maintain an office at a place or places within the State as it may determine, and acquire, own, lease as lessee or lessor, hold, use, sell, transfer, or dispose of real or personal property for that purpose;

e. To acquire, hold, use and dispose of its income, revenues, funds and moneys;

f. To borrow money and to issue its bonds, notes or other obligations and to secure them by its revenues or other funds and otherwise to provide for and secure the payment thereof and to provide for the rights of the holders thereof and to provide for the refunding thereof, all as provided in this act;

g. To issue subordinated indebtedness and to enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, insurance contract, surety bond, commitment to purchase or sell bonds, notes or other obligations, purchase or sale agreement, or commitments or other contracts or agreements, and other security agreements as approved by the trust in connection with the issuance of bonds, notes or other obligations;

h. Subject to any agreement with the holders of bonds, notes or other obligations, to invest moneys of the trust not required for immediate use, including proceeds from the sale of any bonds, notes or other obligations, in obligations, securities and other investments as the trust shall deem prudent;

i. Subject to any agreements with holders of bonds, notes or other obligations, to purchase bonds, notes or other obligations of the trust out of any funds or moneys of the trust available therefor, and to hold, cancel or resell the bonds, notes or other obligations;

j. For its sole purpose as established in section 5 of this act, to appoint and employ an executive director and such additional officers, who need not be members of the trust, and such other personnel and staff as it may require, at an annual expense not to exceed $150,000, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes;

k. To do and perform any acts and things authorized by this act under, through, or by means of its officers, agents or employees or by contract with any person, firm or corporation or any public body;

l. To procure insurance against any losses in connection with its property, operations, assets or obligations in amounts and from insurers as it deems desirable;

m. To adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as it deems

necessary to effectuate the purposes of Article VIII, Section II, paragraph 7 of the State Constitution and this act;

n. To make and enter into any and all contracts and agreements which the trust determines are necessary, incidental, convenient or desirable to the performance of its duties and the execution of its powers under this act;

o. To accept and use any funds appropriated and paid by the State to the trust, including, without limitation, appropriations and payments from the Garden State Preservation Trust Fund Account established pursuant to section 17 of this act, for the purposes for which the appropriations and payments are made;

p. To apply for, and receive and accept, appropriations or grants of property, money, services, or reimbursements for money previously spent and other assistance offered or made available to it by or from any person, government agency, public authority, or any public or private entity whatever for any lawful corporate purpose of the trust, including, without limitation, grants, appropriations, or reimbursements from the federal government, and to apply and negotiate for these upon such terms and conditions as may be required by any person, government agency, authority, or entity as the trust may determine to be necessary, convenient, or desirable, provided that all such moneys, grants, appropriations, and reimbursements so received and accepted shall be subject to appropriation by law pursuant to the procedures established by this act; and

q. To do any and all things necessary, incidental, convenient or desirable to carry out its purposes and exercise the powers given and granted in this act.

C.13:8C-7 Powers of trust to issue bonds, notes, other obligations.

7. a. The trust shall have the power and is hereby authorized to issue its bonds, notes or other obligations in principal amounts as determined by the trust to be necessary to provide for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest on, or redemption premiums, if any, on bonds, notes or other obligations issued by it, whether the bonds, notes, obligations or interest to be funded or refunded have or have not become due; and to provide for the security thereof and for the establishment or increase of reserves to secure or to pay the bonds, notes or other obligations or interest thereon and all other reserves and all costs or expenses of the trust incident to and necessary or convenient to carry out its corporate purposes and powers; and in addition to its bonds, notes and other obligations, the trust shall have the power to issue subordinated indebtedness, which shall be subordinate in lien to the lien of any or all of its bonds, notes or other obligations as the trust may determine. No resolution or other action of the trust providing for the issuance of bonds, refunding bonds,

notes or other obligations shall be adopted or otherwise made effective by the trust without the prior approval in writing of the Governor and the State Treasurer.

b. Except as may be otherwise expressly provided in this act or by the trust, every issue of bonds, notes or other obligations shall be general obligations payable out of any revenues or funds of the trust, subject only to any agreements with the holders of particular bonds, notes or other obligations pledging any particular revenues or funds. The trust may provide the security and payment provisions for its bonds, notes or other obligations as it may determine, including, without limiting the generality of the foregoing, bonds, notes or other obligations as to which the principal and interest are payable from and secured by all or any portion of the revenues of and payments to the trust, and other moneys or funds as the trust shall determine. The trust may also enter into bank loan agreements, lines of credit and other security agreements as authorized pursuant to subsection g. of section 6 of this act and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the trust is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the trust or by any appropriation, grant or reimbursement to be received by the trust and other moneys or funds as the trust shall determine.

c. Whether or not the bonds and notes are of the form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, of the New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of Title 12A.

d. Bonds or notes of the trust shall be authorized by a resolution or resolutions of the trust and may be issued in one or more series and shall bear the date, or dates, mature at the time or times, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources, in the medium of payment, at the place or places within or outside of the State, and be subject to the terms of redemption, with or without premium, as the resolution or resolutions may provide. Bonds or notes may be further secured by a trust indenture between the trust and a corporate trustee within or outside of the State. All other obligations of the trust shall be authorized by resolution containing terms and conditions as the trust shall determine.

e. Bonds, notes or other obligations of the trust may be sold at public or private sale at a price or prices and in a manner as the trust shall determine, either on a negotiated or on a competitive basis.

f. Bonds or notes may be issued and other obligations incurred under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by subsection a. of this section, and without any other proceedings or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by this act.

g. Bonds, notes and other obligations of the trust issued or incurred under the provisions of this act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the trust and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all bonds, notes and obligations, unless funded or refunded by bonds, notes or other obligations of the trust, shall be payable solely from revenues or funds pledged or available for their payment as authorized in this act. Each bond, note or other obligation shall contain on its face a statement to the effect that the trust is obligated to pay the principal thereof, redemption premium, if any, or the interest thereon only from revenues or funds of the trust and that neither the State nor any political subdivision thereof is obligated to pay the principal thereof, redemption premium, if any, or interest thereon and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of, redemption premium, if any, or the interest on the bonds, notes or other obligations. For the purposes of this subsection, political subdivision does not include the trust.

h. All expenses incurred in carrying out the provisions of this act shall be payable solely from the revenues or funds provided or to be provided under or pursuant to the provisions of this act and nothing in this act shall be construed to authorize the trust to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

i. Prior to July 1, 2009, the aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness, of the trust shall not exceed $1,000,000,000; except that this limitation shall not include any bonds, notes or other obligations, including subordinated indebtedness, of the trust issued for refunding purposes in accordance with the provisions of this section, and any bonds, notes or other obligations of the trust issued to fund the costs of issuance of its bonds, notes or other obligations. After June 30, 2009, the trust may issue only refunding bonds in any amount subject to subsections j. through n. of this section.

The trust shall not issue bonds, notes or other obligations in any State fiscal year in excess of $200,000,000, except that if that permitted amount of bonds, notes or other obligations, or any portion thereof, is not issued in a State fiscal year it may be issued in a subsequent State fiscal year. Any increase in this limitation shall only occur if so provided for by law.

The limitations specified in this subsection shall apply only to bonds, notes or other obligations of the trust that are payable from, or secured by, amounts on deposit in the Garden State Preservation Trust Fund Account established pursuant to section 17 of this act.

j. Upon the decision by the trust to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the trust shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the trust relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the trust to issue and sell the refunding bonds at public or private sale and the reasons therefor.

k. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with subsection j. of this section. The Joint Budget Oversight Committee, or its successor, shall approve or disapprove the sale of refunding bonds within 10 business days after physical receipt of the report. The Joint Budget Oversight Committee, or its successor, shall notify the trust in writing of the approval or disapproval as expeditiously as possible.

l. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection k. of this section.

m. Within 30 days after the sale of the refunding bonds, the trust shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, and the actual amount of debt service savings to be realized as a result of the sale of refunding bonds.

n. The Joint Budget Oversight Committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the trust or to the Legislature, or both, as it deems appropriate.

C.13:8C-8 Powers of trust to secure payment of bonds, notes, other obligations.

8. In any resolution of the trust authorizing or relating to the issuance of any bonds, notes or other obligations or in any indenture securing the

bonds, notes or other obligations, the trust, in order to secure the payment of the bonds, notes or other obligations and in addition to its other powers, shall have the power by provisions therein, which shall constitute covenants by the trust and contracts with the holders of the bonds, notes or other obligations, to:

a. Pledge all or any part of its revenues or receipts to which its right then exists or may thereafter come into existence and other moneys or funds as the trust shall determine and the moneys derived therefrom, and the proceeds of any bonds, notes or other obligations;

b. Pledge any agreement, including a grant, agreement or contract with the federal government, the revenues or payments thereunder and the proceeds thereof;

c. Covenant against pledging all or any part of its revenues or receipts or its agreements and the revenues derived thereunder or the proceeds thereof and other moneys or funds as the trust shall determine and the moneys derived therefrom or against permitting or suffering any lien on any of the foregoing;

d. Covenant with respect to limitations on any right to sell, lease or otherwise dispose of any property of any kind;

e. Covenant as to any bonds, notes and other obligations to be issued and the limitations thereof and the terms and conditions thereof and as to the custody, application, investment, and disposition of the proceeds thereof;

f. Covenant as to the issuance of additional bonds, notes or other obligations or as to limitations on the issuance of additional bonds, notes or other obligations and on the incurring of other debts by it;

g. Covenant as to the payment of the principal of or interest on the bonds, notes or other obligations, as to the sources and methods of payment, as to the rank or priority of any bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any bonds, notes or obligations;

h. Provide for the replacement of lost, stolen, destroyed or mutilated bonds, notes or other obligations;

i. Covenant against extending the time for the payment of bonds, notes or other obligations or interest thereon;

j. Covenant as to the redemption of bonds, notes or other obligations and privileges of exchange thereof for other bonds, notes or other obligations of the trust;

k. Covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for payment or redemption of bonds, notes or other obligations, reserves or other purposes and as to the use, investment, and disposition of the moneys held in the funds;

l. Establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds, notes or other obligations may be amended or abrogated, the amount of bonds, notes or other obligations the holders of which must consent thereto, and the manner in which the consent may be given;

m. Provide for the release of property, agreements, or revenues and receipts from any pledge and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge;

n. Provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all of the bonds, notes or other obligations of the trust shall become or may be declared due and payable before maturity and the terms and conditions upon which any declaration and its consequences may be waived;

o. Vest in a trustee or trustees within or outside of the State such property, rights, powers and duties in trust as the trust may determine, and to limit the rights, duties and powers of that trustee or trustees;

p. Execute all bills of sale, conveyances, deeds of trust and other instruments necessary or convenient in the exercise of its powers or in the performance of its covenants or duties;

q. Pay the costs or expenses incident to the enforcement of the bonds, notes or other obligations or of the provisions of the resolution or of any covenant or agreement of the trust with the holders of its bonds, notes or other obligations;

r. Limit the rights of the holders of any bonds, notes or other obligations to enforce any pledge or covenant securing the bonds, notes or other obligations; and

s. Make covenants, in addition to the covenants herein expressly authorized, of like or different character, and to make covenants to do or refrain from doing acts and things as may be necessary, or convenient and desirable, in order to better secure bonds, notes or other obligations or which in the absolute discretion of the trust will tend to make bonds, notes or other obligations more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein.

C.13:8C-9 Pledges made by the trust.

9. Any pledge of revenues, moneys, funds or other property made by the trust shall be valid and binding from the time when the pledge is made; the revenues, moneys, funds or other property so pledged and thereafter received by the trust shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any

kind in tort, contract or otherwise against the trust, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge of revenues, moneys or funds is created need be filed or recorded, except in the records of the trust.

C.13:8C-10 Immunity from personal liability.

10. Neither the members of the trust nor any person executing bonds, notes or other obligations issued pursuant to this act shall be liable personally on the bonds, notes or other obligations by reason of the issuance thereof.

C.13:8C-11 Establishment of reserves, funds, accounts.

11. The trust may establish reserves, funds or accounts as may be, in its discretion, necessary or desirable to further the accomplishment of the purposes of the trust or to comply with the provisions of any agreement made by or any resolution of the trust.

C.13:8C-12 Pledge, covenant of State.

12. The State does hereby pledge to and covenant and agree with the holders of any bonds, notes or other obligations issued or incurred pursuant to the authorization of this act that the State will not limit or alter the rights or powers hereby vested in the trust in any way that would jeopardize the interest of the holders of the bonds, notes or other obligations or inhibit or prevent performance or fulfillment by the trust of the terms of any agreement made with the holders of the bonds, notes or other obligations, or prevent the trust from obtaining sufficient revenues which, together with other available funds, shall be sufficient to meet all expenses of the trust and fulfill the terms of any agreement made with the holders of the bonds, notes or other obligations, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, as provided in any agreement provided for in this act, until the bonds, notes or other obligations, together with interest thereon, are fully met and discharged or provided for. The failure of the State to appropriate moneys for any purpose of this act shall not be deemed or construed to be a violation of this section.

C.13:8C-13 Investment of moneys, funds in the trust.

13. The State and all public officers, governmental units and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to

them or within their control in any bonds, notes or other obligations issued pursuant to this act, and the bonds, notes or other obligations shall be authorized security for any and all public deposits.

C.13:8C-14 Property of trust declared public.

14. All property of the trust is declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any political subdivision thereof. All bonds, notes or other obligations issued pursuant to this act are hereby declared to be issued by a body corporate and politic of the State and for an essential public and governmental purpose and the bonds, notes and other obligations, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the trust and pledged or available to pay or secure the payment of the bonds, notes and other obligations, or interest thereon, shall at all times be exempt from taxation, except for transfer inheritance and estate taxes.

C.13:8C-15 Annual fiscal report to Governor, Legislature; audits.

15. On or before the first day of September in each year, commencing with the calendar year after the date of enactment of this act, the trust shall make an annual report of its activities for the preceding State fiscal year to the Governor and to the Legislature, in addition to responding to other requests made by the Legislature from time to time. The report shall set forth a complete operating and financial statement covering its operations during the year, a long range financing plan for the next five years and a more specific short range financing plan for the next year with respect to providing the funding necessary to achieve the goals and objectives of this act, and a summary of the progress made to date on achieving those goals and objectives. The trust shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the trust and a copy thereof shall be filed with the Director of the Division of Budget and Accounting in the Department of the Treasury. Notwithstanding the provisions of any law to the contrary, the State Auditor, or the State Auditor's legally authorized representative, may examine the accounts and books of the trust.

C.13:8C-16 Services rendered to trust.

16. All officers, departments, boards, agencies, divisions, and commissions of the State are hereby authorized and empowered to render any and all services to the trust as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the trust. Insofar as possible, the cost and expense of any

services shall be met and provided for by those officers, departments, boards, agencies, divisions and commissions.

C.13:8C-17 "Garden State Preservation Trust Fund Account."

17. a. There is established in the General Fund a special account to be known as the "Garden State Preservation Trust Fund Account." The State Treasurer shall credit to this account:

(1) In each State fiscal year from State fiscal year 2000 through and including State fiscal year 2009, an amount from the State revenue annually collected from the State tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, equal to $98,000,000; and

(2) In each State fiscal year from State fiscal year 2010 through and including State fiscal year 2029, an amount from the State revenue annually collected from the State tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, necessary to satisfy any payments relating to bonds, notes or other obligations, including refunding bonds, of the trust, but such amount shall not exceed $98,000,000 in any such State fiscal year.

b. In each State fiscal year, the amount credited to the Garden State Preservation Trust Fund Account shall be appropriated only for the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution and this act.

c. (1) On the basis of a payment schedule provided annually by the trust to the State Treasurer for State fiscal year 2000 through and including State fiscal year 2009, the State Treasurer shall pay to the trust the amount credited to the Garden State Preservation Trust Fund Account, plus any interest or other income earned on the amount so credited prior to payment pursuant to this subsection, for each such State fiscal year as provided pursuant to paragraph (1) of subsection a. of this section and appropriated pursuant to subsection b. of this section, which the trust shall use for its purposes as set forth in this act. The State Treasurer also shall pay to the trust such other amounts as may be appropriated from time to time for use by the trust for its purposes as set forth in this act.

This paragraph shall not apply to such portion of the amount credited to the Garden State Preservation Trust Fund Account in State fiscal year 2000 that is appropriated pursuant to the annual appropriations act for State fiscal year 2000 (P.L.1999, c.138) to pay the cost of projects listed in that act for the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution.

(2) In each State fiscal year from State fiscal year 2010 through and including State fiscal year 2029, the State Treasurer shall pay to the trust the

amount credited to the Garden State Preservation Trust Fund Account for that State fiscal year as provided pursuant to paragraph (2) of subsection a. of this section and appropriated pursuant to subsection b. of this section, which the trust shall use for its purposes as set forth in this act. The State Treasurer also shall pay to the trust such other amounts as may be appropriated from time to time for use by the trust for its purposes as set forth in this act.

d. Any repayments of the principal and interest on loans issued to local government units for the acquisition or development of lands for recreation and conservation purposes pursuant to subsection b. of section 27 of this act credited to the Garden State Preservation Trust Fund Account as provided pursuant to Article VIII, Section II, paragraph 7 of the State Constitution shall be deposited in the Garden State Green Acres Preservation Trust Fund established pursuant to section 19 of this act.

C.13:8C-18 Transfers for deposit to prevention trust funds.

18. a. In each State fiscal year, from State fiscal year 2000 through and including State fiscal year 2009, the trust shall transfer to the State Treasurer for deposit into:

(1) the Garden State Green Acres Preservation Trust Fund, established pursuant to section 19 of this act, 60% of such amounts as are available from:

(a) the amount paid to the trust for that State fiscal year pursuant to subsection c. of section 17 of this act, net of the amount necessary to be deposited in the Garden State Historic Preservation Trust Fund pursuant to paragraph (3) of this subsection and net of any amount that shall be retained by the trust to make any necessary payments related to bonds, notes or other obligations, including refunding bonds, issued by the trust; and

(b) such proceeds raised by the trust for the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution and this act through the issuance of bonds, notes or other obligations;

(2) the Garden State Farmland Preservation Trust Fund, established pursuant to section 20 of this act, 40% of such amounts as are available from:

(a) the amount paid to the trust for that State fiscal year pursuant to subsection c. of section 17 of this act, net of the amount necessary to be deposited in the Garden State Historic Preservation Trust Fund pursuant to paragraph (3) of this subsection and net of any amount that shall be retained by the trust to make any necessary payments related to bonds, notes or other obligations, including refunding bonds, issued by the trust; and

(b) such proceeds raised by the trust for the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution and this act through the issuance of bonds, notes or other obligations; and

(3) the Garden State Historic Preservation Trust Fund, established pursuant to section 21 of this act, the sum of $6,000,000 per year from the amount paid to the trust for that State fiscal year pursuant to subsection c. of section 17 of this act.

b. (1) Of the amount deposited each State fiscal year into the Garden State Green Acres Preservation Trust Fund pursuant to paragraph (1) of subsection a. of this section, or received into the fund each State fiscal year from other sources: 50% thereof shall be allocated for the purposes of paying the cost of acquisition and development of lands by the State for recreation and conservation purposes; 40% thereof shall be allocated for the purposes of providing grants and loans to assist local government units to pay the cost of acquisition and development of lands for recreation and conservation purposes; and 10% thereof shall be allocated for the purposes of providing grants to assist qualifying tax exempt nonprofit organizations to pay the cost of acquisition and development of lands for recreation and conservation purposes, all as provided pursuant to this act.

(2) Notwithstanding the provisions of this subsection to the contrary, any repayments of the principal and interest on loans issued to local government units for the acquisition or development of lands for recreation and conservation purposes pursuant to subsection b. of section 27 of this act, including repayments received after June 30, 2009, shall be allocated only for the issuance of additional loans to local government units for the acquisition or development of lands for recreation and conservation purposes pursuant to subsection b. of section 27 of this act.

c. (1) Notwithstanding the provisions of this section to the contrary, the trust, after conducting at least one public hearing upon at least 60 days' advance public notice thereof, and upon finding that it would further the purposes of Article VIII, Section II, paragraph 7 of the State Constitution and this act, may (a) alter for a specific and identified State fiscal year the funding allocation percentages or levels set for or within each of the trust funds as prescribed pursuant to this section for that State fiscal year, or (b) request the State Treasurer to transfer moneys from one trust fund to another trust fund, to respond to the special needs and funding priorities of the State within a specific and identified State fiscal year, respond to exigent circumstances, take advantage of unexpected opportunities, or maximize the impact of financial resources applied to the purposes of any particular funding category. Upon receipt of any such request from the trust, the State Treasurer shall transfer the moneys between the trust funds in the manner prescribed by the trust. Moneys so transferred from a trust fund shall not be

required to be repaid to the trust fund from which they were transferred, provided that the moneys so transferred are expended for any of the purposes authorized by Article VIII, Section II, paragraph 7 of the State Constitution or this act.

(2) Moneys deposited into the Garden State Green Acres Preservation Trust Fund from the repayments of the principal and interest on loans, including repayments received after June 30, 2009, issued to local government units for the acquisition or development of lands for recreation and conservation purposes pursuant to subsection b. of section 27 of this act shall not be subject to transfer to other trust funds or be made available for other purposes authorized for moneys deposited into the Garden State Green Acres Preservation Trust Fund; such repayments shall be allocated only for the issuance of additional loans to local government units for the acquisition or development of lands for recreation and conservation purposes as provided pursuant to subsection b. of section 27 of this act.

d. All administrative costs and expenses, including but not limited to salaries, fringe and other benefits, equipment, materials, direct and indirect costs, and non-salaried administrative costs, of the Department of Environmental Protection, the State Agriculture Development Committee, the New Jersey Historic Trust, and any other State entity incurred in connection with the implementation or administration of Article VIII, Section II, paragraph 7 of the State Constitution or this act shall be paid from the General Fund and not from constitutionally dedicated moneys.

C.13:8C-19 "Garden State Green Acres Preservation Trust Fund."

19. The State Treasurer shall establish a fund to be known as the "Garden State Green Acres Preservation Trust Fund." The State Treasurer shall deposit into the fund all moneys transferred from the trust to the State Treasurer for deposit into the fund pursuant to paragraph (1) of subsection a. of section 18 of this act and any other moneys appropriated by law for deposit into the fund. Moneys in the fund shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the investment or reinvestment of moneys in the fund shall be credited to the fund. Moneys derived from the payment of principal and interest on the loans to local government units authorized in subsection b. of section 27 of this act shall also be held in the fund. Such grants, contributions, donations, and reimbursements from federal aid programs, including but not limited to funding received by the State from the federal Land and Water Conservation Fund, 16 U.S.C. s.4601-4 et al., and from other public or private sources as may be used lawfully for the purposes of

section 26 of this act shall also be held in the fund, but shall be expended in accordance with any purposes for which the moneys were designated and in compliance with any conditions or requirements attached thereto. The moneys in the fund are specifically dedicated and shall be applied to the cost of the purposes set forth in section 26 of this act. Moneys derived from the payment of principal and interest on the loans to local government units authorized in subsection b. of section 27 of this act are specifically dedicated for the issuance of additional loans in accordance with subsection b. of section 27 of this act. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund, except as otherwise provided pursuant to paragraph (3) of subsection a. of section 23 of this act, to be used for the purposes of the fund.

C.13:8C-20 "Garden State Farmland Preservation Trust Fund."

20. The State Treasurer shall establish a fund to be known as the "Garden State Farmland Preservation Trust Fund." The State Treasurer shall deposit into the fund all moneys transferred from the trust to the State Treasurer for deposit into the fund pursuant to paragraph (2) of subsection a. of section 18 of this act and any other moneys appropriated by law for deposit into the fund. Moneys in the fund shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the investment or reinvestment of moneys in the fund shall be credited to the fund. Such grants, contributions, donations, and reimbursements from federal aid programs and from other public or private sources as may be used lawfully for the purposes of section 37 of this act shall also be held in the fund, but shall be expended in accordance with any purposes for which the moneys were designated and in compliance with any conditions or requirements attached thereto. The moneys in the fund are specifically dedicated and shall be applied to the cost of the purposes set forth in section 37 of this act. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund, except as otherwise provided pursuant to paragraph (3) of subsection b. of section 23 of this act, to be used for the purposes of the fund.

C.13:8C-21 "Garden State Historic Preservation Trust Fund."

21. The State Treasurer shall establish a fund to be known as the "Garden State Historic Preservation Trust Fund." The State Treasurer shall

deposit into the fund all moneys transferred from the Garden State Preservation Trust to the State Treasurer for deposit into the fund pursuant to paragraph (3) of subsection a. of section 18 of this act and any other moneys appropriated by law for deposit into the fund. Moneys in the fund shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the investment or reinvestment of moneys in the fund shall be credited to the fund. Such grants, contributions, donations, and reimbursements from federal aid programs and from other public or private sources as may be used lawfully for the purposes of section 41 of this act shall also be held in the fund, but shall be expended in accordance with any purposes for which the moneys were designated and in compliance with any conditions or requirements attached thereto. The moneys in the fund are specifically dedicated and shall be applied to the cost of the purposes set forth in section 41 of this act. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund, except as otherwise provided pursuant to paragraph (3) of subsection c. of section 23 of this act, to be used for the purposes of the fund.

C.13:8C-22 Audits by State Auditor.

22. a. The State Auditor shall conduct audits of the expenditures from the Garden State Green Acres Preservation Trust Fund, the Garden State Farmland Preservation Trust Fund, and the Garden State Historic Preservation Trust Fund as necessary to determine from time to time whether moneys from those funds have been expended for costs consistent with Article VIII, Section II, paragraph 7 of the State Constitution, this act, any appropriations of those moneys made by the Legislature, and any requirements established therefor by the trust. The State Auditor shall transmit the audit to the President of the Senate and the Speaker of the General Assembly, and to the members of the Senate Budget and Appropriations Committee, the Assembly Appropriations Committee, and the Joint Budget Oversight Committee, or their successors. The State Auditor shall also provide copies of the audit to the Governor, the State Treasurer, and the trust.

b. The State Auditor shall review bond, note and other obligation issuances of the trust and report annually to the members of the Senate Budget and Appropriations Committee, the Assembly Appropriations Committee, and the Joint Budget Oversight Committee, or their successors, on the status of the bonds, notes and other obligations of the trust and

projects financed from the proceeds of the bonds, notes or other obligations. The report shall include the investment status of all unexpended bond, note or other obligation proceeds and provide a description of any bond, note or other obligation issues expected during a fiscal year, including type of issue, estimated amount of bonds, notes or other obligations to be issued, and the expected month of sale.

C.13:8C-23 Submission of lists of projects.

23. a. (1) At least twice each State fiscal year, the Department of Environmental Protection shall submit to the trust a list of projects that the department recommends to receive funding from: the Garden State Green Acres Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to this act; or any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to law and any rules or regulations adopted pursuant thereto.

To the extent the department receives a sufficient number of applications from local government units for the funding of projects to acquire or develop, for recreation and conservation purposes, lands located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for funding based upon the priority system, ranking criteria, and funding policies established by the department, in any State fiscal year the percentage of funding from the Garden State Green Acres Preservation Trust Fund for such projects recommended by the department shall be substantially equivalent to or greater than the percentage derived by dividing the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for local government unit projects for recreation and conservation purposes in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) by the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for all local government unit projects for recreation and conservation purposes. In any State fiscal year, not less than 20% of the total amount of funding from the Garden State Green Acres Preservation Trust Fund for all State projects to acquire and develop lands for recreation and conservation purposes throughout the State recommended by the department shall be for State projects located in highly populated counties of the State with population densities of at least 1,000 persons per square mile according to the latest federal decennial census.

The trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the trust shall approve the list. At least twice each State fiscal year: (a) the trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Green Acres Preservation Trust Fund, or from any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, to fund projects on any such list; and (b) the Legislature may approve one or more appropriation acts containing a project list or lists submitted by the trust pursuant to this paragraph.

(2) Any act appropriating moneys from the Garden State Green Acres Preservation Trust Fund, or from any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, shall identify the particular project or projects to be funded by those moneys, and any expenditure for a project for which the location is not identified by county and municipality in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor.

Moneys may be appropriated to a local government unit that has prepared and adopted an open space acquisition and development plan approved by the department, or to a qualifying tax exempt nonprofit organization that in cooperation and with the approval of a local government unit is implementing or assisting in the implementation of an open space acquisition and development plan adopted by the local government unit and approved by the department, without identifying in the act the particular project or projects to be funded, provided that the appropriation will be expended in accordance with that approved plan and, with respect to Green Acres bond act moneys, the appropriation in that form is not inconsistent with the Green Acres bond act.

(3) Any transfer of moneys appropriated from the Garden State Green Acres Preservation Trust Fund, or from any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, or any change in project sponsor, site, or type that has received an appropriation from the fund or from a Green Acres bond act, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

b. (1) At least twice each State fiscal year, the State Agriculture Development Committee shall submit to the trust a list of projects that the

committee recommends to receive funding from the Garden State Farmland Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the committee pursuant to this act and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations adopted pursuant thereto. The trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the trust shall approve the list. At least twice each State fiscal year: (a) the trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Farmland Preservation Trust Fund to fund projects on any such list; and (b) the Legislature may approve one or more appropriation acts containing a project list or lists submitted by the trust pursuant to this paragraph.

(2) Any act appropriating moneys from the Garden State Farmland Preservation Trust Fund shall identify the particular project or projects to be funded with those moneys, and any expenditure for a project for which the location is not identified by county and municipality in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor.

Notwithstanding the provisions of this paragraph to the contrary, any appropriation of moneys from the fund to pay the cost of acquisition of a fee simple title to farmland shall not be required to identify the particular project or identify its location by county or municipality, and the expenditure of those moneys shall not require the approval of the Joint Budget Oversight Committee or its successor.

(3) Any transfer of moneys appropriated from the Garden State Farmland Preservation Trust Fund, or change in project sponsor, site, or type that has received an appropriation from the fund, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

c. (1) At least once each State fiscal year, or at such other interval as the New Jersey Historic Trust in consultation with the Garden State Preservation Trust deems appropriate, the New Jersey Historic Trust shall submit to the Garden State Preservation Trust a list of projects that the New Jersey Historic Trust recommends to receive funding from the Garden State Historic Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the New Jersey Historic Trust pursuant to this act and P.L.1967, c.124 (C.13:1B-15.111 et al.), and any rules or regulations adopted pursuant thereto. The Garden State Preserva-

tion Trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the Garden State Preservation Trust shall approve the list. At least once each State fiscal year, or at such other interval as the Garden State Preservation Trust in consultation with the New Jersey Historic Trust deems appropriate: (a) the Garden State Preservation Trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Historic Preservation Trust Fund to fund projects on any such list; and (b) the Legislature may approve one or more appropriation acts containing a project list or lists submitted by the Garden State Preservation Trust pursuant to this paragraph.

(2) Any act appropriating moneys from the Garden State Historic Preservation Trust Fund shall identify the particular project or projects to be funded by those moneys, and any expenditure for a project for which the location is not identified by county and municipality in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor.

(3) Any transfer of moneys appropriated from the Garden State Historic Preservation Trust Fund, or change in project sponsor, site, or type that has received an appropriation from the fund, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

d. Whenever the Garden State Preservation Trust deletes a project from a list of projects that has been submitted to the Garden State Preservation Trust pursuant to subsection a., b., or c. of this section, the Garden State Preservation Trust shall, in consultation with the applicant and the department, the committee, or the New Jersey Historic Trust, as the case may be, review and reevaluate the merits and validity of the project. After completion of this review and reevaluation, if the department, committee, or New Jersey Historic Trust, as the case may be, continues to recommend funding of the project, it shall transmit its reasons therefor in writing to the Garden State Preservation Trust and place the project on the next or a subsequent list of projects submitted to the Garden State Preservation Trust pursuant to subsection a., b., or c. of this section. The Garden State Preservation Trust shall include the project in the next proposed legislation appropriating moneys from the Garden State Green Acres Preservation Trust Fund, Green Acres bond act, Garden State Farmland Preservation Trust Fund, or Garden State Historic Preservation Trust Fund, as the case may be, that is submitted to the Governor, President of the Senate, and

Speaker of the General Assembly pursuant to subsection a., b., or c. of this section, together with a written report setting forth the rationale of the Garden State Preservation Trust in recommending deletion of the project from the proposed legislation and the rationale of the department, committee, or New Jersey Historic Trust, as the case may be, in recommending retention of the project in the proposed legislation.

e. The Garden State Preservation Trust may at any time suggest projects to be considered or rejected for consideration by the department, the committee, or the New Jersey Historic Trust in the preparation of recommended project funding lists pursuant to this section.

f. Projects involving the joint effort of more than one level of government or qualifying tax exempt nonprofit organization, or the joint effort of the department, the committee, and the New Jersey Historic Trust, or any combination thereof, shall be encouraged.

g. For the purposes of efficiency and convenience, nothing in this section shall prohibit the Garden State Preservation Trust from combining the project lists, in whole or in part, of the department, committee, and New Jersey Historic Trust into one proposed appropriation bill or bills to be submitted to the Governor and Legislature for consideration and enactment into law as otherwise prescribed pursuant to this section.

h. The total amount appropriated for proposed projects pursuant to subsections a. and b. of this section in any State fiscal year shall not exceed $200,000,000.

C.13:8C-24 Office of Green Acres established.

24. a. (1) There is established in the Department of Environmental Protection the Office of Green Acres. The commissioner may appoint an administrator or director who shall supervise the office, and the department may employ such other personnel and staff as may be required to carry out the duties and responsibilities of the department and the office pursuant to this act, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes. Persons appointed or employed as provided pursuant to this subsection shall be compensated in a manner similar to other employees in the Executive Branch, and their compensation shall be determined by the Commissioner of Personnel.

(2) The Green Acres Program in the Department of Environmental Protection, together with all of its functions, powers and duties, are continued and transferred to and constituted as the Office of Green Acres in the Department of Environmental Protection. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Green Acres Program, the same shall mean and refer to the Office of Green Acres in the Department of Environ-

mental Protection. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. The duties and responsibilities of the office shall be as follows:

(1) Administer all provisions of this act pertaining to funding the acquisition and development of lands for recreation and conservation purposes as authorized pursuant to Article VIII, Section II, paragraph 7 of the State Constitution;

(2) Continue to administer all grant and loan programs for the acquisition and development of lands for recreation and conservation purposes, including the Green Trust, established or funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or any Green Acres bond act; and

(3) Adopt, with the approval of the commissioner and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations:

(a) establishing application procedures for grants and loans for the acquisition and development of lands for recreation and conservation purposes, criteria and policies for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys, any conditions that may be placed on the award of a grant or loan for recreation and conservation purposes pursuant to this act, and any restrictions that may be placed on the use of lands acquired or developed with a grant or loan for recreation and conservation purposes pursuant to this act. The criteria and policies established pursuant to this subparagraph for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, wetlands, floodplains, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support; and

(b) addressing any other matters deemed necessary to implement and carry out the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act with respect to the acquisition and development of lands for recreation and conservation purposes; and

(4) Establishing criteria and policies for the evaluation and priority ranking of State projects to acquire and develop lands for recreation and

conservation purposes using constitutionally dedicated moneys, which criteria and policies may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, wetlands, floodplains, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support.

C.13:8C-25 Biennial progress report to Governor, Legislature by the trust.

25. Within one year after the date of enactment of this act, and biennially thereafter until and including 2008, the Garden State Preservation Trust, after consultation with the Department of Environmental Protection, the State Agriculture Development Committee and the New Jersey Historic Trust, shall prepare and submit to the Governor and the Legislature a written report, which shall:

a. Describe the progress being made on achieving the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act with respect to the acquisition and development of lands for recreation and conservation purposes, the preservation of farmland, and the preservation of historic properties, and provide recommendations with respect to any legislative, administrative, or local action that may be required to ensure that those goals and objectives may be met in the future;

b. Tabulate, both for the reporting period and cumulatively, the total acreage for the entire State, and the acreage in each county and municipality, of lands acquired for recreation and conservation purposes and of farmland preserved for farmland preservation purposes that have been applied toward meeting the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act with respect to the acquisition of lands for recreation and conservation purposes and the preservation of farmland;

c. Tabulate, both for the reporting period and cumulatively, the total acreage for the entire State, and the acreage in each county and municipality, of any donations of land that have been applied toward meeting the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act with respect to the acquisition of lands for recreation and conservation purposes and the preservation of farmland;

d. List, both for the reporting period and cumulatively, and by project name, project sponsor, and location by county and municipality, all historic preservation projects funded with constitutionally dedicated moneys in whole or in part;

e. Indicate those areas of the State where the acquisition and development of lands by the State for recreation and conservation purposes, and the allocation of constitutionally dedicated moneys for farmland preservation purposes, are planned or are most likely to occur, and a proposed schedule and expenditure plan for those acquisitions, developments, and allocations, for the next reporting period, which shall include an explanation of how those acquisitions, developments, and allocations will be distributed throughout all geographic regions of the State to the maximum extent practicable and feasible;

f. List any surplus real property owned by the State or an independent authority of the State that may be utilizable for recreation and conservation purposes or farmland preservation purposes, and indicate what action has been or must be taken to effect a conveyance of those lands to the department, the committee, local government units, qualifying tax exempt nonprofit organizations, or other entities or persons so that the lands may be preserved and used for those purposes;

g. List, for the reporting period, all projects for which applications for funding under the Green Acres, farmland preservation, and historic preservation programs were received but not funded with constitutionally dedicated moneys during the reporting period, and the reason or reasons why those projects were not funded; and

h. Provide, for the reporting period, a comparison of the amount of constitutionally dedicated moneys annually appropriated for local government unit projects for recreation and conservation purposes in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) to the average amount of Green Acres bond act moneys annually appropriated for such projects in the years 1984 through 1998.

C.13:8C-26 Allocation of funds appropriated; conditions.

26. a. Moneys appropriated from the Garden State Green Acres Preservation Trust Fund to the Department of Environmental Protection shall be used by the department to:

(1) Pay the cost of acquisition and development of lands by the State for recreation and conservation purposes;

(2) Provide grants and loans to assist local government units to pay the cost of acquisition and development of lands for recreation and conservation purposes; and

(3) Provide grants to assist qualifying tax exempt nonprofit organizations to pay the cost of acquisition and development of lands for recreation and conservation purposes.

b. The expenditure and allocation of constitutionally dedicated moneys for recreation and conservation purposes shall reflect the geographic diversity of the State to the maximum extent practicable and feasible.

c. (1) Notwithstanding the provisions of section 5 of P.L.1985, c.310 (C.13:18A-34) or this act, or any rule or regulation adopted pursuant thereto, to the contrary, the value of a pinelands development credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto, shall be made utilizing a value to be determined by either appraisal, regional averaging based upon appraisal data, or a formula supported by appraisal data. The appraisal and appraisal data shall consider as appropriate: land values in the pinelands regional growth areas; land values in counties, municipalities, and other areas reasonably contiguous to, but outside of, the pinelands area; and other relevant factors as may be necessary to maintain the environmental, ecological, and agricultural qualities of the pinelands area.

(2) No pinelands development credit allocated to a parcel of land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto that is acquired or obtained in connection with the acquisition of the parcel for recreation and conservation purposes by the State, a local government unit, or a qualifying tax exempt nonprofit organization using constitutionally dedicated moneys in whole or in part may be conveyed in any manner. All such pinelands development credits shall be retired permanently.

d. (1) For State fiscal years 2000 through 2004 only, when the department, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire lands for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using the land use zoning of the lands (a) in effect at the time of proposed acquisition, and (b) in effect on November 3, 1998 as if that land use zoning is still in effect at the time of proposed acquisition. The higher of those two values shall be utilized by the department, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner shall be provided with both values determined pursuant to this paragraph. A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

(2) The requirements of this subsection shall be in addition to any other requirements of law, rule, or regulation not inconsistent therewith.

(3) This subsection shall not:

(a) apply if the land use zoning of the lands at the time of proposed acquisition has not changed since November 3, 1998;

(b) apply in the case of lands to be acquired with federal moneys in whole or in part;

(c) apply in the case of lands to be acquired in accordance with subsection c. of this section;

(d) apply to projects funded using constitutionally dedicated moneys appropriated pursuant to the annual appropriations act for State fiscal year 2000 (P.L.1999, c.138); or

(e) alter any requirements to disclose information to a landowner pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

e. Moneys appropriated from the fund may be used to match grants, contributions, donations, or reimbursements from federal aid programs or from other public or private sources established for the same or similar purposes as the fund.

f. Moneys appropriated from the fund shall not be used by local government units or qualifying tax exempt nonprofit organizations to acquire lands that are already permanently preserved for recreation and conservation purposes, as determined by the department.

g. Whenever lands are donated to the State by a public utility, as defined pursuant to Title 48 of the Revised Statutes, for recreation and conservation purposes, the commissioner may make and keep the lands accessible to the public, unless the commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith.

h. Whenever the State acquires land for recreation and conservation purposes, the agency in the Department of Environmental Protection responsible for administering the land shall, within six months after the date of acquisition, inspect the land for the presence of any buildings or structures thereon which are or may be historic properties and, within 60 days after completion of the inspection, provide to the New Jersey Historic Preservation Office in the department (1) a written notice of its findings, and (2) for any buildings or structures which are or may be historic properties discovered on the land, a request for determination of potential eligibility for inclusion of the historic building or structure in the New Jersey Register of Historic Places. Whenever such a building or structure is discovered, a copy of the written notice provided to the New Jersey Historic Preservation Office shall also be sent to the New Jersey Historic Trust and to the county historical commission or advisory committee, the county historical society, the local historic preservation commission or advisory committee, and the

local historical society if any of those entities exist in the county or municipality wherein the land is located.

C.13:8C-27 Grants, loans to local government unit; conditions.

27. a. (1) Any grant awarded by the State to a local government unit to acquire lands for recreation and conservation purposes shall be for 25% of the cost of acquisition, except that the trust may authorize an increase in the State's share of the cost to a maximum of 50% upon a demonstration of special need or exceptional circumstances.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary:

(a) a grant by the State for lands acquired for recreation and conservation purposes by a qualifying open space referendum county or a qualifying open space referendum municipality shall be for 50% of the cost of acquisition of the lands by that county or municipality, except that the trust may authorize an increase in the State's share of the cost to a maximum of 75% upon a demonstration of special need or exceptional circumstances; and

(b) a grant by the State for lands acquired or developed for recreation and conservation purposes by a local government unit in a municipality eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) shall be for 50% of the cost of acquisition or development of the lands by the local government unit, except that the trust may authorize an increase in the State's share of the cost to a maximum of 75% upon a demonstration of special need or exceptional circumstances.

b. A loan by the State for lands to be acquired or developed by a local government unit for recreation and conservation purposes may include up to 100% of the cost of acquisition or development of the lands by the local government unit, shall bear interest of not more than 2% per year, and shall be for a term of not more than 30 years for an acquisition project and not more than 20 years for a development project.

c. (1) A grant by the State for lands to be acquired or developed by a qualifying tax exempt nonprofit organization for recreation and conservation purposes may include up to 50% of the cost of acquisition or development of the lands by the qualifying tax exempt nonprofit organization.

(2) (a) No grant shall be made to a qualifying tax exempt nonprofit organization for a development project for recreation and conservation purposes on lands owned by a local government unit unless the local government unit is a co-applicant with the qualifying tax exempt nonprofit organization or has otherwise indicated its approval in writing of the proposed development project.

(b) A qualifying tax exempt nonprofit organization shall not use as its matching share of the cost of acquisition or development of lands for recreation and conservation purposes any constitutionally dedicated grant moneys or any grant moneys obtained from a Green Acres bond act.

(3) To qualify to receive a grant pursuant to this subsection, the board of directors or governing body of the applying tax exempt nonprofit organization shall:

(a) demonstrate to the commissioner that the organization qualifies as a charitable conservancy for the purposes of P.L.1979, c.378 (C.13:8B-1 et seq.);

(b) demonstrate that the organization has the resources to match the grant requested;

(c) agree to make and keep the lands accessible to the public, unless the commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith;

(d) agree not to convey the lands except to the federal government, the State, a local government unit, or another qualifying tax exempt nonprofit organization, for recreation and conservation purposes; and

(e) agree to execute and donate to the State at no charge a conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.) on the lands to be acquired with the grant.

d. The local government unit or qualifying tax exempt nonprofit organization share of the cost of an acquisition of lands, if any, may be reduced (1) by the fair market value, as determined by the commissioner, of any portion of the lands to be acquired that have been donated to, or otherwise received without cost by, the local government unit or qualifying tax exempt nonprofit organization; or (2) in the case of a conveyance of the lands, or any portion thereof, to the local government unit or qualifying tax exempt nonprofit organization at less than fair market value, by the difference between the fair market value at the time of the conveyance and the conveyance price to the local government unit or qualifying tax exempt nonprofit organization.

e. Whenever a local government unit or qualifying tax exempt nonprofit organization acquires land for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part, the local government unit or qualifying tax exempt nonprofit organization, shall, within six months after the date of acquisition, inspect the land for the presence of any buildings or structures thereon which are or may be historic properties and, within 60 days after completion of the inspection, provide to the New Jersey Historic Preservation Office in the Department of Environmental Protection (1) a written notice of its findings, and (2) for any buildings or structures which are or may be historic properties discovered

on the land, a request for determination of potential eligibility for inclusion of the historic building or structure in the New Jersey Register of Historic Places. Whenever such a building or structure is discovered, a copy of the written notice provided to the New Jersey Historic Preservation Office shall also be sent to the New Jersey Historic Trust and to the county historical commission or advisory committee, the county historical society, the local historic preservation commission or advisory committee, and the local historical society if any of those entities exist in the county or municipality wherein the land is located.

C.13:8C-28 Use of power of eminent domain.

28. The State shall not use the power of eminent domain in any manner for the acquisition of lands by the State for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part unless a concurrent resolution approving that use is approved by both Houses of the Legislature; except that, without the need for such a concurrent resolution, the State may use the power of eminent domain to the extent necessary to establish a value for lands to be acquired from a willing seller by the State for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part.

C.13:8C-29 Payments to municipalities in lieu of taxes for lands acquired using dedicated money.

29. a. (1) (a) To the end that municipalities may not suffer a loss of taxes by reason of the acquisition and ownership by the State of lands in fee simple for recreation and conservation purposes, or the acquisition and ownership by qualifying tax exempt nonprofit organizations of lands in fee simple for recreation and conservation purposes that become certified exempt from property taxes pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws, using constitutionally dedicated moneys in whole or in part, the State shall pay annually on October 1 to each municipality in which lands are so acquired and owned, for a period of 13 years following an acquisition the following amounts: in the first year a sum of money equal to the tax last assessed and last paid by the taxpayer upon this land and the improvements thereon for the taxable year immediately prior to the time of its acquisition and thereafter the following percentages of the amount paid in the first year: second year, 92%; third year, 84%; fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%; eighth year, 44%; ninth year, 36%; 10th year, 28%; 11th year, 20%; 12th year, 12%; 13th year, 4%.

(b) Notwithstanding the provisions of subparagraph (a) of this paragraph to the contrary, any payment made pursuant to that subparagraph shall be not less than the amount that would be paid as provided pursuant to paragraph (2) of this subsection.

(2) After the 13th year, or sooner as provided pursuant to subparagraph (b) of paragraph (1) of this subsection, the State shall pay annually on October 1 to each municipality in which lands are so acquired and owned the following amounts: $2 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute less than 20% of the total land area of the municipality; $5 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute at least 20% but less than 40% of the total land area of the municipality; $10 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute at least 40% but less than 60% of the total land area of the municipality; and $20 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute at least 60% of the total land area of the municipality.

b. In the event that land acquired by the State, a local government unit, or a qualifying tax exempt nonprofit organization for recreation and conservation purposes was assessed at an agricultural and horticultural use valuation in accordance with provisions of the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at the time of its acquisition by the State, local government unit, or qualifying tax exempt nonprofit organization, no roll-back tax pursuant to section 8 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to this land nor shall this roll-back tax be applicable in determining the annual payments to be made pursuant to subsection a. of this section by the State to the municipality in which this land is located.

c. Any payments made by the State pursuant to this section shall be paid from the General Fund but not from constitutionally dedicated moneys.

d. All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of these municipalities, and to accomplish this end the sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

e. For the purposes of this section, lands owned in fee simple by the State for recreation and conservation purposes shall mean State parks and forests, as defined pursuant to section 3 of P.L.1983, c.324 (C.13:1L-3),

State wildlife management areas, and any other lands owned in fee simple by the State and administered by the Department of Environmental Protection for recreation and conservation purposes.

C.13:8C-30 Payments to municipalities in lieu of taxes for lands acquired using other than dedicated money.

30. a. With respect to lands acquired using any funding source other than constitutionally dedicated moneys, whether prior to the date of enactment of this act or thereafter, and owned in fee simple by the State or by a qualifying tax exempt nonprofit organization, and which lands are permanently preserved for recreation and conservation purposes, the State shall pay annually on October 1 to each municipality in which those lands are located the following amounts: $2 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute less than 20% of the total land area of the municipality; $5 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute at least 20% but less than 40% of the total land area of the municipality; $10 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute at least 40% but less than 60% of the total land area of the municipality, and $20 per acre of lands so acquired and owned for any municipality for which all lands owned in fee simple by the State or by a qualifying tax exempt nonprofit organization for recreation and conservation purposes constitute at least 60% of the total land area of the municipality.

b. In the event payments in lieu of taxes are due and payable from the State on those lands pursuant to another law, and those payments, if made by the State, would exceed those that would be paid pursuant to this section, the payments shall be made in accordance with the other law. In no case shall payments be made to a municipality in compliance with both this section and any other applicable law.

c. Any payments made by the State pursuant to this section shall be paid from the General Fund but not from constitutionally dedicated moneys.

d. All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of these municipalities, and to accomplish this end

the sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

e. For the purposes of this section, lands owned in fee simple by the State for recreation and conservation purposes shall mean State parks and forests, as defined pursuant to section 3 of P.L.1983, c.324 (C.13:1L-3), State wildlife management areas, and any other lands owned in fee simple by the State and administered by the Department of Environmental Protection for recreation and conservation purposes.

C.13:8C-31 Use of lands acquired, developed by State using dedicated money.

31. Lands acquired or developed by the State for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part shall not be conveyed, disposed of, or diverted to use for other than recreation and conservation purposes without the approval of the commissioner and the State House Commission established pursuant to R.S.52:20-1 et seq. Approval shall not be given unless the commissioner shall agree to pay an amount equal to or greater than the fair market value of the land at the time of the proposed conveyance, disposal, or diversion, as determined by the State House Commission, into the Garden State Green Acres Preservation Trust Fund; and the amount to be paid shall be determined also in accordance with the requirements of P.L.1993, c.38 (C.13:1D-51 et seq.). Moneys so returned to that fund shall be deemed wholly a part of the portion of that fund available for the acquisition by the State of lands for recreation and conservation purposes as provided pursuant to this act.

C.13:8C-32 Use of lands acquired, developed by local government unit, tax exempt nonprofit organization using dedicated money.

32. a. Lands acquired or developed by a local government unit or a qualifying tax exempt nonprofit organization for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part shall not be conveyed, disposed of, or diverted to a use for other than recreation and conservation purposes without the approval of the commissioner and the State House Commission and following a public hearing held at least one month prior to those approvals. Approval of the commissioner and the State House Commission shall not be given unless the local government unit or qualifying tax exempt nonprofit organization agrees to (1) replace the lands with lands of equal or greater fair market value and of reasonably equivalent size, quality, location, and usefulness for recreation and conservation purposes, as approved by the commissioner, or (2) pay an amount equal to or greater than the fair market value of the lands, as determined by the commission, into the Garden State Green Acres Preservation Trust Fund. Moneys so returned to that fund shall be deemed wholly a part of the portion of that fund available for grants or loans to local

government units or grants to qualifying tax exempt nonprofit organizations for the acquisition of lands for recreation and conservation purposes as provided pursuant to this act.

b. A local government unit that receives a grant or loan for recreation and conservation purposes pursuant to this act shall not convey, dispose of, or divert to a use for other than recreation and conservation purposes any lands held by the local government unit for those purposes at the time of receipt of the grant or loan without the approval of the commissioner and the State House Commission and following a public hearing held by the local government unit at least one month prior to those approvals. Approval of the commissioner and the State House Commission shall not be given unless the local government unit agrees to (a) replace the lands with lands of equal or greater fair market value and of reasonably equivalent size, quality, location, and usefulness for recreation and conservation purposes, as approved by the commissioner, or (b) pay an amount equal to or greater than the fair market value of the lands, as determined by the commission, into the Garden State Green Acres Preservation Trust Fund. Moneys so returned to that fund shall be deemed wholly a part of the portion of that fund available for grants or loans to local government units for the acquisition of lands for recreation and conservation purposes as provided pursuant to this act.

c. For the purposes of this section, "fair market value" shall mean the fair market value at the time of the proposed conveyance, disposal, or diversion.

C.13:8C-33 Permissible actions by local government unit for other lands.

33. a. For lands held by a local government unit for recreation and conservation purposes that were neither acquired nor developed for any of those purposes with any financial assistance from the State, and which have been included in an inventory of lands prepared for the purposes of complying with section 32 of this act, the local government unit may (1) change the recreation and conservation purpose for which the lands are being used to another recreation and conservation purpose, including but not limited to developing the lands for public outdoor recreation, or (2) construct a building or other structure on the lands for public indoor recreation, provided that the local government unit has held at least one public hearing on the proposed change in purpose or use at least 90 days prior to final approval thereof by the local government unit. Any action taken by a local government unit pursuant to this section shall not be deemed to be a conveyance, disposal, or diversion for the purposes of subsection b. of section 32 of this act.

b. The local government unit shall provide to the commissioner (1) at least 30 days' advance written notice of any public hearing to be held on any such change in purpose or use, (2) within 90 days after final approval of the change in purpose or use by the local government unit, written proof that any such public hearing was held, and (3) written notice of the change in purpose or use within 90 days after it has been effected.

C.13:8C-34 Conveyance of land by local government unit, conditions.

34. a. A local government unit may convey lands held by the local government unit for recreation and conservation purposes to the federal government, the State, another local government unit, or a qualifying tax exempt nonprofit organization, provided that (1) the lands will continue to be preserved and used for recreation and conservation purposes, (2) any restrictions on the lands when they were held by the local government unit are maintained by the new owner, and (3) at least one public hearing on the proposed conveyance is held by the local government unit at least 90 days prior to final approval thereof by the local government unit.

b. The local government unit shall provide to the commissioner (1) at least 30 days' advance written notice of any public hearing to be held on any such conveyance, (2) within 90 days after final approval of the conveyance by the local government unit, written proof that any such public hearing was held, and (3) written notice of the conveyance within 90 days after it has been executed.

C.13:8C-35 Conveyance of land acquired using dedicated money by State, county, local government unit, restrictions.

35. a. No lands acquired or developed by the State for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part may be conveyed except in accordance with the provisions of this act, P.L.1993, c.38 (C.13:1D-51 et seq.), and any other applicable law.

b. No lands acquired or developed by a county for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part may be conveyed except in accordance with the provisions of this act, P.L.1993, c.36 (C.40A:12-13.5 et seq.), and any other applicable law.

c. No lands acquired or developed by a local government unit, other than a county, for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part may be conveyed except in accordance with the provisions of this act and any other applicable law.

C.13:8C-36 Operation, maintenance of lands.

36. A local government unit that receives a grant or loan for recreation and conservation purposes pursuant to this act shall satisfactorily operate and maintain the lands acquired or developed pursuant to the conditions of the agreement between the local government unit and the department when

the grant or loan is made. In the event that the local government unit cannot or will not correct deficiencies in the operation and maintenance within a reasonable time period, the commissioner may require the repayment of all or a portion of the grant or loan amount received by the local government unit.

C.13:8C-37 Use of funds appropriated for farmland preservation.

37. a. Moneys appropriated from the Garden State Farmland Preservation Trust Fund to the State Agriculture Development Committee for farmland preservation purposes shall be used by the committee to:

(1) Provide grants to local government units to pay up to 80% of the cost of acquisition of development easements on farmland, and to qualifying tax exempt nonprofit organizations to pay up to 50% of the cost of acquisition of development easements on farmland as provided in section 39 of this act, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements on farmland and the State's pro rata share of any such funds shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund and provided that the terms of any such development easement to be acquired by a qualifying tax exempt nonprofit organization shall be approved by the committee;

(2) Provide grants to local government units to pay up to 80% of the cost of acquisition of fee simple titles to farmland from willing sellers only, and to qualifying tax exempt nonprofit organizations to pay up to 50% of the cost of acquisition of fee simple titles to farmland from willing sellers only as provided in section 39 of this act, which shall be offered for resale or lease with agricultural deed restrictions, as determined by the committee, and any proceeds received from a resale shall be dedicated for farmland preservation purposes and the State's pro rata share of any such proceeds shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund;

(3) Pay the cost of acquisition by the State of development easements on farmland, provided that any funds received for the transfer of a development easement shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund; and

(4) Pay the cost of acquisition by the State of fee simple titles to farmland from willing sellers only, which shall be offered for resale or lease with agricultural deed restrictions, as determined by the committee, and any proceeds received from a resale or lease shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund.

b. Moneys appropriated from the fund may be used to match grants, contributions, donations, or reimbursements from federal aid programs or

from other public or private sources established for the same or similar purposes as the fund.

C.13:8C-38 Acquisitions, grants with respect to farmland preservation.

38. a. All acquisitions or grants made pursuant to section 37 of this act shall be made with respect to farmland devoted to farmland preservation under programs established by law.

b. The expenditure and allocation of constitutionally dedicated moneys for farmland preservation purposes shall reflect the geographic diversity of the State to the maximum extent practicable and feasible.

c. The committee shall implement the provisions of section 37 of this act in accordance with the procedures and criteria established pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as provided otherwise by this act.

d. The committee shall adopt the same or a substantially similar method for determining, for the purposes of this act, the committee's share of the cost of a development easement on farmland to be acquired by a local government as that which is being used by the committee on the date of enactment of this act for prior farmland preservation funding programs.

e. Notwithstanding the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant thereto, to the contrary, whenever the value of a development easement on farmland to be acquired using constitutionally dedicated moneys in whole or in part is determined based upon the value of any pinelands development credits allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto, the committee shall determine the value of the development easement by:

(1) conducting a sufficient number of fair market value appraisals as it deems appropriate to determine the value for farmland preservation purposes of the pinelands development credits;

(2) considering development easement values in counties, municipalities, and other areas (a) reasonably contiguous to, but outside of, the pinelands area, which in the sole opinion of the committee constitute reasonable development easement values in the pinelands area for the purposes of this subsection, and (b) in the pinelands area where pinelands development credits are or may be utilized, which in the sole opinion of the committee constitute reasonable development easement values in the pinelands area for the purposes of this subsection;

(3) considering land values in the pinelands regional growth areas;

(4) considering the importance of preserving agricultural lands in the pinelands area; and

(5) considering such other relevant factors as may be necessary to increase participation in the farmland preservation program by owners of agricultural lands located in the pinelands area.

f. No pinelands development credit that is acquired or obtained in connection with the acquisition of a development easement on farmland or fee simple title to farmland by the State, a local government unit, or a qualifying tax exempt nonprofit organization using constitutionally dedicated moneys in whole or in part may be conveyed in any manner. All such pinelands development credits shall be retired permanently.

g. (1) For State fiscal years 2000 through 2004 only, when the department, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire a development easement on farmland or the fee simple title to farmland for farmland preservation purposes using constitutionally dedicated moneys in whole or in part, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using the land use zoning of the lands (a) in effect at the time of proposed acquisition, and (b) in effect on November 3, 1998 as if that land use zoning is still in effect at the time of proposed acquisition. The higher of those two values shall be utilized by the department, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner shall be provided with both values determined pursuant to this paragraph. A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

(2) The requirements of this subsection shall be in addition to any other requirements of law, rule, or regulation not inconsistent therewith.

(3) This subsection shall not:

(a) apply if the land use zoning of the lands at the time of proposed acquisition has not changed since November 3, 1998;

(b) apply in the case of lands to be acquired with federal moneys in whole or in part;

(c) apply in the case of lands to be acquired in accordance with subsection e. of this section;

(d) apply to projects funded using constitutionally dedicated moneys appropriated pursuant to the annual appropriations act for State fiscal year 2000 (P.L.1999, c.138); or

(e) alter any requirements to disclose information to a landowner pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

h. Any farmland for which a development easement or fee simple title has been acquired pursuant to section 37 of this act shall be entitled to the

benefits conferred by the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et al.).

C.13:8C-39 Grant to qualifying tax exempt nonprofit organization for farmland.

39. a. The committee may provide a grant to a qualifying tax exempt nonprofit organization for up to 50% of the cost of acquisition of (1) a development easement on farmland, provided that the terms of any such development easement shall be approved by the committee, or (2) fee simple title to farmland, which shall be offered for resale or lease with an agricultural deed restriction, as determined by the committee, and any proceeds received from a resale shall be dedicated for farmland preservation purposes and the State's pro rata share of any such proceeds shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund.

b. The value of a development easement or fee simple title shall be established by two appraisals conducted on each parcel and certified by the committee. The appraisals shall be conducted by independent professional appraisers selected by the qualifying tax exempt nonprofit organization and approved by the committee from among members of recognized organizations of real estate appraisers.

c. The appraisals shall determine the fair market value of the fee simple title to the parcel, as well as the fair market value of the parcel for agricultural purposes. The difference between the two values shall represent an appraisal of the value of the parcel for nonagricultural purposes, which shall be the value of the development easement.

d. Any grant provided to a qualifying tax exempt nonprofit organization pursuant to this section shall not exceed 50% of the appraised value of the development easement, or of the fee simple title in the case of fee simple acquisitions, plus up to 50% of any costs incurred including but not limited to the costs of surveys, appraisals, and title insurance.

e. The appraisals conducted pursuant to this section or the fair market value of land restricted to agricultural use shall not be used to increase the assessment and taxation of agricultural land pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

f. To qualify to receive a grant pursuant to this section, the applicant shall:

(1) demonstrate that it has the resources to match the grant requested; and

(2) in the case of the acquisition of a development easement, agree not to convey the development easement except to the federal government, the State, a local government unit, or another qualifying tax exempt nonprofit organization, for farmland preservation purposes.

C.13:8C-40 Acquisition, permanent retirement of development easements on farmland.

40. a. The committee may acquire and permanently retire development easements on farmland.

b. The committee shall evaluate the suitability of the acquisition of a development easement based upon the eligibility criteria listed in subsection b. of section 24 of P.L.1983, c.32 (C.4:1C-31) and any other criteria that may be adopted by the committee.

c. Appraisals to determine the fair market value of a development easement to be acquired by the committee shall be conducted by appraisers approved by the committee and in a manner consistent with the process set forth in subsection c. of section 24 of P.L.1983, c.32 (C.4:1C-31).

d. Any development easement acquired by the committee shall be held of record in the name of the committee.

C.13:8C-41 Use of moneys appropriated to New Jersey Historic Trust.

41. a. Moneys appropriated from the Garden State Historic Preservation Trust Fund to the New Jersey Historic Trust for historic preservation purposes shall be used by the New Jersey Historic Trust to provide grants to local government units or qualifying tax exempt nonprofit organizations to pay a portion of the cost of preservation of historic properties. Grants shall be awarded on a competitive basis based upon the following criteria:

(1) submission of specific plans and objectives for the preservation of the architectural and historical integrity of the project, including a statement of public benefit and the need for the work proposed;

(2) demonstration by the applicant of administrative capabilities to carry out the preservation plans required pursuant to paragraph (1) of this subsection;

(3) evidence of ability to meet the eligibility standards set forth in subsection b. of this section; and

(4) evidence that the historic property is and shall remain accessible to the public, or if it is not accessible to the public at the time of application, that it shall be made, and shall remain, accessible to the public.

b. To qualify to receive a construction grant pursuant to this section, the applicant shall:

(1) if not in ownership in fee simple of the property, obtain a valid lease of a term acceptable to the New Jersey Historic Trust within 18 months after the date of the appropriation by law of the moneys for the grant, or the grant for the project shall lapse into the Garden State Historic Preservation Trust Fund;

(2) certify that the property is an historic property and, if it is not listed in the New Jersey Register of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.), agree to list it in that register;

(3) demonstrate that it has the resources to match the grant requested;

(4) agree, if requested by the New Jersey Historic Trust, to execute and donate at no charge to the New Jersey Historic Trust or another entity designated by the New Jersey Historic Trust, an historic preservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.) on the historic property; and

(5) in the case of a qualifying tax exempt nonprofit organization, agree not to convey the historic property to any person or organization that does not have tax exempt nonprofit or governmental status without the approval of the New Jersey Historic Trust.

c. Moneys raised within two years prior to the date of enactment of this act for ongoing historic preservation projects may be used by an applicant to meet the matching requirements of this section, but moneys raised prior thereto may not be used for that purpose.

d. No grant awarded pursuant to this section may exceed $750,000.

e. Recipients of grants awarded pursuant to this section shall reflect the racial, ethnic, and geographic diversity of the State.

f. Any local government unit or qualifying tax exempt nonprofit organization awarded a grant pursuant to this section shall execute a contract between that entity and the New Jersey Historic Trust within 18 months after the date of the appropriation by law of the moneys for the grant, or the grant for the project shall lapse into the Garden State Historic Preservation Trust Fund.

g. The New Jersey Historic Trust shall establish an advisory committee composed of trustees of the New Jersey Historic Trust and other individuals with the requisite professional expertise to evaluate the grant applications submitted pursuant to this section and to advise the New Jersey Historic Trust on the merits of each application received.

h. Moneys appropriated from the fund may be used to match grants, contributions, donations, or reimbursements from federal aid programs or from other public or private sources established for the same or similar purposes as the fund.

C.13:8C-42 Rules, regulations; contracts; study of utility easements.

42. a. The Department of Environmental Protection, the State Agriculture Development Committee, the New Jersey Historic Trust, and the Department of the Treasury shall each adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement and carry out the goals and objectives of Article VIII, Section II, paragraph 7 of the State Constitution and this act.

b. Notwithstanding the provisions of any law to the contrary, any rules and regulations of the Department of Environmental Protection, the State Agriculture Development Committee, the New Jersey Historic Trust, and the Department of the Treasury that have been adopted pursuant to the "Administrative Procedure Act" and are in effect as of the date of enactment of this act, that are not inconsistent with the provisions of this act, and that pertain to the Green Acres, farmland preservation, and historic preservation programs continued pursuant to this act, shall continue in effect until amended or supplemented and readopted as necessary to reflect the provisions and requirements of Article VIII, Section II, paragraph 7 of the State Constitution and this act.

c. In order to implement the funding provisions provided for in this act, the State Treasurer, the Department of Environmental Protection, the State Agriculture Development Committee, the New Jersey Historic Trust, and the Garden State Preservation Trust are hereby authorized to enter into one or more contracts. The contracts shall commence in the State fiscal year beginning July 1, 1999, and provide for the credit to the Garden State Preservation Trust Fund Account in the amounts provided for in section 17 of this act and for the payment to the Garden State Preservation Trust of the amounts credited to the Garden State Preservation Trust Fund Account in accordance with the provisions of section 17 of this act. The contracts shall also provide for the payment by the Garden State Preservation Trust of the amounts provided for in section 18 of this act and for expenditures from the Garden State Green Acres Preservation Trust Fund, the Garden State Farmland Preservation Trust Fund, and the Garden State Historic Preservation Trust Fund, as provided in section 18 of this act. The contract or contracts shall be on terms and conditions as determined by the parties and may contain terms and conditions necessary and desirable to secure the bonds, notes and other obligations of the Garden State Preservation Trust, provided, however, that the incurrence of any obligation by the State under the contract or contracts, including any payments to be made thereunder from the Garden State Preservation Trust Fund Account, the Garden State Green Acres Preservation Trust Fund, the Garden State Farmland Preservation Trust Fund, or the Garden State Historic Preservation Trust Fund, as provided in sections 17, 19, 20, and 21 of this act, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for the purposes of this act.

d. Within one year after the date of enactment of this act, the Department of Environmental Protection, the State Agriculture Development Committee, and the State House Commission established pursuant to R.S.52:20-1 et seq. shall conduct a study of the process by which easements are granted to public utilities, as defined in Title 48 of the Revised Statutes,

on lands acquired for recreation and conservation purposes or for farmland preservation purposes, and prepare and submit to the Legislature a written report of the study findings together with any recommendations for legislative or administrative action that would improve that process. The agencies shall jointly hold at least one public hearing to receive testimony on the issue prior to preparation of the report.

43. a. To the extent moneys are or may become available as a result of project withdrawals, cancellations, or costs savings, there is reappropriated to the New Jersey Historic Trust the unexpended balances of the amounts appropriated or reappropriated pursuant to P.L.1990, c.91, P.L.1991, c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998, c.64, and P.L.1998, c.65, for the purpose of providing additional funding if appropriate, subject to the approval of the Joint Budget Oversight Committee or its successor and in a sequence consistent with the priority system established by the New Jersey Historic Trust, in the form of grants for the projects listed in P.L.1990, c.91, P.L.1991, c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998, c.64, and P.L.1998, c.65, and for the purpose of administrative costs of the New Jersey Historic Trust associated with any such projects.

b. The expenditure of the sums reappropriated pursuant to this section is subject to the provisions of P.L.1987, c.265, P.L.1992, c.88, and P.L.1995, c.204, as appropriate.

44. Section 4 of P.L.1967, c.124 (C.13:1B-15.111) is amended to read as follows:

C.13:1B-15.111 New Jersey Historic Trust.

4. There is hereby created and established in but not of the Department of State, a body corporate and politic with corporate succession, to be known as the New Jersey Historic Trust. The trust is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the trust of the powers conferred by P.L.1967, c.124 (C.13:1B-15.111 et al.) shall be deemed and held to be an essential governmental function of the State.

45. Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is amended to read as follows:

C.13:15.112a Board of trustees.

3. a. The powers and duties of the New Jersey Historic Trust shall vest in and be exercised by a board of 15 trustees, of whom three shall be the Administrator of the New Jersey Historic Preservation Office in the Department of Environmental Protection or such other representative of that department as may be designated by the Commissioner of Environmental Protection, the State Treasurer, and the Executive Director of the New Jersey Historical Commission in the Department of State or such other representative of that department as may be designated by the Secretary of State, or their respective designees, who shall serve ex officio, and 12 shall be citizens of the State, representing the several geographic regions of the State, to be appointed by the Governor with the advice and consent of the Senate. Citizen trustees shall possess a minimum of five years' experience in historic preservation, except this requirement shall not apply to any citizen trustee serving on the board on the date of enactment of P.L.1995, c.217 (C.13:1B-15.115f et al.) for the remainder of the unexpired term of that trustee.

b. Citizen trustees shall serve for three-year terms provided, however, that the terms of the four new trustees appointed pursuant to P.L.1995, c.217 (C.13:1B-15.115f et al.) shall begin in the same calendar year as the effective date of that act, and that two of those trustees first appointed shall be appointed for a two-year term and two shall be appointed for a one-year term. Each citizen trustee shall hold office for the term of the appointment and until a successor shall have been appointed and qualified. No citizen trustee may serve more than three consecutive terms, except this restriction shall not apply to terms either completed or commenced prior to the effective date of P.L.1995, c.217 (C.13:1B-15.115f et al.).

c. The trustees shall elect a chairman, vice-chairman, treasurer, and assistant secretary.

d. Eight trustees shall constitute a quorum, and the concurrence of a majority of the quorum shall be necessary to validate all acts of the board.

46. Section 8 of P.L.1967, c.124 (C.13:1B-15.115) is amended to read as follows:

C.13:1B-15.115 Additional powers.

8. The trust shall have power in particular to:

a. solicit and accept gifts, legacies, bequests and endowments for any purpose which falls within that of the trust, and to maintain interest-bearing trust accounts for those purposes; and, unless otherwise specified by the person making such gift, legacy, bequest or endowment, the trustees may expend both principal and income of any such gift, bequest, legacy, or

endowment in furtherance of the trust or invest it in whole or in part in securities which are legal for trust funds in the State of New Jersey;

b. acquire and hold real and personal property of historic, aesthetic or cultural significance, by gift, purchase, devise, bequest, or by any other means, and to preserve and administer such properties; and in the acquisition of such properties, to acquire property adjacent thereto deemed necessary for the proper use and administration of historic, aesthetic or cultural property;

c. apply all moneys, assets, property or other things of value it may receive as an incident to its operation to the general purpose of the trust;

d. cooperate with and assist, insofar as practicable, any agency of the State or any of its political subdivisions, and any private agency or person in furtherance of the purpose of the trust;

e. give any moneys or property held by the trust to the Secretary of State or the Commissioner of Environmental Protection on behalf of the State for purpose of administering, operating or maintaining the historic sites programs of the State of New Jersey; and

f. report annually to the Governor and the Legislature of the State of New Jersey its activities during the preceding year together with any recommendations or requests it deems appropriate to further the purpose of the trust.

47. Section 2 of P.L.1991, c.41 (C.13:1B-15.115b) is amended to read as follows:

C.13:1B-15.115b Appropriation to "Historic Preservation Revolving Loan Fund;" approval, terms.

2. a. There is appropriated to the "Historic Preservation Revolving Loan Fund" from the "Cultural Centers and Historic Preservation Fund" created pursuant to section 20 of P.L.1987, c.265 the sum of $3,000,000 for the purpose of making low-interest loans, to the extent sufficient funds are available, to units of county or municipal government, or to tax-exempt nonprofit organizations, to finance the historic preservation costs of acquiring, restoring, repairing, or rehabilitating historic structures.

b. Prior to awarding any loans under this section, the New Jersey Historic Trust shall submit to the Legislature for its approval a list of projects that are to receive loans and the amount of each loan, which approval may given in the form of (1) a declaration of approval included in any act appropriating moneys for historic preservation projects pursuant to P.L.1999, c.152 (C.13:8C-1 et al.), (2) the passage of a concurrent resolution, or (3) a declaration of approval by the Joint Budget Oversight Committee or its successor.

c. Loans issued from the "Historic Preservation Revolving Loan Fund" shall be for a term not to exceed 20 years and at an interest rate not to exceed 4 percent per year. The terms of any loan agreements shall be approved by the State Treasurer.

48. Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is amended to read as follows:

C.13:1B-15.116 Trust restrictions.

9. The trust may not acquire, hold, receive or accept any moneys or other property, real or personal, tangible or intangible, which will result in the incurrence of any financial obligations on the part of the State of New Jersey which cannot be supported entirely from funds available in the trust without the express approval of the Secretary of State or the Legislature.

49. Section 7 of P.L.1983, c.324 (C.13:1L-7) is amended to read as follows:

C.13:1L-7 Powers of department.

7. a. For the purposes of acquiring, holding, managing or developing lands or other properties for a State park or forest, the department shall have the power to enter, inspect, survey, investigate ownership and take title to, in fee or otherwise, by purchase, gift, devise, exchange, or eminent domain, any appropriate lands of the State that would be useful as a State park or forest.

b. The power of eminent domain shall extend to all rights, interests and easements in any property in the State.

c. The department shall exercise its power of eminent domain in accordance with the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.) and section 28 of P.L.1999, c.152 (C.13:8C-28).

d. Whenever the department wishes to acquire, by eminent domain, title to unoccupied lands and it appears that such title may be defective in any manner, the department may, with the consent of the Attorney General, acquire the best available title, notwithstanding that such title is defective or incomplete.

e. For purposes of P.L.1983, c.324 (C.13:1L-1 et seq.), the department may acquire by gift, grant or by payment of tax lien any municipal lands that have been acquired by the municipality through the foreclosure of a tax lien pursuant to chapter 5 of Title 54 (Taxation).

f. (Deleted by amendment, P.L.1999, c.152).

g. No title or interest in any of the lands or properties acquired or held by the department for the purposes of P.L.1983, c.324 (C.13:1L-1 et seq.) shall be subject to be taken by condemnation proceedings through the power of eminent domain.

50. R.S.34:15-10 is amended to read as follows:

Employment of minors.

34:15-10. In the employment of minors, this article shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor. If the injured employee at the time of the accident or compensable occupational disease is a minor under 14 years of age employed in violation of the labor law or a minor between 14 and 18 years of age employed, permitted or suffered to work without an employment certificate or special permit if required by law or at an occupation prohibited at the minor's age by law, a compensation or death benefit shall be payable to the employee or his dependents which shall be double the amount payable under the schedules provided in R.S.34:15-12 and R.S.34:15-13.

The possession of such duly issued employment certificate shall be conclusive evidence for an employer that the minor has reached the age certified to therein and no extra compensation shall be payable to any minor engaged in an employment allowed by the law for the age and sex certified to in such certificate. If the certificate presented by the employee as one issued to that person shall have been really issued to another child and the real age of the employee shall be such that employment in any capacity or in the particular capacity the employee was employed by the employer was prohibited and if the employer shall show to the satisfaction of the Division of Workers' Compensation that the employer accepted the certificate in good faith as having been issued to the employee and could not have, despite reasonable diligence, discovered the fraud, in such event no extra compensation shall be paid to the employee illegally employed.

The employer alone and not the insurance carrier shall be liable for the extra compensation or death benefit which is over and above the amount of the compensation or death benefit provided under R.S.34:15-12 or R.S.34:15-13. Any provision in an insurance policy undertaking to relieve an employer from the liability for the extra compensation or extra death benefit shall be void.

Nothing in this chapter contained shall deprive an infant under the age of 18 years of the right or rights now existing to recover damages in a common law or other appropriate action or proceeding for injuries received by reason of the negligence of his or her master.

Nothing in this section regarding the payment of a compensation or death benefit in double the amount payable under the schedules provided in R.S.34:15-12 and R.S.34:15-13 shall apply to: members of a junior firemen's auxiliary established pursuant to N.J.S.40A:14-95; employees, of the age of 18 years or under, employed in summer camps operated by the Boy Scouts of America, the Girl Scouts of America, the Knights of

Columbus, the Young Men's Christian Association, the Young Women's Christian Association, the Young Men's Hebrew Association, or any domestic corporation organized solely for religious or charitable purposes; student-learners employed in a cooperative vocational education program approved by the State Board of Education; persons, 18 years of age or younger, participating, under the supervision of the Palisades Interstate Park Commission, in volunteer programs in that part of the Palisades Interstate Park located in New Jersey; or persons, 18 years of age or younger, doing volunteer work for the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, or the New Jersey Natural Lands Trust, as authorized by the Commissioner of Environmental Protection, or for the New Jersey Historic Trust.

51. R.S.34:15-43 is amended to read as follows:

Compensation for injury in line of duty.

34:15-43. Every officer, appointed or elected, and every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and governing bodies of service districts, individuals who are under the general supervision of the Palisades Interstate Park Commission and who work in that part of the Palisades Interstate Park which is located in this State, and also each and every member of a volunteer fire company doing public fire duty and also each and every active volunteer, first aid or rescue squad worker, including each and every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty under the control or supervision of any commission, council, or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, every county fire marshal and assistant county fire marshal, every special, reserve or auxiliary policeman doing volunteer public police duty under the control or supervision of any commission, council or any other governing body of any municipality, every emergency management volunteer doing emergency management service for the State and any person doing volunteer work for the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, or the New Jersey Natural Lands Trust, as authorized by the Commissioner of Environmental Protection, or for the New Jersey Historic Trust, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (R.S.34:15-7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury

or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in R.S.34:15-15.

Benefits available under this section to emergency management volunteers and volunteers participating in activities of the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, the New Jersey Natural Lands Trust or the New Jersey Historic Trust, shall not be paid to any claimant who has another single source of injury or death benefits that provides the claimant with an amount of compensation that exceeds the compensation available to the claimant under R.S.34:15-1 et seq.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to members of volunteer fire companies, county fire marshals or assistant county fire marshals, and the term "doing public first aid or rescue duty," as applied to active volunteer first aid or rescue squad workers, shall be deemed to include participation in any authorized construction, installation, alteration, maintenance or repair work upon the premises, apparatus or other equipment owned or used by the fire company or the first aid or rescue squad, participation in any authorized public drill, showing, exhibition, fund raising activity or parade, and to include also the rendering of assistance in case of fire and, when authorized, in connection with other events affecting the public health or safety, in any political subdivision or territory of another state of the United States or on property ceded to the federal government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

Also, as used in this section, "doing public police duty" and "who may be injured in line of duty" as applied to special, reserve or auxiliary policemen, shall be deemed to include participation in any authorized public drill, showing, exhibition or parade, and to include also the rendering of assistance in connection with other events affecting the public health or safety in the municipality, and also, when authorized, in connection with any such events in any political subdivision or territory of this or any other state of the United States or on property ceded to the federal government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

As used in this section, the terms "doing emergency management service" and "who may be injured in the line of duty" as applied to emergency management volunteers mean participation in any activities authorized pursuant to P.L.1942, c.251 (C.App. A:9-33 et seq.), except that the terms shall not include activities engaged in by a member of an emergency management agency of the United States Government or of another state, whether pursuant to a mutual aid compact or otherwise.

Every member of a volunteer fire company shall be deemed to be doing public fire duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district or board of managers of any State institution within the meaning of this section, if such control or supervision is provided for by statute or by rule or regulation of the board of managers or the superintendent of such State institution, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality.

Every active volunteer, first aid or rescue squad worker, including every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member or authorized worker receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

As used in this section and in R.S.34:15-74, the term "authorized worker" shall mean and include, in addition to an active volunteer fireman and an active volunteer first aid or rescue squad worker, any person performing any public fire duty or public first aid or rescue squad duty, as the same are defined in this section, at the request of the chief or acting chief of a fire company or the president or person in charge of a first aid or rescue squad for the time being.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

52. Section 1 of P.L.1995, c.368 (C.39:3-27.72) is amended to read as follows:

C.39:3-27.72 Definitions relative to issuance of historic preservation license plates.

1. As used in P.L.1995, c.368 (C.39:3-27.72 et seq.):

"Department" means the Department of State;

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation;

"Division" means the Division of Motor Vehicles in the Department of Transportation;

"Fund" means the "Historic Preservation License Plate Fund" created pursuant to section 4 of P.L.1995, c.368 (C.39:3-27.75);

"Historic resources" means the historic resources in New Jersey, and shall include, but need not necessarily be limited to, buildings, sites, and structures listed in or eligible for listing in the New Jersey Register of Historic Places, and museums and library collections related to New Jersey history; and

"Secretary" means the Secretary of State.

53. Section 4 of P.L.1995, c.368 (C.39:3-27.75) is amended to read as follows:

C.39:3-27.75 "Historic Preservation License Plate Fund" created.

4. a. There is created in the Department of State a special non-lapsing fund to be known as the "Historic Preservation License Plate Fund." The fund shall be administered by the New Jersey Historic Trust. There shall be deposited in the fund the amount collected from all license plate fees collected pursuant to section 3 of P.L.1995, c.368 (C.39:3-27.74), less the amounts necessary to reimburse the division for administrative costs pursuant to section 5 of P.L.1995, c.368 (C.39:3-27.76). Moneys deposited in the fund shall be dedicated for use in the awarding of grants to State agencies, local government units, and qualifying tax-exempt nonprofit organizations to meet costs related to the physical preservation of, development of interpretive and educational programming for, or operation of New Jersey's historic resources. Approval of any grants shall be made by the "Historic Preservation License Plate Advisory Committee," which shall be established in the Department of State and shall comprise the following: the Chairman of the Board of Trustees of the New Jersey Historic Trust, and two other trustees thereof, one of whom shall be the Executive Director of the New Jersey Historical Commission; a representative of Preservation New Jersey; a representative of the New Jersey Association of Museums; a representative of the League of Historical Societies of New Jersey; a representative of the New Jersey Council for the Social Studies; a representative of the New Jersey Council on the Humanities; and the Administrator of the Historic Preservation Office in the Department of Environmental Protection.

b. Moneys deposited in the fund shall be held in interest-bearing accounts in public depositories as defined pursuant to section 1 of P.L.1970,

c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on moneys deposited in the fund, and any moneys which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in P.L.1995, c.368 (C.39:3-27.72 et seq.).

54. Section 5 of P.L.1995, c.368 (C.39:3-27.76) is amended to read as follows:

C.39:3-27.76 Use of funds to reimburse division.

5. a. Prior to the deposit of license plate fees collected pursuant to section 3 of P.L.1995, c.368 (C.39:3-27.74) into the fund, amounts thereof as are necessary shall be used to reimburse the division for all costs reasonably and actually incurred, as stipulated by the director, for:

(1) producing, issuing, renewing, and publicizing the availability of historic preservation license plates; and

(2) any initial computer programming changes that may be necessary to implement the historic preservation license plate program established by P.L.1995, c.368 (C.39:3-27.72 et seq.).

b. The director shall annually certify to the secretary the average cost per license plate incurred in the immediately preceding year by the division in producing, issuing, renewing, and publicizing the availability of historic preservation license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor.

c. In the event that the average cost per license plate as certified by the director and approved by the Joint Budget Oversight Committee, or its successor, is greater than the $50 application fee established in subsection a. of section 3 of P.L.1995, c.368 (C.39:3-27.74) in two consecutive fiscal years, the director may discontinue the issuance of historic preservation license plates.

55. Section 6 of P.L.1995, c.368 (C.39:3-27.77) is amended to read as follows:

C.39:3-27.77 Notification of eligible motorists.

6. The director shall notify eligible motorists of the opportunity to obtain historic preservation license plates by including a notice with all motor vehicle registration renewals, and by posting appropriate posters or signs in all division facilities and offices, as may be provided by the department. The notices, posters, and signs shall be designed by the Historic Preservation License Plate Advisory Committee with the approval

of the secretary. The designs shall be subject to the approval of the director, and the secretary shall supply the division with the notices, posters, and signs to be circulated or posted by that division.

56. Section 7 of P.L.1995, c.368 (C.39:3-27.78) is amended to read as follows:

C.39:3-27.78 Procedures set forth in interagency memorandum of agreement.

7. The secretary, the New Jersey Historic Trust, the Historic Preservation License Plate Advisory Committee, the director, and the State Treasurer shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed by the departments, the New Jersey Historic Trust, the Historic Preservation License Plate Advisory Committee, and the division in carrying out their respective responsibilities under P.L.1995, c.368 (C.39:3-27.72 et seq.).

57. Section 8 of P.L.1964, c.48 (C.54:4-23.8) is amended to read as follows:

C.54:4-23.8 Determination of amount of rollback taxes.

8. When land which is in agricultural or horticultural use and is being valued, assessed and taxed under the provisions of P.L.1964, c.48 (C.54:4-23.1 et seq.), is applied to a use other than agricultural or horticultural, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized hereunder and the taxes that would have been paid or payable had the land been valued, assessed and taxed as other land in the taxing district, in the current tax year (the year of change in use) and in such of the two tax years immediately preceding, in which the land was valued, assessed and taxed as herein provided.

If the tax year in which a change in use of the land occurs, the land was not valued, assessed and taxed under P.L.1964, c.48 (C.54:4-23.1 et seq.), then such land shall be subject to roll-back taxes for such of the two tax years, immediately preceding, in which the land was valued, assessed and taxed hereunder.

Notwithstanding the provisions of any law, rule, or regulation to the contrary, land which is valued, assessed and taxed under the provisions of P.L.1964, c.48 (C.54:4-23.1 et seq.) and is acquired by the State, a local government unit, or a qualifying tax exempt nonprofit organization for recreation and conservation purposes shall not be subject to roll-back taxes. As used in this section, "acquired," "local government unit," "qualifying tax exempt nonprofit organization," and "recreation and conservation purposes"

mean the same as those terms are defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3).

In determining the amounts of the roll-back taxes chargeable on land which has undergone a change in use, the assessor shall for each of the roll-back tax years involved, ascertain:

(a) The full and fair value of such land under the valuation standard applicable to other land in the taxing district;

(b) The amount of the land assessment for the particular tax year by multiplying such full and fair value by the county percentage level, as determined by the county board of taxation in accordance with section 3 of P.L.1960, c.51 (C.54:4-2.27);

(c) The amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under (b) hereof; and

(d) The amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under (c) hereof by the general property tax rate of the taxing district applicable for that tax year.

58. N.J.S.59:1-3 is amended to read as follows:

Definitions.

59:1-3. Definitions. As used in this subtitle:

"Employee" includes an officer, employee, or servant, whether or not compensated or part-time, who is authorized to perform any act or service; provided, however, that the term does not include an independent contractor.

"Employment" includes office; position; employment; or service, under the supervision of the Palisades Interstate Park Commission, in a volunteer program in that part of the Palisades Interstate Park located in New Jersey, as an emergency management volunteer or as a volunteer doing work for the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, or the New Jersey Natural Lands Trust, as authorized by the Commissioner of Environmental Protection, or for the New Jersey Historic Trust.

"Enactment" includes a constitutional provision, statute, executive order, ordinance, resolution or regulation.

"Injury" means death, injury to a person, damage to or loss of property or any other injury that a person may suffer that would be actionable if inflicted by a private person.

"Law" includes enactments and also the decisional law applicable within this State as determined and declared from time to time by the courts of this State and of the United States.

"Public employee" means an employee of a public entity, and includes: a person participating, under the supervision of the Palisades Interstate Park Commission, in a volunteer program in that part of the Palisades Interstate Park located in New Jersey; a volunteer doing work for the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, or the New Jersey Natural Lands Trust, as authorized by the Commissioner of Environmental Protection; a volunteer doing work for the New Jersey Historic Trust; and any person retained by the public defender to serve as an arbitrator, mediator, or in such similar capacity. "Public employee" does not include any independent contractors or other individuals, agencies, or entities not established in or employed by the Office of the Public Defender designated to provide protection and advocacy services to indigent mental hospital admitters or persons with a developmental disability as the term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"Public entity" includes the State, and any county, municipality, district, public authority, public agency, and any other political subdivision or public body in the State. "Public entity" does not include any independent contractors or other individuals, agencies, or entities not established in or employed by the Office of the Public Defender designated to provide protection and advocacy services to indigent mental hospital admitters or persons with a developmental disability as the term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"State" shall mean the State and any office, department, division, bureau, board, commission or agency of the State, but shall not include any such entity which is statutorily authorized to sue and be sued. "State" also means the Palisades Interstate Park Commission, but only with respect to employees, property and activities within the State of New Jersey.

"Statute" means an act adopted by the Legislature of this State or by the Congress of the United States.

59. This act shall take effect immediately.

Approved June 30, 1999.

CHAPTER 153

AN ACT concerning the provision of public school nursing services and supplementing chapter 40 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:40-3.2 Findings, declarations relative to school nursing.

1. The Legislature finds and declares that school nursing is a separate and distinct specialty within the nursing and educational professions and that therefore competence in specified areas of health and education is needed in order for school nurses to act as health advocates for school-age children.

C.18A:40-3.3 Employment of nursing, non-nursing personnel.

2. A school district shall only utilize or employ for the provision of nursing services in the public schools of the district persons holding an educational services certificate with an endorsement as a school nurse issued by the State Board of Examiners, except for those non-nursing personnel who are otherwise authorized by statute or regulation to perform specific health related services. Special education students and those with medical needs requiring specialized care shall have that care rendered by an appropriate provider as appointed by the Board of Education. No person shall be issued such certificate unless the person is licensed as a registered nurse pursuant to the provisions of P.L.1947, c.262 (C.45:11-23 et seq.) and meets all of the requirements prescribed by the board for a nursing endorsement. A school district may supplement the services provided by the certified school nurse with non-certified nurses, provided that the non-certified nurse is assigned to the same school building or school complex as the certified school nurse.

C.18A:40-3.4 Employment of person to assist school nurse by providing secretarial, clerical duties.

3. A school district may utilize or employ a person to perform secretarial or clerical duties that assist in providing nursing services only under the supervision of a certified school nurse. Secretarial or clerical duties may include, but not be limited to, recording information on a pupil or school record, making telephone calls, and preparing correspondence.

C.18A:40-3.5 Issuance of county substitute certificate, emergency certificates.

4. The holder of a valid New Jersey registered nurse license may be issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C.6:11-4.5. Emergency certificates may be issued in accordance with N.J.A.C.6:11-4.3.

C.18A:40-3.6 Rules, regulations.

5. The State Board of Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act.

6. This act shall take effect immediately and shall first apply to persons who are initially employed to provide nursing services on and after the effective date of this act.

Approved July 1, 1999.

CHAPTER 154

AN ACT concerning health information electronic data interchange technology, supplementing Titles 17, 26 and 54 of the Revised Statutes and Titles 17B and 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17B:30-23 Timetable for implementation of electronic receipt, transmission of health care claim information; standard forms.

1. a. (1) The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services, shall establish, by regulation, a timetable for implementation of the electronic receipt and transmission of health care claim information by each hospital, medical or health service corporation, individual and group health insurer, health maintenance organization, dental service corporation, dental plan organization and prepaid prescription service organization, respectively, and a subsidiary of such corporation, insurer or organization that processes health care benefits claims as a third party administrator, authorized to do business in this State.

The Commissioner of Banking and Insurance shall establish the timetable within 90 days of the date the federal Department of Health and Human Services adopts rules establishing standards for health care transactions, including: health claims or equivalent encounter information, including institutional, professional, pharmacy and dental health claims; enrollment and disenrollment in a health plan; eligibility for a health plan; health care payment and remittance advice; health care premium payments; first report of injury; health claim status; and referral certification and authorization, respectively, pursuant to section 262 of Pub.L.104-191 (42 U.S.C.s.1320d et seq.). The commissioner may adopt more than one timetable, if necessary, to conform the requirements of this section with the dates of adoption of the federal rules.

(2) The timetable for implementation adopted by the commissioner shall provide for extensions and waivers of the implementation requirement

pursuant to paragraph (1) of this subsection in cases when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a hospital, medical or health service corporation, individual or group health insurer, health maintenance organization, dental service corporation, dental plan organization or prepaid prescription service organization, respectively, or a subsidiary of such corporation, insurer or organization that processes health care benefits claims as a third party administrator, authorized to do business in this State.

(3) The Commissioner of Banking and Insurance shall report to the Governor and the Legislature within one year of establishing the timetable pursuant to this subsection, on the number of extensions and waivers of the implementation requirement that he has granted pursuant to paragraph (2) of this subsection, and the reasons therefor.

b. The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services, shall adopt, by regulation for each type of contract, as he deems appropriate, one set of standard health care enrollment and claim forms in paper and electronic formats to be used by each hospital, medical or health service corporation, individual and group health insurer, health maintenance organization, dental service corporation, dental plan organization and prepaid prescription service organization, and a subsidiary of such corporation, insurer or organization that processes health care benefits claims as a third party administrator, authorized to do business in this State.

The Commissioner of Banking and Insurance shall establish the standard health care enrollment and claim forms within 90 days of the date the federal Department of Health and Human Services adopts rules establishing standards for the forms.

C.17:48-8.4 Hospital service corporation to receive, transmit transactions electronically.

2. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a hospital service corporation, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for

implementation will result in an undue hardship to a hospital service corporation, its subsidiary or its covered persons.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a hospital service corporation or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group and individual contracts issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a hospital service corporation shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a hospital service corporation or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by a subscriber or that subscriber's agent or assignee if the contract provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the contract;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the contract.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the contract, the payer shall notify the subscriber, or that subscriber's agent or assignee if the contract provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or subscriber, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic

means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by a subscriber for payment of benefits under an insured hospital service corporation contract for which the financial obligation for the payment of a claim under the contract rests upon the hospital service corporation.

C.17:48A-7.12 Medical service corporation to receive, transmit transactions electronically.

3. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a medical service corporation, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a medical service corporation, its subsidiary or its covered persons.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a medical service corporation or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group and individual contracts issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a medical service corporation shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a medical service corporation or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by a subscriber or that subscriber's agent or assignee if the contract provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the contract;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the contract.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the contract, the payer shall notify the subscriber, or that subscriber's agent or assignee if the contract provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or subscriber, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by a subscriber for payment of benefits under an insured medical service corporation contract for which the financial obligation for the payment of a claim under the contract rests upon the medical service corporation.

C.17:48E-10.1 Health service corporation to receive, transmit transactions electronically.

4. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health service corporation, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a health service corporation, its subsidiary or its covered persons.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health service corporation or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group and individual contracts issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health service corporation shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a health service corporation or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by a subscriber or that subscriber's agent or assignee if the contract provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the contract;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the contract.

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(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the contract, the payer shall notify the subscriber, or that subscriber's agent or assignee if the contract provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or subscriber, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the

payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by a subscriber for payment of benefits under an insured health service corporation contract for which the financial obligation for the payment of a claim under the contract rests upon the health service corporation.

C.17B:26-9.1 Health insurer to receive, transmit transactions relative to individual policies electronically.

5. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health insurer, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a health insurer, its subsidiary or its covered persons.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health insurer or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all individual policies issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health insurer shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered

person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the policy.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a health insurer or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by an insured or that insured's agent or assignee if the policy provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the policy;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the policy.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the policy, the payer shall notify the insured, or that insured's agent or assignee if the policy provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or insured, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by an insured for payment of benefits under an insured policy for which the financial obligation for the payment of a claim under the policy rests upon the health insurer.

C.17B:27-44.2 Health insurer to receive, transmit transactions relative to group policies electronically.

6. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health insurer, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards

to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a health insurer, its subsidiary or its covered persons.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health insurer or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group policies issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health insurer shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the policy.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a health insurer or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by an insured or that insured's agent or assignee if the policy provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the policy;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the policy.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the policy, the payer shall notify the insured, or that insured's agent or assignee if the policy provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or insured, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the

40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by an insured for payment of benefits under an insured policy for which the financial obligation for the payment of a claim under the policy rests upon the health insurer.

C.26:2J-8.1 Health maintenance organization to receive, transmit transactions electronically.

7. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health maintenance organization, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a health maintenance organization, its subsidiary or its covered enrollees.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health maintenance organization or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group and individual health maintenance organization coverage for health care services issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of

Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health maintenance organization shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a health maintenance organization or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by an enrollee or that enrollee's agent or assignee if the health maintenance organization coverage for health care services provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the health maintenance organization coverage for health care services;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the health maintenance organization coverage for health care services.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the health maintenance organization coverage for health care services, the payer shall notify the enrollee, or that enrollee's agent or assignee if the health maintenance

organization coverage for health care services provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or enrollee, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by an enrollee for payment of benefits under an insured health maintenance

organization contract for which the financial obligation for the payment of a claim under the health maintenance organization coverage for health care services rests upon the health maintenance organization.

C.17:48C-8.1 Dental service corporation to receive, transmit transactions electronically.

8. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a dental service corporation, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a dental service corporation, its subsidiary or its covered persons.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a dental service corporation or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group and individual contracts issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a dental service corporation shall require that health care providers file all claims for payment for dental services. A covered person who receives dental services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a dental service corporation or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by a subscriber or that subscriber's agent or assignee if the contract provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of

claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the contract;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the contract.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the contract, the payer shall notify the subscriber, or that subscriber's agent or assignee if the contract provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or subscriber, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan

established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by a subscriber for payment of benefits under an insured dental service corporation contract for which the financial obligation for the payment of a claim under the contract rests upon the dental service corporation.

C.17:48D-9.4 Dental plan organization to receive, transmit transactions electronically.

9. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a dental plan organization, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a dental plan organization, its subsidiary or its covered enrollees.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a dental plan organization or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all group and individual contracts issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a dental plan organization shall require that health care providers file all claims for payment for dental services. A covered person who receives dental services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a dental plan organization or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by an enrollee or that enrollee's agent or assignee if the contract provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the contract;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the contract.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the contract, the payer shall notify the enrollee, or that enrollee's agent or assignee if the contract provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or enrollee, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than

electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by an enrollee for payment of benefits under an insured dental plan organization contract for which the financial obligation for the payment of a claim under the contract rests upon the dental plan organization.

C.17:48F-13.1 Prepaid prescription service organization to receive, transmit transactions electronically.

10. a. Within 180 days of the adoption of a timetable for implementation pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a prepaid prescription service organization, or a subsidiary that processes health care benefits claims as a third party administrator, shall demonstrate to the satisfaction of the Commissioner of Banking and Insurance that it will adopt and implement all of the standards to receive and transmit health care transactions electronically, according to the corresponding timetable, and otherwise comply with the provisions of this section, as a condition of its continued authorization to do business in this State.

The Commissioner of Banking and Insurance may grant extensions or waivers of the implementation requirement when it has been demonstrated to the commissioner's satisfaction that compliance with the timetable for implementation will result in an undue hardship to a prepaid prescription service organization, its subsidiary or its covered enrollees.

b. Within 12 months of the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a prepaid prescription service organization or a subsidiary that processes health care benefits claims as a third party administrator shall use the standard health care enrollment and claim forms in connection with all contracts issued, delivered, executed or renewed in this State.

c. Twelve months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a prepaid prescription service organization shall require that health care providers file all claims for payment for health care services. A covered person who receives health care services shall not be required to submit a claim for payment, but notwithstanding the provisions of this subsection to the contrary, a covered person shall be permitted to submit a claim on his own behalf, at the covered person's option. All claims shall be filed using the standard health care claim form applicable to the contract.

d. (1) Effective 180 days after the effective date of P.L.1999, c.154, a prepaid prescription service organization or its agent, hereinafter the payer, shall remit payment for every insured claim submitted by an enrollee or that enrollee's agent or assignee if the contract provides for assignment of benefits, no later than the 30th calendar day following receipt of the claim by the payer or no later than the time limit established for the payment of claims in the Medicare program pursuant to 42U.S.C.s.1395u(c)(2)(B), whichever is earlier, if the claim is submitted by electronic means, and no later than the 40th calendar day following receipt if the claim is submitted by other than electronic means, if:

(a) the claim is an eligible claim for a health care service provided by an eligible health care provider to a covered person under the contract;

(b) the claim has no material defect or impropriety, including, but not limited to, any lack of required substantiating documentation or incorrect coding;

(c) there is no dispute regarding the amount claimed;

(d) the payer has no reason to believe that the claim has been submitted fraudulently; and

(e) the claim requires no special treatment that prevents timely payments from being made on the claim under the terms of the contract.

(2) If all or a portion of the claim is denied by the payer because:

(a) the claim is an ineligible claim;

(b) the claim submission is incomplete because the required substantiating documentation has not been submitted to the payer;

(c) the diagnosis coding, procedure coding, or any other required information to be submitted with the claim is incorrect;

(d) the payer disputes the amount claimed; or

(e) the claim requires special treatment that prevents timely payments from being made on the claim under the terms of the contract, the payer shall notify the enrollee, or that enrollee's agent or assignee if the contract provides for assignment of benefits, in writing or by electronic means, as appropriate, within 30 days, of the following: if all or a portion of the claim is denied, all the reasons for the denial; if the claim lacks the required substantiating documentation, including incorrect coding, a statement as to what substantiating documentation or other information is required to complete adjudication of the claim; if the amount of the claim is disputed, a statement that it is disputed; and if the claim requires special treatment that prevents timely payments from being made, a statement of the special treatment to which the claim is subject.

(3) Any portion of a claim that meets the criteria established in paragraph (1) of this subsection shall be paid by the payer in accordance with the time limit established in paragraph (1) of this subsection.

(4) A payer shall acknowledge receipt of a claim submitted by electronic means from a health care provider or enrollee, no later than two working days following receipt of the transmission of the claim.

(5) If a payer subject to the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) has reason to believe that a claim has been submitted fraudulently, it shall investigate the claim in accordance with its fraud prevention plan established pursuant to section 1 of P.L.1993, c.362 (C.17:33A-15), or refer the claim, together with supporting documentation, to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16).

(6) Payment of an eligible claim pursuant to paragraphs (1) and (3) of this subsection shall be deemed to be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, following receipt by the payer of a claim submitted by electronic means and on or before the 40th calendar day following receipt of a claim submitted by other than electronic means.

In the event payment is withheld on all or a portion of a claim by a payer pursuant to subparagraph (b) of paragraph (2) of this subsection, the claims payment shall be overdue if not remitted to the claimant or his agent by the payer on or before the 30th calendar day or the time limit established by the Medicare program, whichever is earlier, for claims submitted by electronic means and the 40th calendar day for claims submitted by other than electronic means, following receipt by the payer of the required documentation or modification of an initial submission.

(7) An overdue payment shall bear simple interest at the rate of 10% per annum.

e. As used in this subsection, "insured claim" or "claim" means a claim by an enrollee for payment of benefits under an insured prepaid prescription service organization contract for which the financial obligation for the payment of a claim under the contract rests upon the prepaid prescription service organization.

C.26:1A-15.1 Advisory board on electronic data interchange technology policy.

11. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Banking and Insurance, shall establish an advisory board to make recommendations to the commissioners on health information electronic data interchange technology policy and measures to protect the confidentiality of medical information. The members of the board shall include, at a minimum, representation from health insurance carriers, health care professionals and facilities, higher education, business and organized labor, and health care consumers. The members of the board

shall serve without compensation but shall be entitled to reimbursement for reasonable expenses incurred in the performance of their duties.

C.26:1A-15.2 Annual report to Governor, Legislature.

12. The Commissioner of Health and Senior Services, in conjunction with the Commissioner of Banking and Insurance, shall present an annual report to the Governor and the Legislature on the development and use of health information electronic data interchange technology in New Jersey. The report shall be prepared in consultation with the advisory board established pursuant to section 11 of P.L.1999, c.154 (C.26:1A-15.1). The report shall include any recommendations, including proposals for regulatory and legislative changes, to promote the development and use of health information electronic data interchange technology in this State.

C.45:1-10.1 Responsibility of health care professionals for filing claims.

13. Effective 12 months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health care professional licensed pursuant to Title 45 of the Revised Statutes is responsible for filing all claims for third party payment, including claims filed on behalf of the licensed professional's patient for any health care service provided by the licensed professional that is eligible for third party payment, except that at the patient's option, the patient may file the claim for third party payment.

a. In the case of a claim filed on behalf of the professional's patient, the professional shall file the claim within 60 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23).

b. In the case of a claim in which the patient has assigned his benefits to the professional, the professional shall file the claim within 180 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23). If the professional does not file the claim within 180 days of the last date of service for a course of treatment, the third party payer shall reserve the right to deny payment of the claim, in accordance with regulations established by the Commissioner of Banking and Insurance, and the professional shall be prohibited from seeking any payment directly from the patient.

(1) In establishing the standards for denial of payment, the Commissioner of Banking and Insurance shall consider the good faith use of information provided by the patient to the professional with respect to the identity of the patient's third party payer, delays in filing a claim related to

coordination of benefits between third party payers and any other factors the commissioner deems appropriate, and, accordingly, shall define specific instances where the sanctions permitted pursuant to this subsection shall not apply.

(2) A professional who fails to file a claim within 180 days and whose claim for payment has been denied by the third party payer in accordance with this subsection may, in the discretion of a judge of the Superior Court, be permitted to refile the claim if the third party payer has not been substantially prejudiced thereby. Application to the court for permission to refile a claim shall be made within 14 days of notification of denial of payment and shall be made upon motion based upon affidavits showing sufficient reasons for the failure to file the claim with the third party payer within 180 days.

c. The provisions of this section shall not apply to any claims filed pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.).

d. A health care professional who violates the provisions of subsection a. of this section may be subject to a civil penalty of $250 for each violation plus $50 for each day after the 60th day that the provider fails to submit a claim. The penalty shall be sued for and collected by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

C.26:2H-12.12 Responsibility of health care facilities for filing claims.

14. Effective 12 months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23), a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) is responsible for filing all claims for third party payment, including claims filed on behalf of the health care facility's patient for any health care service provided by the health care facility that is eligible for third party payment, except that at the patient's option, the patient may file the claim for third party payment.

a. In the case of a claim filed on behalf of the health care facility's patient, the health care facility shall file the claim within 60 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23).

b. In the case of a claim in which the patient has assigned his benefits to the health care facility, the health care facility shall file the claim within 180 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c.154 (C.17B:30-23). If the health care

facility does not file the claim within 180 days of the last date of service for a course of treatment, the third party payer shall reserve the right to deny payment of the claim, in accordance with regulations established by the Commissioner of Banking and Insurance, and the health care facility shall be prohibited from seeking any payment directly from the patient.

(1) In establishing the standards for denial of payment, the Commissioner of Banking and Insurance shall consider the length of delay in filing the claim, the good faith use of information provided by the patient to the health care facility with respect to the identity of the patient's third party payer, delays in filing a claim related to coordination of benefits between third party payers and any other factors the commissioner deems appropriate, and, accordingly, shall define specific instances where the sanctions permitted pursuant to this subsection shall not apply.

(2) A health care facility which fails to file a claim within 180 days and whose claim for payment has been denied by the third party payer in accordance with this subsection may, in the discretion of a judge of the Superior Court, be permitted to refile the claim if the third party payer has not been substantially prejudiced thereby. Application to the court for permission to refile a claim shall be made within 14 days of notification of denial of payment and shall be made upon motion based upon affidavits showing sufficient reasons for the failure to file the claim with the third party payer within 180 days.

c. The provisions of this section shall not apply to any claims filed pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.).

d. A health care facility which violates the provisions of subsection a. of this section may be subject to a civil penalty of $250 for each violation plus $50 for each day after the 60th day that the health care facility fails to submit a claim. The penalty shall be sued for and collected by the Department of Health and Senior Services pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

C.17B:30-24 Regulations.

15. The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations to effectuate the purposes of sections 1 through 10 of this act, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). To the extent practicable, the regulations shall include any provisions the commissioner deems appropriate that seek to reduce the amount of, or to consolidate, the paper forms sent by hospital, medical, health and dental service corporations, commercial insurers, health maintenance organizations, dental plan organizations and prepaid prescription service organizations to health care providers and covered persons.

C.17B:30-25 Thomas A. Edison State College to study, monitor effectiveness of electronic data interchange technology.

16. Thomas A. Edison State College shall study and monitor the effectiveness of electronic data interchange technology in reducing administrative costs, identify means by which new electronic data interchange technology can be implemented to effect health care system cost savings, and determine the extent of electronic data interchange technology use in the State's health care system.

The Departments of Health and Senior Services and Banking and Insurance shall cooperate with and provide assistance to the college in carrying out its study pursuant to this section.

The college shall report to the Legislature and the Governor from time to time on its findings and recommendations.

Repealer.

17. Sections 78, 79, and 80 of P.L.1991, c.187 (C.17B:26-12.1, 17B:27-44.1 and 26:2J-5.1) are repealed.

18. This act shall take effect immediately

Approved July 1, 1999.

CHAPTER 155

AN ACT concerning payment of health and dental insurance claims and supplementing Title 17B of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17B:30-26 Definitions relative to payment of health and dental insurance plans.

1. As used in this act:

"Capitation payment" means a periodic payment to a health care provider for his services under the terms of a contract between the provider and a payer, under which the provider agrees to perform the health care services set forth in the contract for a specified period of time for a specified fee, but shall not include any payments made to the provider on a fee-for-service basis.

"Carrier" means an insurance company, health service corporation, hospital service corporation, medical service corporation or health maintenance organization authorized to issue health benefits plans in this

State and a dental service corporation or dental plan organization authorized to issue dental plans in this State.

"Commissioner" means the Commissioner of Banking and Insurance.

"Contract holder" means an employer or organization that purchases a contract for services.

"Covered person" means a person on whose behalf a carrier offering the plan is obligated to pay benefits or provide services pursuant to the health benefits or dental plan.

"Covered service" means a health care service provided to a covered person under a health benefits or dental plan for which the carrier is obligated to pay benefits or provide services.

"Dental plan" means a benefits plan which pays or provides dental expense benefits for covered services and is delivered or issued for delivery in this State by or through a dental service corporation or dental plan organization authorized to issue dental plans in this State.

"Eligible claim" or "claim for eligible services" means a claim for a covered service under a health benefits or dental plan, subject to any conditions imposed by the health benefits or dental plan.

"Eligible health care provider" means a health care provider whose services are reimbursable under a health benefits or dental plan.

"Health benefits plan" means a benefits plan which pays or provides hospital and medical expense benefits for covered services, and is delivered or issued for delivery in this State by or through a carrier. Health benefits plan includes, but is not limited to, Medicare supplement coverage and risk contracts to the extent not otherwise prohibited by federal law. For the purposes of this act, health benefits plan shall not include the following plans, policies or contracts: accident only, credit, disability, long-term care, CHAMPUS supplement coverage, coverage arising out of a workers' compensation or similar law, automobile medical payment insurance, personal injury protection insurance issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.) or hospital confinement indemnity coverage.

"Health care provider" means an individual or entity which, acting within the scope of its licensure or certification, provides a covered service defined by the health benefits or dental plan. Health care provider includes, but is not limited to, a physician, dentist and other health care professionals licensed pursuant to Title 45 of the Revised Statutes, and a hospital and other health care facilities licensed pursuant to Title 26 of the Revised Statutes.

"Insured claim" or "claim" means a claim by a covered person for payment of benefits under an insured health benefits or dental plan.

"Insured health benefits or dental plan" means a health benefits or dental plan providing benefits for covered services to covered persons for which

the contract holder pays a premium, which may include a deductible amount payable to a health care provider, and for which the financial obligation for the payment of claims under the plan rests upon the payer.

"Payer" means a carrier or any agent thereof who is doing business in the State and is under a contractual obligation to pay insured claims.

C.17B:30-27 Applicability.

2. The provisions of this act shall apply only to insured health benefits or dental plans and insured claims submitted to payers.

C.17B:30-28 Provision of information.

3. A payer shall, at the request of a covered person, that person's agent, or an eligible health care provider, provide information as to the material required to be submitted to the payer with a claim for reimbursement, including any documentation which is to be submitted with the claim and information as to the proper coding, including the standard diagnosis and procedure codes used by the payer.

C.17B:30-29 Provision of toll-free telephone number.

4. A payer shall provide covered persons and eligible health care providers with a toll-free telephone number for making inquiries regarding paid claims or pending claims. If the commissioner determines that the toll-free telephone numbers provided by the payer are not adequate, he may require separate toll-free numbers for covered persons and health care providers.

A payer shall respond to any covered person's or health care provider's claim inquiry no later than three business days after receipt of the inquiry.

C.17B:30-30 Maintenance of claims records; audit required.

5. a. A payer shall maintain a record which shall be audited by a private auditing firm at the expense of the payer, to be submitted to the commissioner, Governor and the Legislature annually, in a form established by the commissioner by regulation, of the number of claims, by category:

(1) that are denied because they are for an ineligible service or the health care service was not rendered by an eligible health care provider under the health benefits or dental plan;

(2) that are rejected at their initial submission because of a lack of substantiating documentation;

(3) that are rejected at their initial submission because of incorrect coding or incorrect enrollment information;

(4) that are rejected at their initial submission because of the amount claimed;

(5) that are not paid in accordance with the time limit established by law because the payer deems the claim to require special treatment that prevents timely payments from being made;

(6) that are not paid in accordance with the time limits for payment established by law even though the claims meet the criteria established by law;

(7) upon which the 10% interest penalty established by law has been paid, and the aggregate amount of interest paid for the period covered by the report;

(8) that are denied or referred to the payer's fraud investigation unit, if applicable, or to the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety established pursuant to section 32 of P.L.1998, c.21 (C.17:33A-16) because the payer has reason to believe that the claim has been submitted fraudulently; and

(9) any other information the commissioner requires.

b. After reviewing an audit, the commissioner may, if he deems it necessary: require the implementation of a plan of remedial action by the payer; require that the payer's claims processing procedures be monitored by a private auditing firm for a time period he deems appropriate; or both.

If, following an audit, the implementation of a plan of remediation or the monitoring of the payer's claims processing procedures, the commissioner determines that:

(1) an unreasonably large or disproportionate number of eligible claims continue to be rejected, denied, or not paid in a timely fashion for the reasons set forth in paragraph (4), (5) or (6) of subsection a. of this section; or

(2) a payer has failed to pay interest as required pursuant to law, the commissioner shall impose a civil penalty of not more than $10,000 upon the payer, to be collected pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

c. Every financial examination of a payer performed pursuant to section 11 of P.L.1938, c.366 (C.17:48-11), section 15 of P.L.1940, c.74 (C.17:48A-15), section 26 of P.L.1968, c.305 (C.17:48C-26), section 13 of P.L.1979, c.478 (C.17:48D-13), section 36 of P.L.1985, c.236 (C.17:48E-36), N.J.S.17B:21-1 et seq. or section 9 of P.L.1973, c.337 (C.26:2J-9), as applicable, shall include an examination of the payer's compliance with the provisions of this section.

C.17B:30-31 Additional record of claims.

6. a. In addition to the annual audit required by section 5 of this act, the payer shall maintain and report to the commissioner on no less than a

quarterly basis, a record of claims as provided in paragraphs (1) through (9) of subsection a. of section 5 of this act.

b. After reviewing a report, the commissioner may require an immediate audit of the payer by a private audit firm and after reviewing the audit, if he deems it necessary, may proceed with a remediation or monitoring procedure as provided by subsection b. of section 5 of this act.

C.17B:30-32 Overdue capitation payment.

7. a. Payment of a capitation payment to a health care provider shall be deemed to be overdue if not remitted to the provider on the fifth business day following the due date of the payment in the contract, if: the health care provider is not in violation of the terms of the contract; and the health care provider has supplied such information to the insurer as may be required under the contract before payment is to be made.

b. An overdue payment shall bear simple interest at the rate of 10% per annum.

C.17B:30-33 Regulations.

8. No later than 180 days following the date of enactment of this act, the commissioner shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to carry out the purposes of this act.

C.17B:30-34 Inapplicability of act.

9. The provisions of this act shall not apply to any payer determined by the commissioner to be impaired, to be subject to the provisions of the "Life and Health Insurers Rehabilitation and Liquidation Act," P.L.1992, c.65 (C.17B:32-31 et seq.), or to any claims payable by the "New Jersey Life and Health Insurance Guaranty Association Act" pursuant to P.L.1991, c. 208 (C.17B:32A-1 et seq.).

10. This act shall take effect on the 180th day after enactment.

Approved July 1, 1999.

CHAPTER 156

AN ACT concerning special municipal aid and extraordinary municipal aid, amending and supplementing P.L.1987, c.75, amending P.L.1991, c.63, supplementing Title 52 of the Revised Statutes, amending the State Fiscal Year 2000 annual appropriations act, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1987, c.75 (C.52:27D-118.25) is amended to read as follows:

C.52:27D-118.25 Findings, declarations.

2. The Legislature finds that certain large and small municipalities in this State experience fiscal distress as a result of insufficient collection of tax revenues, insufficient collection of other revenues, over-anticipation of revenues of prior years, or from other causes; that these municipalities function within stringent budgetary constraints, straining their revenue sources to provide basic public services for their residents; that these municipalities may benefit from the expertise of the State in recommending fiscal recovery measures designed to alleviate the fiscal distress they are currently experiencing; and that short-term State assistance, in the form of State grants and loans, may provide the temporary revenue bridge these few municipalities need in order to overcome their current difficulties and regain their financial stability.

The Legislature, therefore, declares that it is fitting and proper, and within the public interest, to provide loans and grants to certain municipalities experiencing budgetary difficulties in generating adequate local revenues in order to assist those municipalities not only in meeting their immediate budgetary needs, but also to enable them to regain their financial stability.

2. Section 3 of P.L.1987, c.75 (C.52:27D-118.26) is amended to read as follows:

C.52:27D-118.26 Definitions.

3. As used in this act:

"Board" means the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs.

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

"Eligible municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality that has issued qualified bonds pursuant to the provisions of the "Municipal Qualified Bond Act," P.L.1976, c.38 (C.40A:3-1 et seq.), or a municipality identified by the director to be facing serious fiscal distress.

3. Section 5 of P.L.1987, c.75 (C.52:27D-118.28) is amended to read as follows:

C.52:27D-118.28 Finding of fiscal distress; notification; review.

5. Whenever the director, during the exercise of the director's duty under the provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq., to examine each local budget, or upon the basis of any other information and data available to the director, shall find that an eligible municipality is experiencing fiscal distress and may require assistance under P.L.1987, c.75 (C.52:27D-118.24 et seq.), the director shall notify the Local Finance Board of the director's finding. The director's finding of fiscal distress in an eligible municipality may be based on the municipality's tax rate, cash deficit, insufficient percentage of tax collections, insufficient collection of other revenues, over-anticipation of the revenues of prior years, non-liquidation of interfund transfers, reliance on emergency authorizations, continual rollover of tax anticipation notes, or other factors indicating a constrained ability to raise sufficient revenues to meet its budgetary requirements.

At a time and place determined by the director, the governing body of the eligible municipality, and any other interested parties the director may deem appropriate, shall meet to review the implementation of the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.). The review shall include, but not be limited to:

a. The director's assessment of the difference between the eligible municipality's revenue needs for the current local budget year and its revenue raising capacity for the current local budget year;

b. The actions the governing body of the eligible municipality intends to take in the current local budget year to meet the municipality's revenue needs; and

c. The actions the governing body intends to take to expand the eligible municipality's local revenue generating capacity for subsequent local budget years.

After the review has taken place, the director shall notify the board of the findings of the review and shall recommend to the board actions necessary to be taken by the municipality, which may include the provision of short-term financial aid.

4. Section 6 of P.L.1987, c.75 (C.52:27D-118.29) is amended to read as follows:

C.52:27D-118.29 Determination of amount of grants, loans; withholding; hearing.

6. a. The board shall determine the total amounts of grants and loans, or any combination thereof, to be provided to each eligible municipality and the director shall certify that amount to the State Treasurer and the governing body of the eligible municipality. In the case of loans to an eligible municipality, the board shall set forth the terms of the loan agreement, including whether or not any interest shall be paid and, if so, the rate of that interest. The term of a loan authorized under the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.) shall not exceed 10 years.

As a condition of receiving assistance under the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), an eligible municipality shall implement any government, administrative and operational efficiency, and oversight measures necessary for the fiscal recovery of the municipality as recommended by the director and approved by the board, and be subject to management and fiscal audit by the director.

The determination of the board pursuant to P.L.1987, c.75 as to the amount of financial assistance to be paid to an eligible municipality shall be final and conclusive, and there shall be no appeal therefrom nor any review thereof.

b. The director may withhold from an eligible municipality any State aid payments that are disbursed by the Division of Local Government Services if the director finds the municipality has failed to implement fiscal recovery measures approved by the board. Upon withholding an aid payment, the director shall report to the board the circumstances surrounding the reasons for withholding aid. The board shall then hold a hearing to give the eligible municipality an opportunity to explain why such aid payments should not continue to be withheld, and what action the eligible municipality plans to take to implement the fiscal recovery measures. Upon completion of the hearing, the board shall determine if State aid payments should continue to be made to the municipality, establish a schedule for such payments when appropriate, and determine what other actions should be taken.

c. If an eligible municipality receives increased amounts of aid under P.L.1987, c.75 (C.52:27D-118.24 et seq.) after January 1, 1999 and continues to receive such aid for two continuous fiscal years, at the end of each second year, or at such other time the board deems appropriate, the board shall hold a hearing for the eligible municipality to demonstrate why the board should not create a financial review board to oversee the fiscal condition of the eligible municipality. If the board finds that the eligible municipality has successfully implemented fiscal recovery measures or has otherwise acted to improve sufficiently its fiscal condition, the board shall

permit the eligible municipality to continue to receive aid without the creation of a financial review board and be subject to such other fiscal recovery conditions the board may place on it; otherwise, the board shall order, by resolution, the creation of a financial review board to operate in accordance with the provisions of subsections b. through d. of section 5 of P.L.1999, c.156 (C.52:27D-118.30a).

C.52:27D-118.30a Creation of financial review board for municipality.

5. a. Upon a finding by the director that an eligible municipality possesses conditions that create extreme difficulty in adopting a budget in compliance with the "Local Budget Law," N.J.S.40A:4-1 et seq., in issuing indebtedness as permitted by law, or in funding capital improvements essential to the protection of the public health, safety, and welfare, the board may create, by resolution, a financial review board for that municipality.

b. A financial review board shall be authorized to approve, implement and enforce a financial plan for any municipality in which it has been created. A financial review board so created shall consist of five members, one of whom shall be the mayor of the municipality or the mayor's designee; one of whom shall be appointed by the Governor and shall be a resident of the municipality who is not an elected official or employee of the municipality; one of whom shall be the Commissioner of the Department of Community Affairs or the commissioner's designee; one of whom shall be the State Treasurer or the Treasurer's designee; and one of whom shall be appointed by the Governor and shall be an officer of the Executive Branch of State government. The financial review board shall exercise its powers and duties under rules and regulations adopted by the board. A municipality subject to a financial review board shall establish a financial plan, subject to the financial review board's approval, to address the budgetary, operational, capital and economic development needs of the municipality. The financial review board shall also have the power to approve: the annual budget of the municipality, the issuance of debt, all contracts entered into during the time of supervision of the financial review board, and municipal expenditures, if so directed by the board, to the extent that the financial review board shall specify. The financial review board may delegate to the municipality such of its powers, under such circumstances and subject to such conditions, as it may determine. A financial review board shall operate until such time that the board finds that the conditions that led to the creation of the financial review board have been substantially abated.

c. At the end of each year of its operation the financial review board shall report to the board on its activities. The report shall include: a review of the financial review board's activities generally; the status of the municipality's finances; recommendations concerning the municipality's

fiscal condition; the criteria for municipal performance which will lead the financial review board to recommend to the board that the financial review board be dissolved; a review of the municipality's economic development needs, and policy recommendations that would achieve those goals; comment on the municipality's compliance with the financial review board's directives; and any other information the financial review board deems necessary. After review, a copy of the financial review board's report and any comments of the board shall be forwarded to Governor, the Senate President, the Senate Minority Leader, the Speaker of the General Assembly, and the Assembly Minority Leader.

d. The board shall review the status of each municipality in which a financial review board has been created at least each two years, at which time the municipality shall be given the opportunity to demonstrate why the financial review board should be ended or its role modified. The board shall determine whether the municipality shall continue to be subject to the oversight of the financial review board and if the conditions that led to the creation of the financial review board have been substantially abated, and shall take such other actions as the board deems appropriate in light of the municipality's financial condition.

6. Section 4 of P.L.1991, c.63 (C.52:27D-118.35) is amended to read as follows:

C.52:27D-118.35 Distributions of extraordinary aid.

4. The director shall on or before December 31, 1991 and annually thereafter make distributions of "Supplemental Municipal Property Tax Relief Act" extraordinary aid. The director shall annually notify the chief financial officer of each municipality, other than a municipality that received $500,000 or more in regular grant financial assistance in the prior year pursuant to the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), that, in addition to State aid provided pursuant to section 3 of P.L.1991, c.63 (C.52:27D-118.34), the municipality is eligible to apply for "Supplemental Municipal Property Tax Relief Act" extraordinary aid. The municipality may apply to the board for financial assistance pursuant to this section on forms promulgated by the director.

7. Section 5 of P.L.1991, c.63 (C.52:27D-118.36) is amended to read as follows:

C.52:27D-118.36 Selection of recipients of extraordinary aid.

5. The director shall select among the municipalities that have applied for extraordinary aid pursuant to section 4 of P.L.1991, c.63 (C.52:27D-118.35) and shall forward to the board the list of selected

municipalities along with the amount of financial assistance to be paid to each municipality. The director in selecting among those eligible municipalities for payment of extraordinary aid shall use criteria which shall include:

a. whether a municipality is experiencing fiscal distress, whether the cost of providing municipal services is extraordinarily high, and whether the tax base is inadequate to meet property tax demands;

b. whether a municipality will use the extraordinary aid for costs associated with activities that improve operations and provide short-term and long-term property tax savings, including but not limited to shared and regionalized services, enhanced tax and revenue collection efforts and other activity that can be demonstrated to meet those requirements; or

c. whether a municipality has incurred other unusual or atypical expenses.

C.52:27D-118.30c Transfers authorized to provide loan.

8. The State Treasurer, in consultation with the Commissioner of the Department of Community Affairs, is empowered to direct the Director of the Division of Budget and Accounting to transfer from any State department to any other State department sums as may be necessary to provide a loan for a term not to exceed 30 days to a municipality faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes. Extension of a loan shall be conditioned on the municipality being an "eligible municipality" pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

C.52:27D-118.30b Authority to approve continuation of financial review board for City of Camden.

9. Notwithstanding the provisions of section 5 of P.L.1999, c.156 (C.52:27D-118.30a) or any other law to the contrary, in addition to other powers conferred by law, the Local Finance Board is hereby authorized to approve, by resolution, the continuation of the financial review board for the City of Camden as constituted which was created by the Local Finance Board pursuant to P.L.1998, c.45. On and after the continuation of the financial review board pursuant to resolution of the Local Finance Board, the financial review board is deemed to be a financial review board created pursuant to section 5 of P.L.1999, c.156 (C.52:27D-118.30a), and in all other respects subject to the procedures pursuant to that section. For the purposes of subsections c. and d. of section 5 of P.L.1999, c.156 (C.52:27D-118.30a), June 30, 2000 is, if the municipality continues to be subject to the oversight of the financial review board at that date, deemed to be the end of the second year in which the financial review board has been in operation.

10. The following language provision in section 1 of P.L.1999, c.138, the State fiscal year 2000 annual appropriations act is amended to read as follows:

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
STATE AID

11. There is appropriated $72,500,000 from the General Fund to the Department of Community Affairs, to be allocated as follows: $40,500,000 is allocated for distribution pursuant to the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.); $2,000,000 is allocated to the Division of Local Government Services for costs of administration of fiscal and management audits and other fiscal oversight and assistance efforts under the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.); and $30,000,000 is allocated for distribution as extraordinary aid pursuant to sections 4 and 5 of P.L.1991, c.63 (C.52:27D-118.35 and 52:27D-118.35) provided, that the $10,000,000 of the $30,000,000 that was not anticipated in the Governor's Budget Recommendation for State Fiscal Year 1999-2000 shall be allocated between municipalities with calendar year and State fiscal year budgets in the same proportion as the $20,000,000 was allocated, and the allocation to calendar year municipalities shall be distributed to the calendar year municipalities that had applied for aid as anticipated under the Governor's Budget Recommendation for State Fiscal Year 1999-2000.

12. This act shall take effect immediately.

Approved July 1, 1999.

CHAPTER 157

AN ACT authorizing the undertaking by the State and local governmental units of structured financing transactions, supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:31C-1 Short title.

1. This act shall be known and may be cited as the "Structured Financing Act."

C.52:31C-2 Findings, declarations relative to structured financing transactions.

2. The Legislature finds and declares that:

a. In this era of limited sources of State and local revenues coupled with the increasing demands placed on State and local government to fulfill its governmental functions, the need exists to maximize the value of their assets;

b. One possible way of maximizing such value is to utilize new and innovative financing structures which take advantage of the existing assets;

c. A new and innovative financing structure that has been developed is the structured financing transaction whereby a governmental entity can obtain additional revenues by conveying its interest in its assets to other parties and by so conveying such interests, transfer certain benefits which the State or local government unit enjoys in connection with its assets, which would have value to the other party but of which the State or local government unit cannot take advantage;

d. Entry into such structured financing transactions is not intended to interfere with the governmental unit's ownership, occupation or use of its assets, although under the terms of a structured financing transaction, upon the occurrence of certain events, the other party may have the right to exercise certain rights and remedies and to acquire certain interests which may interfere with the governmental unit's ownership, occupation or use of its assets;

e. By the State or local government unit entering into such structured financing transactions, the State or local government unit can obtain additional revenues required to carry out its governmental functions without affecting the use by the State or local government unit of its assets for its governmental functions;

f. It is in the best interests of the State or local government unit to be able to enter into structured financing transactions.

C.52:31C-3 Definitions relative to structured financing transactions.

3. As used in this act,

"Assets" means all property, both real, personal or mixed, tangible or intangible, of any type and all rights, easements, privileges or interests of any kind or description in, relating to, or connected with property, including but not limited to, land, buildings, plants, structures, institutions, water supply facilities, resource recovery facilities, sewage treatment facilities,

wastewater treatment facilities, transportation facilities, highways, parking facilities, equipment, motor vehicles, rolling stock, machinery, furniture, leasehold improvements, fixtures, space rights, development rights, and air rights.

"Benefits" means benefits, including but not limited to tax benefits, which the State enjoys as a result of its ownership, use or occupancy of its assets of which the State cannot take advantage but which would have value to an investor if those assets were transferred to the investor.

"Investor" means a person who enters into a structured financing transaction pursuant to which the investor agrees to pay consideration to the State in return for the transfer to the investor of the State's benefits enjoyed in connection with certain State assets.

"Land" means real property, including improvements thereof or thereon, rights-of-way, lands under water, water, riparian and other rights, easements, privileges and all other rights or interest of any kind or description in, relating to or connected with real property.

"Net receipt" means the State receipt less the amount deposited into the State payment account.

"Payment bank" means a bank, trust company, savings bank, investment company, financial institution or any other person carrying on a banking or financial business which may be selected by the State to hold the State payment account in connection with a structured financing transaction.

"State asset" means any asset that the State owns, or leases, operates or otherwise has a property interest therein in conjunction with other State agencies and State authorities.

"State receipt" means an amount of money paid to the State by the investor representing the consideration paid by the investor to the State pursuant to a structured financing agreement.

"State payment account" means an account to be established with a payment bank by the State and used to pay the State's payment obligations under a structured financing agreement.

"State authority" means a public body established by statute as an instrumentality of the State exercising public and essential governmental functions.

"State agency" means a department, division, commission, board, bureau or agency of the State.

"Structured financing agreement" means an agreement, contract or action taken to authorize, implement and finance a structured financing transaction including, but not limited to, lease and sublease agreements, State payment account agreements, escrow deposit agreements, mortgages, security agreements, pledge agreements, trust agreements, service agreements, letter of credit agreements, operating agreements, financing

agreements including credit agreements, line of credit agreements, revolving credit agreements, interest rate exchange agreements, insurance contracts, surety bonds, purchase or sale agreement, or commitments or other contracts or agreements entered into in connection with a structured financing transaction.

"Structured financing transaction" means a transaction, or series of transactions, evidenced by one or more structured financing agreements, pursuant to which the State conveys to an investor in return for a State receipt all or a portion of its interest in State assets, including but not limited to the conveyance of the State's property interests in State assets, in order that the investor receives all or a portion of the benefits in the State assets. A structured financing transaction shall not include the conveyance of fee simple title interest to real property, nor entail or permit a change in the operation or name of a State asset.

C.52:31C-4 Authority to enter into structured financing transaction.

4. Notwithstanding any other provisions of law to the contrary:

a. The State Treasurer is authorized to enter into a structured financing transaction, on such terms, covenants and conditions and at such times as the State Treasurer may determine, to enter into, execute and deliver a structured financing agreement, and to do any act necessary or convenient to carrying out a structured financing transaction; provided that the State Treasurer shall not enter into a structured financing transaction relating to any State assets that are otherwise restricted by law, regulation or contract with respect to the transfer of the State's interest in those assets. A structured financing transaction shall not result in a change in the use or occupancy by the State of the assets that are the subject of a structured financing transaction; provided however, that the structured financing transaction may permit that, upon the occurrence of certain events, the investor may have the right to exercise certain rights and remedies and to acquire certain interests which may interfere with or terminate the State's ownership, occupation or use of the assets.

b. No consent or approval of any State agency or State authority, other than the approval as required by subsection a. and subsection c. of this section, shall be required to effectuate a structured financing transaction and to enter into, execute, deliver and perform a structured financing agreement.

c. If with respect to assets that are the subject of a structured financing agreement, the participation of a State agency or State authority is required, the State Treasurer shall not enter into that structured financing agreement without the consent of the participating State agency or State authority, as the case may be, and upon such consent if given, such State agency or State

authority is hereby authorized, notwithstanding any other law to the contrary, to enter into, execute, deliver and perform a structured financing agreement upon such terms and conditions as such State agency, State authority and the State Treasurer shall determine; and no consent or approval of any other State agency or State authority, except as otherwise required by this section, shall be required to authorize entry into, execution, delivery and performance of a structured financing agreement. Notwithstanding anything to the contrary, the entry into, execution, delivery and performance of a structured financing agreement by the New Jersey Building Authority established pursuant to the "New Jersey Building Authority Act," P.L.1981, c.120 (C.52:18A-78.1 et seq.) shall not constitute a "project" for the purposes of the "New Jersey Building Authority Act."

d. The State Treasurer is authorized to select the investors for structured financing transactions through a public bidding procedure.

e. The State Treasurer is authorized to engage, in such manner as the State Treasurer may determine, the services of financial advisors and experts, placement agents, underwriters, appraisers, and such other advisors, consultants and agents as may be necessary in the State Treasurer's judgment to assist the State Treasurer in carrying out a structured financing transaction.

f. An obligation of the State to make payments pursuant to a structured financing transaction shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution. An obligation of the State to make payments pursuant to a structured financing agreement shall be subject to and dependent upon appropriations being made by the Legislature for the purposes of this act. The net receipt made in connection with a structured financing transaction and received by the State Treasurer shall be deposited in the General Fund of the State.

C.52:31C-5 Establishment of State payment account for structured financing transaction.

5. a. The State Treasurer may establish a State payment account for a structured financing transaction. If the State Treasurer determines that a State payment account should be established, the State Treasurer is authorized to:

(1) Select the payment bank in such manner as the State Treasurer may determine to be appropriate;

(2) Direct the deposit of moneys to the payment bank to fund the State payment account; and

(3) Take any actions necessary or convenient in connection with the establishment of the State payment account.

b. There are appropriated such moneys as are required to be deposited in a State payment account for the purposes specified in the related structured financing agreement.

C.52:31C-6 Reports, JBOC approval.

6. a. Prior to entering into a structured financing transaction, the State Treasurer shall transmit to the Joint Budget Oversight Committee, or its successor, a preliminary report that a decision to enter a structured financing transaction has been made, reciting the basis on which the decision was made, including an estimate of the State receipt and net receipt related to the transaction upon which the State Treasurer relied when making the decision to enter into a structured financing transaction.

b. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove of the structured financing transaction as included in each preliminary report submitted in accordance with subsection a. of this section. The committee shall approve or disapprove the transaction within 10 business days after physical receipt of the report. The committee shall notify the State Treasurer in writing of the approval or disapproval as expeditiously as possible.

c. No structured financing transaction shall be entered into unless the preliminary report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection b. of this section.

d. The State Treasurer shall, within 60 days after completing a structured financing agreement, submit a final report prepared pursuant to this section to the Joint Budget Oversight Committee and a copy of the final report to the Director of the Division of Budget and Accounting in the Department of the Treasury.

e. A final report for a structured financing agreement shall include a detailed explanation of the terms of the structured financing agreement including, but not limited to, the investor's obligations, the State assets, the amount of the State receipt, transaction charges and service agreements entered into as part of the structured financing transaction and the names of the parties to those agreements and those persons providing the services of counsel, financial advisors, payment bank, rating agencies, trustee, credit enhancement, liquidity facility; and the fees charged for those services.

C.52:31C-7 Construction of act as to State obligations.

7. Nothing in this act shall be deemed or construed as to limit, alter or impair in any way the rights and obligations of the State, a State agency or a State authority under the provisions of contracts made with the holders

from time to time of bonds, notes and other obligations heretofore or hereafter issued by the State, a State agency or a State authority with respect to assets that are the subject of a structured financing transaction.

C.52:31C-8 Immunity from personal liability.

8. No State Treasurer or any officer, director or employee of any State agency or State authority executing a structured financing agreement pursuant to this act shall be personally liable for any debt, obligation or other liability of the State, State agency, or State authority incurred by or on behalf of the State, State agency or State authority arising from a structured financing agreement.

C.52:31C-9 Powers constitute performance of essential governmental function; tax exemption.

9. The exercise of the powers granted by this act shall constitute the performance of an essential governmental function and no person shall be required to pay taxes or assessments upon or in respect of a State asset. The entry into, filing, and performance of a structured financing transaction and a structured financing agreement shall be free from taxation by any unit of local government including, without limitation, taxation imposed upon the filing of a structured financing agreement. No person shall be deemed to be doing business, or employing or owning capital or property in this State, for purposes of P.L.1945, c.162 (C.54:10A-1 et seq.), by reason of the entry into and performance of a structured financing agreement.

C.52:31C-10 Local procedures for undertaking structured financing agreements.

10. Notwithstanding any law to the contrary, the State Treasurer shall establish procedures under which a county or municipal governing board or a board of education may undertake structured financing agreements involving local assets in a manner similar to that provided for State assets.

C.52:31C-11 Structured Financing Act to supplement, supersede other laws.

11. This act shall be deemed to provide an additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to any powers conferred by other laws on public entities and not in derogation of any such powers now existing, provided that, it is the intent of the Legislature that in the event of any conflict or inconsistency in this act and any other law, general, special, or local now in existence or hereafter (unless with specific reference to this act) adopted, pertaining to matters herein established or provided, to the extent of the conflict or inconsistency, the provisions of this

act shall be enforced and the provisions of the other acts shall be of no effect.

C.52:31C-12 Severability.

12. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

C.52:31C-13 Liberal construction.

13. This act shall be construed liberally to effectuate the legislative intent and the purposes of this act as complete and independent authority for the performance of each and every act and thing herein authorized and all powers herein granted shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

14. This act shall take effect immediately.

Approved July 2, 1999.

CHAPTER 158

AN ACT concerning drug and alcohol abuse and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated $700,000 from the Drug Enforcement and Demand Reduction Fund established pursuant to N.J.S.2C:35-15, to the Department of Health and Senior Services for a grant to the Partnership for a Drug Free New Jersey pursuant to P.L.1997, c.174.

2. This act shall take effect July 1, 1999.

Approved July 7, 1999.