

**LAWS = NEW JERSEY
1989**

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ACTS
OF THE
Second Annual Session
OF THE
Two Hundred and Third Legislature
OF THE
STATE OF NEW JERSEY
AND
Thirty-Second Under the New Constitution



New Jersey State Library

1989

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

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of the
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of the
Two Hundred and Third Legislature

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HENRY P. McNAMARA

¹Resigned 1/2/90.

²Replaced 11/20/89.

³Sworn in 11/20/89.

⁴Resigned 5/1/89.

⁵Sworn in 5/22/89.

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¹Resigned 8/24/89.

²Sworn in 9/23/89.

³Resigned 11/20/89.

⁴Sworn in 11/27/89.

⁵Resigned 5/22/89.

⁶Sworn in 6/15/89.

⁷Resigned 1/10/89.

⁸Sworn in 1/28/89.

LAWS

ACTS
ENACTED BY THE
Second Annual Session
OF THE
Two Hundred and Third Legislature

CHAPTER 1

AN ACT concerning uncompensated care in hospitals, supplementing Title 26 of the Revised Statutes and Title 18A of the New Jersey Statutes, and making an appropriation therefor.

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

C.26:2H-18.4 Findings, declarations.

1. The Legislature finds and declares that:

a. Access to quality health care shall not be denied to residents of the State because of their inability to pay for the care; there are many residents of the State, particularly those with incomes below the federal poverty level, who cannot pay for needed hospital care and in order to ensure that these persons have equal access to hospital care it is necessary to maintain a mechanism which will ensure payment of uncompensated hospital care; and to protect the fiscal solvency of the State's general hospitals, as provided for in P.L.1971, c.136 (C.26:2H-1 et al.), it is necessary that all payers of health care services share equally in the payment of uncompensated care on a Statewide basis.

b. The "New Jersey Uncompensated Care Trust Fund," created pursuant to P.L.1986, c.204, by which hospitals may collect their reasonable cost of approved uncompensated care, has resulted in unobstructed access to health care for residents without insurance who otherwise are unable to afford care. It must be noted, however, that many hospitals in the State are not consistently collecting information about patients, resulting in a serious lack of demographic data on the profile of persons whose hospital care has led to spiraling uncompensated care costs, and seriously hampering hospital

financial collection efforts. Bad debt collection should be one of the highest priorities of each hospital and the Department of Health.

c. The "Uncompensated Care Trust Fund Advisory Committee," also created pursuant to P.L.1986, c.204, has examined at length alternative means of financing hospital care for those who cannot pay, the reasons for a lack of insurance coverage and some alternative means of providing health care. The Commissioner of Health has submitted a report to the Governor and the Legislature which addresses the concept of uncompensated care, its economic implications and many of the means by which to finance uncompensated care.

d. Although New Jersey has expanded Medicaid entitlement for certain residents of low income, to provide them with better quality health care and to optimize federal contributions, it is clear that further State action is required. The Medicaid and medically needy programs in New Jersey should be expanded to provide the maximum coverage permitted under federal law, particularly for pregnant women and young children, in order to ensure greater access to primary, preventive health care in an appropriate setting such as a physician's office, rather than the more costly and inappropriate setting of a hospital emergency room. For every New Jersey hospital patient whose hospital care costs are charged to uncompensated care and who is eligible for Medicaid or medically needy coverage, this State loses federal dollars in an amount equal to one half of that patient's hospital bill.

e. Having received and thoroughly reviewed the report by the Commissioner of Health, it is evident that the continuation of the fund is necessary, with modifications, to ensure access to hospital care for those who cannot afford to pay and the fiscal solvency of hospitals. At the same time, the State should take further actions to: provide more comprehensive Medicaid coverage for the medically indigent, ensure appropriate reimbursement for hospital emergency room services according to the level of care required by the patient, reduce the rate of increase in health insurance premiums and explore and implement various initiatives to reduce the amount of uncompensated care in this State without impairing access to care.

C.26:2H-18.5 Definitions.

2. As used in this act:

"Commission" means the Hospital Rate Setting Commission established pursuant to section 5 of P.L.1978, c.83 (C.26:2H-4.1).

"Commissioner" means the Commissioner of Health.

“Department” means the Department of Health.

“Fund” means the “New Jersey Uncompensated Care Trust Fund” established pursuant to this act.

“Hospital” means a general acute care hospital whose schedule of rates is approved by the commission pursuant to section 11 of P.L.1978, c.83 (C.26:2H-18.1).

“Payer” means a governmental or nongovernmental third party payer or any purchaser of hospital services whose hospital reimbursement rates are established by the commission pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

“Uncompensated care” means inpatient and outpatient care provided to medically indigent persons and bad debts as defined by regulation of the department pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

C.26:2H-18.6 Rate approval.

3. The commission is authorized to approve a hospital’s rates to achieve an equitable collection and distribution mechanism among hospitals in the State for payment of uncompensated care pursuant to the provisions of this act.

C.26:2H-18.7 Uncompensated Care Trust Fund.

4. There is established the “New Jersey Uncompensated Care Trust Fund” in the Department of Health.

a. The fund shall be comprised of monies collected from hospitals pursuant to this act and any other monies appropriated thereto to carry out the purposes of this act.

The fund shall be a nonlapsing fund dedicated for use by the department: (1) to distribute payments for the cost of uncompensated care in the State, (2) to subsidize, pursuant to the provisions of section 15 of this act, a pilot health insurance program for small businesses, (3) to fund the reasonable cost of administering the fund, and (4) to fund the reasonable cost of preparing and disseminating health insurance information to employers pursuant to section 13 of this act; except that, monies collected from hospitals pursuant to this act shall not be used for the purpose of subsidizing pilot health insurance programs for small businesses. Interest earned on monies deposited in the fund shall be credited to the fund.

b. The fund shall be administered by a person appointed by the commissioner in consultation with the Uncompensated Care Trust

Fund Advisory Committee established pursuant to section 5 of this act.

The administrator of the fund is responsible for overseeing and coordinating the collection and disbursement of fund monies. The administrator is responsible for promptly informing the commission and the commissioner if monies are not or are not reasonably expected to be collected or disbursed or if the fund's reserve as established in subsection c. of this section falls below the required level.

c. The fund shall maintain a reserve equal to 1/12 of the fund's total estimated annual payment for uncompensated care costs for the prior calendar year.

C.26:2H-18.8 Advisory committee.

5. a. (1) There is created in the department a 23-member Uncompensated Care Trust Fund Advisory Committee which shall be comprised of the 19 members of the Uncompensated Care Trust Fund Advisory Committee created pursuant to P.L.1986, c.204 which 19 members shall continue to serve the terms to which they were appointed pursuant to P.L.1986, c.204. Upon enactment of this act, the representation and manner of appointment that applied to those members shall continue to apply to reappointments to the committee as follows: the Commissioners of Health, Human Services and Insurance and the Public Advocate, or their designees who shall serve ex officio; two members of the Senate to be appointed by the President thereof, no more than one of whom shall be of the same political party, and two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be of the same political party; and 11 members appointed by the Governor as follows: one person who represents the Office of the Governor who shall serve ex officio and 10 public members who include two persons who represent payers, one to be appointed upon the recommendation of Blue Cross and Blue Shield of New Jersey, Inc., and one upon the recommendation of the Health Insurance Association of America; two persons who represent hospitals in the State to be appointed upon the recommendation of the New Jersey Hospital Association; two persons who represent business and industry in this State, one to be appointed upon the recommendation of the New Jersey Business and Industry Association and one upon the recommendation of the New Jersey State Chamber of Commerce; two persons who represent organized labor in this State, to be appointed upon the recommendation of the New Jersey State AFL-CIO; and two persons who are consumers of health care.

(2) In addition to the 19 members appointed in the manner hereinabove, there shall be appointed four members as follows: two public members who have professional expertise in the area of health care financing, one each to be appointed by the President of the Senate and the Speaker of the General Assembly, and one public member who represents payers to be appointed by the Governor upon the recommendation of the New Jersey Health Maintenance Association and one public member who represents business and industry to be appointed by the Governor upon the recommendation of the New Jersey chapter of the National Federation of Independent Business.

Except for the public members continuing their term as provided hereinabove, the public members shall serve for a term of two years. Those public members continuing their term are eligible for reappointment by their appointing authority for a term to expire on December 31, 1990. Vacancies in the advisory committee shall be filled in the same manner as the original appointments were made for the unexpired term.

The advisory committee shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its public members. Members of the advisory committee shall serve without compensation but shall be reimbursed for the necessary expenses incurred in the performance of their duties as members of the advisory committee.

b. The advisory committee shall:

(1) Review the methodology and assumptions used by the department to establish the Statewide uncompensated care add-on pursuant to section 6 of this act, and advise the commissioner on its conclusions about the accuracy of the calculations;

(2) Make recommendations to the commissioner on the procedures that shall be used to audit uncompensated care at the hospitals, including methods of indigent care cost recovery and bad debt collection by the hospitals;

(3) Make recommendations to the commissioner on additional methods of funding uncompensated care that may be used to supplement funding methods already implemented;

(4) Make recommendations to the commissioner on initiatives designed to reduce uncompensated care in the State;

(5) Make recommendations to the commissioner on methods to ensure appropriate reimbursement for primary care in hospital emergency rooms;

(6) Make recommendations on initiatives to expand health insurance coverage in the State;

(7) Make recommendations to the commissioner to maximize federal, State and local participation in public assistance programs;

(8) Analyze the possible impact of an increase in the rate of unemployment in the State on the amount of uncompensated care provided by hospitals and advise the commissioner on its conclusions about the projected impact of the limit on the uniform Statewide uncompensated care add-on, established pursuant to subsection b. of section 6 of this act, on hospitals under those economic conditions; and

(9) Make recommendations to the commissioner concerning any aspect of the fund.

c. There is created within the advisory committee a 13-member subcommittee on hospital audit and collection practices.

The subcommittee shall be comprised of the Commissioners of Health and Human Services, the State Treasurer and the Public Advocate, or their designees, who shall serve ex officio and nine public members. The public members shall be appointed by the commissioner and shall include: two persons who represent payers, one to be appointed upon the recommendation of the Health Insurance Association of America and one to be appointed upon the recommendation of Blue Cross and Blue Shield of New Jersey, Inc.; two persons who represent hospitals in the State to be appointed upon the recommendation of the New Jersey Hospital Association; two certified public accountants who are knowledgeable about hospital audit and collection procedures, to be appointed upon the recommendation of the New Jersey chapter of the American Institute of Certified Public Accountants; and three persons who represent business and industry in this State, one to be appointed upon the recommendation of the New Jersey Business and Industry Association, one to be appointed upon the recommendation of the New Jersey State Chamber of Commerce and one to be appointed upon the recommendation of the New Jersey chapter of the National Federation of Independent Business.

The members of the subcommittee may be members of the advisory committee. The public members of the subcommittee shall serve for a term of two years. Vacancies in the subcommittee shall be filled in the same manner as the original appointments are made for the unexpired term.

The subcommittee shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its members. Members of the subcommittee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the subcommittee.

The purpose of the subcommittee is to make recommendations to the advisory committee on the procedures that are used to audit uncompensated care at the hospitals and on the procedures that are used to collect delinquent hospital bills.

C.26:2H-18.9 Uniform Statewide add-on.

6. a. For the periods beginning January or July of the hospitals' rate year, the department shall determine a uniform Statewide uncompensated care add-on. The commission shall approve the add-on before it is included in hospital rates.

The add-on shall be determined by dividing the Statewide amount of approved uncompensated care plus an amount adequate to fund the reasonable cost of administering the fund pursuant to subsection a. of section 4 of this act and to maintain the reserve pursuant to subsection c. of section 4 of this act, by the Statewide amount of approved revenue for all payers and approved revenue for medically indigent persons less the Statewide amount of approved uncompensated care.

The add-on and any increases made to the add-on are an allowable cost and shall be included as part of the hospital's rates as established by the commission.

b. The amount of money raised by the uniform Statewide uncompensated care add-on, as a percentage of all governmental and nongovernmental approved revenue, shall not exceed 13%.

c. The uniform Statewide uncompensated care add-on for patients whose hospital bills are paid by a health maintenance organization or other payer which has negotiated a discounted rate of payment with the hospital shall be based on the full rate of reimbursement for the services provided by the hospital to the patient under the

hospital reimbursement system established pursuant to P.L.1978, c.83, rather than on the discounted rate of payment.

d. No provision of this section shall be construed to preclude the commission from approving individual hospital rate increases for uncompensated care in addition to the add-on. Such increases, however, shall not be paid from the moneys in the Uncompensated Care Trust Fund.

C.26:2H-18.10 Hospital payment.

7. a. The commission shall approve each hospital's reasonable uncompensated care costs and shall ensure that uncompensated care services financed pursuant to this act are provided in the most appropriate and cost-effective manner which the commission determines hospitals can reasonably be required to achieve. The commission shall reduce a hospital's reasonable uncompensated care costs by the amount of overpayment for patient care services, if any, by the Medicare program (Pub.L. 89-97, 42 U.S.C. § 1395 et seq.), the Medicaid program (P.L.1968, c.413, C.30:4D-1 et seq.), or any payer or purchaser of hospital services whose hospital reimbursement rates are not established by the commission pursuant to P.L.1971, c.136 (C.26:2H-1 et al.). For the purposes of this section, "overpayment" means reimbursement in excess of that allowed by section 5 of P.L.1978, c.83 (C.26:2H-4.1).

The commission shall require a hospital which engages in inefficient or inappropriate provision of uncompensated care services to submit to the commission a cost reduction plan. The commission may prospectively reduce the hospital's uncompensated care payments for failure to submit or implement a cost reduction plan that has been approved by the commission.

b. The commission shall semiannually determine the amount a hospital shall pay to the fund or the fund shall pay to the hospital, as appropriate.

The hospital payment to the fund shall be funded by the uniform Statewide uncompensated care add-on determined pursuant to section 6 of this act, which is charged by the hospital to all payers.

The commission shall require a hospital whose uncompensated care costs are lower than the amount the hospital will receive from the uniform Statewide uncompensated care add-on to remit the net difference to the fund. The commission shall authorize a hospital whose uncompensated care costs are higher than the amount the

hospital will receive from the uniform Statewide uncompensated care add-on to receive the net difference from the fund.

C.26:2H-18.11 Monthly payments; delinquency.

8. a. Hospitals required to remit the net difference of funds received from payers pursuant to subsection b. of section 7 of this act shall remit the funds in equal installments at the end of every month.

b. If a hospital is delinquent in its required payment to the fund, the commission may, pursuant to rules and regulations adopted by the commissioner, remove from that hospital's schedule of rates the uniform Statewide uncompensated care add-on or levy a reasonable penalty on the hospital. The penalty shall be recovered in a summary civil proceeding brought in the name of the State in the Superior Court pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Penalties collected pursuant to this section shall be deposited in the fund established pursuant to this act.

c. Hospitals authorized to receive payments from the fund pursuant to subsection b. of section 7 of this act shall receive the payments on a monthly basis.

C.26:2H-18.12 Patient interview.

9. a. A hospital shall not be reimbursed for the cost of uncompensated care unless the commissioner certifies to the commission that the hospital has followed the procedures pursuant to this section and section 10 of this act. For the purposes of this section and section 10 of this act, "designated hospital employee" means an employee of the hospital who has received training in the collection of patient financial data and identification of third party coverage and in assessing a patient's eligibility for public assistance; and "responsible party" means any person who is responsible for paying a patient's hospital bill.

b. A designated hospital employee shall interview a patient upon the patient's initial request for care. If the emergent nature of the patient's required health care makes the immediate patient interview impractical, the designated hospital employee shall interview the patient's family member, responsible party or guardian, as appropriate, but if there is no family member, responsible party or guardian, the designated hospital employee shall interview the patient within five working days of the patient's admission into the hospital or prior to discharge, whichever date is sooner.

c. A patient interview shall, at a minimum, include the following inquiries:

(1) The designated hospital employee shall obtain documentation of proper identification of the patient. Documentation of proper identification may include, but shall not be limited to, a driver's license, a voter registration card, an alien registry card, a birth certificate, an employee identification card, a union membership card, an insurance or welfare plan identification card or a Social Security card. Proper identification of the patient may also be provided by personal recognition by a person not associated with the patient. For the purposes of this paragraph, "proper identification" means the patient's name; mailing address; residence telephone number; date of birth; Social Security number; and place and type of employment, employment address and employment telephone number, as applicable.

(2) The designated hospital employee shall inquire of the patient, family member, responsible party or guardian, as appropriate, whether the patient is covered by health insurance, and if so, shall request documentation of the evidence of health insurance coverage. Documentation may include, but shall not be limited to, a government sponsored health plan card or number, a group sponsored or direct subscription health plan card or number, a commercial insurance identification card or claim form or a union welfare plan identification card or claim form.

(3) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is documented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, the designated hospital employee shall make an initial determination of whether the patient is eligible for participation in a public assistance program. If the employee concludes that the patient may be eligible for a public assistance program, the employee shall so advise the patient, family member, responsible party or guardian, as appropriate. The employee, either directly or through the hospital's social services office, shall give the patient, family member, responsible party or guardian, as appropriate, the name, address and phone number of the public assistance office that can assist in enrolling the patient in the program. The employee, or the social services office of the hospital, shall also advise the public assistance office of the patient's possible eligibility, including possible retroactive or presumptive eligibility, for the program.

(4) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is docu-

mented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, and the patient does not appear to be eligible for public assistance, the designated hospital employee shall determine if the patient is eligible for charity care pursuant to regulations adopted by the commissioner. If the patient does not qualify for charity care, the designated hospital employee shall request from the patient, family member, responsible party or guardian, as appropriate, the patient's or responsible party's place of employment, income, real property and durable personal property owned by the patient or responsible party and bank accounts possessed by the patient or responsible party, along with account numbers and the name and location of the bank.

C.26:2H-18.13 Collection procedure.

10. a. If, upon the discharge of a patient from the hospital, the patient's account has not been paid in full by the patient or responsible party or by health insurance, or it is unlikely that the patient's account will be paid in full by the patient or responsible party or by health insurance, as identified pursuant to paragraphs (2) and (3) of subsection c. of section 9 of this act, and the patient or responsible party is likely to have assets such as those identified pursuant to paragraph (4) of subsection c. of section 9 of this act, a hospital shall follow the collection procedure pursuant to this section if the patient's aggregate outstanding balance exceeds the cost of collecting the account. A hospital shall comply with the collection procedure on all outstanding accounts until the point is reached where the cost of collection exceeds the patient's outstanding balance.

b. The hospital shall commence the collection procedure within two weeks after a patient's discharge from the hospital or date of service at the hospital.

The collection procedure shall include:

(1) At least three billing statements, each sent at intervals of no longer than four weeks, shall be sent to the patient's or responsible party's mailing address.

At least two collection follow-up letters shall follow the three billing statements. The collection follow-up letters shall be sent to the patient's or responsible party's mailing address at an interval of no longer than three weeks. Each collection follow-up letter shall state the amount due and owing, the collection history on the account and the hospital's intention to proceed with legal action if the outstanding balance is not paid in full or, in the alternative, the patient or

responsible party fails to enter into payment arrangements with the hospital. Each collection follow-up letter shall request a partial payment of the outstanding balance in the patient's account as the minimum amount due and shall offer to establish a payment schedule for the remainder of the outstanding balance in the patient's account based upon the patient's or responsible party's ability to pay. The letter shall clearly indicate the name of a person for the patient or responsible party to contact, and a telephone number for the patient or responsible party to call, in order to arrange such a payment schedule.

A hospital is not required to comply with the requirements of sending a third billing statement or two collection follow-up letters if mail has twice been returned to the hospital, and hospital personnel, despite reasonable efforts, are unable to determine a new mailing address for the patient or responsible party;

(2) At least three attempts to reach the patient or responsible party by telephone shall be made if hospital personnel have determined a residence or business telephone number for the patient or responsible party. If hospital personnel are not able to make telephone contact with the patient or responsible party after three attempts, the hospital shall send a collection telegram;

(3) Legal action to collect the amount due and owing on the patient's account shall be taken; and

(4) The hospital shall request the department, on behalf of the fund, to request the Department of the Treasury to apply or cause to be applied the income tax refund or homestead rebate due the patient or responsible party, or both the income tax refund and homestead rebate, or so much of either or both as is necessary to recover the amount due and owing on the patient's account, pursuant to section 1 of P.L.1981, c.239 (C.54A:9-8.1), for which purpose the patient's outstanding balance shall be considered a debt to the fund and the fund shall be considered an agency of State government.

c. Unless the cost of completing the procedure, in part or in its entirety, exceeds the outstanding balance on a patient's account, a hospital shall complete the procedures in paragraphs (1) and (2) of subsection b. of this section before submitting appropriate documentation and requesting from the commissioner that the hospital be reimbursed on a delinquent account from the fund.

If any payment on a delinquent account is received as a result of compliance with the procedures in subsection b. of this section and

the hospital has already received payment from the fund, the amount of money the hospital is entitled to receive from the fund shall be adjusted pursuant to procedures established by the commission.

d. This section shall not apply to a patient who qualifies for charity care pursuant to rules and regulations adopted by the commissioner. This section also shall not apply to a patient who qualifies for care under the federal Hill-Burton program pursuant to 42 U.S.C. § 291 et seq.

e. The commissioner, after review by the Uncompensated Care Trust Fund Advisory Committee, shall adopt rules and regulations to effectuate the purposes of this section and section 9 of this act; except that nothing in this section or section 9 of this act shall be construed to prohibit the commissioner from adopting rules and regulations that are more stringent than the provisions of this section and section 9 of this act.

C.26:2H-18.14 Annual audit.

11. a. The department shall annually provide for an audit of each hospital's uncompensated care within a time frame established by rules and regulations adopted by the commissioner.

b. Prior to the department's final approval of the audit, the results of the audit shall be reviewed with the hospital. If a hospital disputes an audit adjustment, the hospital may appeal the adjustment to the commission. The commission shall resolve the dispute within 90 calendar days of the date on which the hospital appealed the adjustment.

c. Upon receipt and acceptance of the final audit, the commission, within 90 calendar days, shall adjust a hospital's schedule of rates so that the rates reflect the audit adjustment.

C.26:2H-18.15 Emergency room services.

12. The commission shall adjust a hospital's schedule of rates to ensure that services which are provided to emergency room patients who do not require those services on an emergency basis are reimbursed at a rate appropriate for primary care, according to regulations adopted by the commissioner. Nothing in this section shall be construed to restrict the right of the commission to increase a hospital's schedule of rates for required emergency services, except that the increase shall not be solely to offset a reduction in hospital revenue as a result of reduced rates for primary care provided in the emergency room.

Nothing in this section shall be construed to permit a hospital to refuse to provide emergency room services to a patient who does not require the services on an emergency basis.

C.26:2H-18.16 Employer assistance.

13. Any employer in this State who does not provide health insurance coverage to its employees is required to provide employer assistance and to inform all of its current and prospective employees about the importance of having health insurance coverage. The employer shall also make a good faith effort to assist any employee who wishes to purchase health insurance from a health insurance carrier.

For the purposes of this section, “employer assistance” means the dissemination to all current and prospective employees of information obtained from the department on health insurance products available in the State for employees and their dependents.

The department shall prepare and have ready for dissemination to employers information on health insurance products available in the State, within 60 days of the date of enactment of this act.

C.18A:62-14 College student health insurance.

14. a. Every student enrolled as a full-time student at a public or private institution of higher education in this State shall maintain health insurance coverage which provides basic hospital benefits. The coverage shall be maintained throughout the period of the student’s enrollment.

b. Every student enrolled as a full-time student shall present evidence of the health insurance coverage required by subsection a. of this section to the institution at least annually, in a manner prescribed by the institution.

c. The State Board of Higher Education shall require all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students who are required to maintain the coverage pursuant to this section.

The State Board of Higher Education shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of subsections a., b. and c. of this section.

d. The Student Assistance Board in the Department of Higher Education shall adopt rules and regulations to require that a public or private institution of higher education in this State consider the

coverage required pursuant to this section as an educational cost for purposes of determining a student's eligibility for financial aid.

e. Nothing in this section shall be construed to permit a hospital in this State to deny access to hospital care to a full-time student whose health insurance coverage required by this section lapses for any reason.

f. The provisions of this section shall not apply to a person who is a participant in the REACH program established pursuant to P.L.1987, c.282 (C.44:10-9 et seq.).

C.26:2H-18.17 Pilot program.

15. The administrator of the fund is not required to repay to the General Fund any portion of the direct appropriation of State funds made pursuant to P.L.1986, c.204 that is remaining in the fund as of December 31, 1988.

The amounts remaining in the fund shall be credited to a special account to be known as the "Uncompensated Care Reduction—Pilot Program" account and shall be used to subsidize or otherwise provide financial assistance for a health insurance pilot program for small businesses; except that the monies, and any interest earned thereon, shall remain in the account until such time as a law is enacted which establishes the health insurance pilot program for small businesses and which appropriates the monies in the account.

C.26:2H-18.18 Reports.

16. The commissioner shall report on or before December 1, 1989 and on or before December 31, 1990 to the Governor and the Senate Institutions, Health and Welfare Committee, the Senate Revenue, Finance and Appropriations Committee, the General Assembly Health and Human Resources Committee and the General Assembly Appropriations Committee, or their successors, on the activities and accomplishments of the Uncompensated Care Trust Fund Advisory Committee, the cost to the State and other payers of uncompensated hospital care in the State and the effectiveness of the New Jersey Uncompensated Care Trust Fund in ensuring access to health care services for all residents of the State, ensuring payment of uncompensated hospital care costs in the State, and protecting the fiscal solvency of the State's general acute care hospitals. The reports shall also include the names of all hospitals which have been required to submit a cost reduction plan pursuant to section 7 of this act and any actions taken by the commission against a hospital for failure to submit or implement the plan.

In the report issued on or before December 1, 1989, the commissioner shall include a recommendation for an alternative means of funding uncompensated care. The commissioner shall appear before the Senate Institutions, Health and Welfare Committee and the General Assembly Health and Human Resources Committee to discuss that report no later than December 31, 1989.

The commissioner shall accompany each report with any recommendations for legislative or administrative action that the commissioner deems necessary.

C.26:2H-18.19 Advertising restriction.

17. A hospital shall not advertise by any means the availability of uncompensated care that is provided at the hospital pursuant to this act. Nothing in this section shall be construed to prohibit a hospital from advertising its requirement to provide charity care under the federal Hill-Burton program pursuant to 42 U.S.C. § 291 et seq.

C.26:2H-18.20 Charity care reimbursement.

18. A hospital that does not claim any deduction for bad debt for the purpose of the department's determination of that hospital's uncompensated care factor pursuant to N.J.A.C.8:31B-4.39, is eligible for full reimbursement for charity care, as provided pursuant to N.J.A.C.8:31B-4.37, for all eligible patients regardless of a patient's state of residence; except that this section shall not apply in the case of a patient who is not a resident of the United States.

C.26:2H-18.21 Advanced life support services.

19. a. The cost of advanced life support services provided pursuant to P.L.1984, c.146 (C.26:2K-7 et seq.) to medically indigent persons incurred through a hospital's provision of advanced life support services shall be compensated pursuant to this act. The commission shall, by regulation, establish a schedule of reimbursement rates for advanced life support services. Reimbursement for mobile intensive care unit uncompensated care shall only include those uninsured patients who are classified as charity care pursuant to regulations promulgated by the commissioner. Reimbursement shall exclude bad debt, the difference in a contractual allowance, or any medical denials for a service.

b. The cost of advanced life support services provided by the University of Medicine and Dentistry of New Jersey University Hospital to uninsured patients who are classified as charity care shall be uncompensated care, except that such uncompensated care shall be exempt from any reimbursement limitations for uncompensated

care that apply to University Hospital. Reimbursement for advanced life support services uncompensated care for University Hospital shall not be paid from the fund, but shall be paid through the reimbursement rates of University Hospital as established by the commission.

C.26:2H-18.22 Rules, regulations.

20. In addition to the provisions of subsection e. of section 10 of this act, the commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to carry out the other provisions of this act; except that all rules and regulations adopted pursuant to P.L.1986, c.204 shall remain in effect until they are amended or repealed pursuant to this act.

C.26:2H-18.23 Property transferred.

21. a. The employees, appropriations and other moneys, files, books, papers, records, equipment and other property of the "New Jersey Uncompensated Care Trust Fund" and the "Uncompensated Care Trust Fund Advisory Committee," established pursuant to P.L.1986, c.204, which law expires on December 31, 1988, are transferred, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.) to the "New Jersey Uncompensated Care Trust Fund" and the "Uncompensated Care Trust Fund Advisory Committee," respectively, established pursuant to this act.

b. The membership of the "Uncompensated Care Trust Fund Advisory Committee," created pursuant to P.L.1986, c.204, is continued as provided in subsection a. of section 5 of this act.

22. There is appropriated \$150,000 from the fund to the Department of the Treasury to enable that department to carry out its responsibilities as provided in section 10 of this act.

23. This act shall take effect on December 31, 1988 and if enacted after that date, this act shall be retroactive to December 31, 1988, except that sections 9 and 10 shall take effect on the 90th day following enactment, section 12 shall take effect one year following enactment and section 14 shall take effect on July 1, 1989. This act shall expire on December 31, 1990.

Approved January 11, 1989.

(e) "Apportionment value" or "apportionment valuation" means the result obtained by multiplying the quantities of each class or type of scheduled property of a taxpayer by the applicable unit value, and the addition of such results.

(f) "Public street, highway, road or other public place" includes any street, highway, road or other public place which is open and used by the public, even though the same has not been formally accepted as a public street, highway, road, or other public place.

(g) "Service connections"—

(1) in the case of telephone, telegraph or other wire communications facilities, means the wires connecting the instrument or instruments in the building or at the place where the service supplied by the taxpayer is used or delivered or is made available for use or delivery with a pole line, conduit line or cable line in the street, highway, road or other public place, or with such a pole line, conduit line or cable line on private property;

(2) in the case of facilities of taxpayers subject to this act, other than service connections as defined in (1) of this subsection, means the wires or pipes connecting the building or place where the service or commodity supplied by the taxpayer is used or delivered, or is made available for use or delivered with a supply line or supply main.

(h) "State Tax Commissioner" or "director" means the Director of the Division of Taxation in the Department of the Treasury.

(i) "Local exchange telephone company" means a telecommunications carrier providing dial tone and access to substantially all of a local telephone exchange.

(j) "LATA" means a local access and transport area within which a local exchange telephone company is permitted to provide telecommunications service.

3. Section 3 of P.L.1940, c.4 (C.54:30A-18) is amended to read as follows:

C.54:30A-18 Annual excise tax.

3. (a) Every person, copartnership, association or corporation, other than street railway, traction, sewerage, water, gas and electric light, heat and power corporations, telecommunications carriers other than local exchange telephone companies, municipal corporations and corporations which are taxable under chapter 291 of the laws of 1941, using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission

from the State or any municipality thereof, except consent, authority or permission for the operation of autobuses or autocabs commonly called taxicabs, shall, in the year 1941 and annually thereafter, pay for the franchise to use such public streets, highways, roads or other public places in this State an excise tax which shall, except as in this act may be otherwise provided, be in lieu of any and all other tax or taxes upon the franchise or franchises of such taxpayer. The annual excise tax imposed on each taxpayer shall be a sum equal to 5% of such portion of the taxpayer's gross receipts as the length of the lines or mains of such taxpayer in this State along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains in this State, exclusive of service connections. In case the gross receipts of any such taxpayer for any calendar year shall not exceed the sum of \$50,000.00 the tax of such taxpayer for such calendar year shall be computed at the rate of 2% instead of at the rate of 5%. Where any taxpayer hereunder owns all of the capital stock of a subsidiary corporation taxable under the Corporation Business Tax Act (1945), the taxpayer may deduct from the tax otherwise payable under this subsection (a) such proportion, not exceeding 50%, of the franchise tax payable by the subsidiary for the same year as the subsidiary's taxable net worth is to its entire net worth under said act.

(b) In addition to the excise tax imposed in subsection (a) hereof, every taxpayer hereunder shall also pay annually to the State for the franchise to operate and conduct business within the State and to use the public streets, highways, roads or other public places in this State, excise taxes as follows:

(1) A tax computed at the rate of 0.625% of such proportion of the gross receipts of such taxpayer for the preceding calendar year as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains in this State, exclusive of service connections. In case the gross receipts of any such taxpayer for any calendar year shall not exceed \$50,000.00 the tax on such taxpayer for such calendar year shall be computed at the rate of 0.25% instead of at the rate of 0.625%.

(2) A tax at the rate of 0.5% upon the gross receipts of such taxpayer for the preceding calendar year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

4. R.S.54:4-1 is amended to read as follows:

Property subject to taxation.

54:4-1. All property real and personal within the jurisdiction of this State not expressly exempted from taxation or expressly excluded from the operation of this chapter shall be subject to taxation annually under this chapter. Such property shall be valued and assessed at the taxable value prescribed by law. Land in agricultural or horticultural use which is being taxed under the Farmland Assessment Act of 1964, chapter 48, laws of 1964, shall be valued and assessed as provided by said act. An executory contract for the sale of land, under which the vendee is entitled to or does take possession thereof, shall be deemed, for the purpose of this act, a mortgage of said land for the unpaid balance of purchase price. Personal property taxable under this chapter shall include, however, only tangible goods and chattels, exclusive of inventories, used in business of local exchange telephone, telegraph and messenger systems, companies, corporations or associations subject to tax under chapter 4, laws of 1940, as amended, and shall not include any intangible personal property whatsoever whether or not such personalty is evidenced by a tangible or intangible chose in action except as otherwise provided by section 54:4-20 hereof. As used in this section, "local exchange telephone company" means a telecommunications carrier providing dial tone and access to substantially all of a local telephone exchange. Property omitted from any assessment may be assessed by the county board of taxation, or otherwise, within such time and in such manner as shall be provided by law. Real property taxable under this chapter means all land and improvements thereon and includes personal property affixed to the real property or an appurtenance thereto, unless:

a. (1) The personal property so affixed can be removed or severed without material injury to the real property;

(2) The personal property so affixed can be removed or severed without material injury to the personal property itself; and

(3) The personal property so affixed is not ordinarily intended to be affixed permanently to real property; or

b. The personal property so affixed is machinery, apparatus, or equipment which is neither functionally essential to a structure the personal property is within or to which the personal property is affixed nor constitutes a structure itself.

Real property, as defined herein, shall not be construed to affect

any transaction or security interest provided for under the provisions of chapter 9 of Title 12A of the New Jersey Statutes (N.J.S.12A:9-101 et seq.). The provisions of this section shall not be construed to repeal or in any way alter any exemption from, or any exception to, real property taxation or any definition of personal property otherwise provided by statutory law.

The Director of the Division of Taxation in the Department of the Treasury may adopt rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be deemed necessary to implement and administer the provisions of this act.

C.54:30A-24.2 Appropriation to municipalities.

5. The Legislature shall appropriate annually the amounts hereinafter provided for payment to municipalities of this State in replacement of certain tax revenues previously paid to those municipalities. The amount to be distributed to each municipality as provided for in this section shall be determined and certified by the Director of the Division of Taxation:

a. There shall be annually appropriated from the General Fund \$16,500,000 to be distributed to municipalities in the same manner, the same proportion and at the same time as State general revenue sharing moneys are distributed pursuant to the provisions of section 4 of P.L.1976, c.73 (C.54A:10-4) or pursuant to the provisions of the annual appropriation act, as the case may be. If the amount due any municipality is less than \$1,000 then that amount shall not be distributed to that municipality and such amount shall be redistributed in the same manner and proportion among the remaining municipalities receiving payments.

b. An amount equal to \$6,500,000 for the purpose of reimbursing municipalities for the loss of revenues from the franchise tax apportioned under P.L.1940, c.4 (C.54:30A-16 et seq.), as a result of the amendments to sections 2 and 3 of P.L.1940, c.4 (C.54:30A-17 and 54:30A-18) made in sections 2 and 3 of this amendatory and supplementary act. This amount shall be distributed to the municipalities in the same proportion as the franchise tax collected from telecommunications carriers other than local exchange telephone companies under subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18) was apportioned to municipalities pursuant to section 9 of P.L.1940, c.4 (C.54:30A-24) and section 2 of P.L.1980, c.10 (C.54:30A-24.1), in the year prior to the year in which this section takes effect.

c. An amount equal to the aggregate amount of local property taxes paid on tangible personal property used in the business of telephone, telegraph and messenger systems by companies, corporations or associations, other than local exchange telephone companies, to the several municipalities of this State during the 1987 calendar year. This amount shall be annually distributed to those municipalities on or before August 1 of each year.

C.54:4-2.49a No first-year payment.

6. Notwithstanding the provisions of chapter 4 of Title 54 of the Revised Statutes, there shall be no payment of the personal property taxes required by telecommunications carriers other than local exchange telephone companies that would be paid during the year in which this section takes effect, based on the prior January 1 assessment date of that property.

C.54:11A-6.1 Liability.

7. Telecommunications carriers other than local exchange telephone companies shall be subject to any liability that may be imposed pursuant to the "Business Personal Property Tax Act," P.L.1966, c.136 (C.54:11A-1 et seq.) on or after October 1 of the year prior to the year in which this section takes effect.

C.54:10A-15.5 Franchise tax payments.

8. Telecommunications carriers other than local exchange telephone companies shall be required to file and remit installment payments of franchise tax pursuant to subsection (f) of section 15 of the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-15) during the calendar year in which this section takes effect and the provisions of subsection d. of section 5 of P.L.1981, c.184 (C.54:10A-15.4) shall not apply to such taxpayers during that year.

Repealer.

9. R.S.54:13-11, R.S.54:13-12, R.S.54:13-15 and P.L.1952, c.349 (C.54:13-16) are repealed.

10. Section 1 of this act shall take effect on the first day of the third month following enactment of P.L.1989, c.3, and sections 2 through 9 of this act shall take effect January 1 next following enactment of P.L.1989, c.3, and this section shall take effect immediately upon enactment of that act.

Approved January 18, 1989.

CHAPTER 3

AN ACT providing for a Statewide emergency, enhanced 9-1-1 telephone system, establishing a commission and office to implement the system, amending P.L.1976, c.68, supplementing Title 48 of the Revised Statutes, and making an appropriation.

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

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 seven digit 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 created by section 2 of this act;
 - 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; and

o. "Telephone company" means the organization that provides switched local telephone exchange access service.

C.52:17C-2 9-1-1 Commission.

2. a. There is created in the Department of Law and Public Safety 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 26 members as follows: two members of the Senate appointed by the President of the Senate, who shall not be both of the same political party; two members of the General Assembly, appointed by the Speaker of the General Assembly, who shall not be both of the same political party; the following members ex officio: Attorney General of the State of New Jersey; 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 Division of Community Health Services of the Department of Health; the Administrator of the Office of Telecommunications and Information Systems in 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 the New Jersey Bell Co.; a representative of the independent telephone companies; 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; 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.

The members of the Senate and General Assembly appointed to the commission shall serve for terms which shall be for the term for which they were elected. Of the public members first appointed by the Governor with the advice and consent of the Senate, five shall be appointed for terms of three years, five shall be appointed for terms of two years, and five shall be appointed for terms of one year. Thereafter, the public members of the commission 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 operative date of this act. 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 public and legislative 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 commission shall expire on the first day of the first month following the Statewide implementation of the operation of the enhanced 9-1-1 service as shall be determined by the Attorney General.

C.52:17C-3 Office of Emergency Telecommunications Services.

3. a. There is established in the Department of Law and Public Safety 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 commission and shall perform other duties as may be provided by law. The director shall be appointed by the Attorney General, but the commission shall advise the Attorney General on the qualifications of the director. The Attorney General 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, or the Attorney General, only as provided in subsection c. of this section, and in consultation with the telephone companies and the Board of Public Utilities, and with the assistance of the Office of Telecommunications and Information Systems in the Department of the Treasury, plan, design, implement, and coordinate the Statewide emergency enhanced 9-1-1 telephone system to be established pursuant to this act.

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, or the Attorney General, only as provided herein, and assistance and advice of the Office of Telecommunications and Information Systems in the Department of the Treasury is empowered to enter into contracts with the 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, or the Attorney General, 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, or the Attorney General, 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. Upon the expiration of the commission, the Attorney General shall be responsible for the review and approval of any function of the office which was the responsibility of the commission.

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.

C.52:17C-5 County coordinator.

5. In order to ensure that the enhanced 9-1-1 system is implemented expeditiously and effectively throughout the State and that each locality participates in the system:

a. The governing body of each county shall appoint a county 9-1-1 coordinator who shall coordinate the 9-1-1 activities within the county in accordance with this act and standards developed by the office pursuant to this act. The county shall ensure that all necessary steps are taken and time schedules met in connection with the county's responsibilities under the State plan.

b. The county coordinator shall meet with representatives of the county, the municipalities, local public safety agencies, and the State Police in order to propose a draft plan for adoption by the county governing body. The plan shall provide for the implementation of enhanced 9-1-1 service throughout the county. The plan shall specify the number of and locations of the PSAPs, the membership of each PSAP and the organizational characteristics of each PSAP. Any PSAP existing on the operative date of this act may continue to operate within the guidelines of this act.

c. Within one year of the operative date of this act, the governing body of each county shall submit an enhanced 9-1-1 service utilization plan to the office for its review and approval. The office shall review each plan to determine if it meets the requirements of this act and the technical and operational standards established in the State plan.

C.52:17C-6 Municipal compliance.

6. The governing body of each municipality shall:

a. Provide or cause to be provided the data required for the establishment of the automatic location identification capability of the system.

b. Within one year of the operative date of this act, notify in writing the county 9-1-1 coordinator appointed under this act of the nature of its proposed participation in the system, whether singly or in conjunction with other municipalities or on a regional or county basis. This subsection shall not apply to those municipalities located in counties which have a county-wide PSAP in existence on the operative date of this act.

c. Within three years of the operative date of this act, establish, singly or in conjunction with other municipalities or participate on a regional or on a county basis in, a PSAP which utilizes enhanced 9-1-1 network features. The office may extend this time period in the case of those municipalities where it is deemed necessary.

C.52:17C-7 Public safety answering points.

7. No provision of this act shall be construed to prohibit or require in any manner the formation of multi-agency, multi-jurisdictional, regional or county-wide public safety answering points. However, the formation of public safety answering points that serve groups of municipalities is encouraged in the interest of reducing cost and increasing the efficiency of administration.

C.52:17C-8 PSAP functions.

8. a. Each public safety answering point shall be capable of dispatching or forwarding requests for law enforcement, fire fighting, emergency medical services, or other emergency services to a public or private safety agency that provides the requested services.

b. Each public safety answering point shall be equipped with a system approved by the office for the processing of requests for emergency services for the physically disabled. No person shall connect to a telephone company's network any automatic alarm or other automatic alerting device which causes the number "9-1-1" to be automatically dialed and which provides a prerecorded message in order to directly access emergency services, except for devices which may be approved by the office. Devices approved by the office shall be registered with the office on forms provided by the office.

c. Each entity operating a public safety answering point shall be responsible for obtaining, operating, and maintaining enhanced 9-1-1 termination equipment. The operations and maintenance of this

equipment shall be in accordance with standards set forth by the office pursuant to section 3 of this act.

C.52:17C-9 Service outside jurisdiction.

9. a. A public safety agency which receives a request for emergency service outside of its jurisdiction shall promptly forward the request to the public safety answering point or public safety agency responsible for that geographical area. Any emergency unit dispatched to a location outside its jurisdiction in response to such a request shall render service to the requesting party until relieved by the public safety agency responsible for that geographical area.

b. Municipalities may enter into written cooperative agreements to carry out the provisions of subsection a. of this section.

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. No telephone company, public safety answering point, agents of, or manufacturer supplying equipment to a telephone company or PSAP, shall be liable to any person who uses the enhanced 9-1-1 service established under this act for release of the information specified in this section, including non-published telephone numbers, or for failure of any equipment or procedure in connection with the enhanced 9-1-1 service or for any act or the omission of any act committed while in the training for or in rendering PSAP services in good faith and in accordance with this act.

C.52:17C-11 Dial tone first capability.

11. As enhanced 9-1-1 service becomes available, all coin and credit card telephones whether public or private within areas served by enhanced 9-1-1 service shall be converted to dial tone first capability, which shall allow a caller to dial 9-1-1 without first inserting a coin or any other device. On each converted telephone, instructions on how to access the emergency enhanced 9-1-1 system shall be prominently displayed.

C.52:17C-12 Expenses.

12. a. All expenses incurred in the installation, operation and

maintenance of a PSAP shall be defrayed by the municipality or county operating or controlling the PSAP. If the PSAP is operated or controlled by more than one municipality or by a regional entity, then the expenses shall be defrayed by the municipalities or regional entity as the case may be, in accordance with an agreement made pursuant to the provisions of the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.).

b. Expenses of the office and the commission shall be paid from appropriations made thereto.

C.52:17C-13 9-1-1 Emergency Telephone System Account.

13. There is established in the General Fund an account entitled the "9-1-1 Emergency Telephone System Account." There shall be credited to the account such moneys as may be appropriated thereto and any interest earned from the investment thereon. Funds in the 9-1-1 Emergency Telephone System Account shall be expended for costs incurred in the initial installation of the Statewide enhanced 9-1-1 network according to the provisions of this act and for the costs incurred by a county for the employment of a county 9-1-1 coordinator in an amount not to exceed \$25,000 per county 9-1-1 coordinator.

C.52:17C-14 Annual appropriation.

14. The Legislature shall annually appropriate such sums as are necessary to pay for the operation and maintenance of the enhanced 9-1-1 service. 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 State Comptroller, shall pay such costs from moneys appropriated pursuant to this section.

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 Attorney General shall, after consulting with the director of the office, and subject to the review of the commission during its term, 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-16 Penalties.

16. Any person who violates the provisions of this act shall be subject to a penalty of \$200.00 for the first offense and \$500.00 for each subsequent offense. If the violation of this act is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of this section. The penalty shall be collected and enforced by summary proceedings under "the penalty enforcement law," N.J.S.2A:58-1 et seq.

17. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read as follows:

C.40A:4-45.3 Limitation on increase in budget to 5% over previous year; exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements, or by payments in lieu of taxes made by a tax-exempt public entity to the extent that the payment received for any single property exceeds the amount of property taxes received on that property in the year immediately preceding the acquisition of that property by the public entity, or, in the case of State property subject to the provisions of P.L.1977, c.272 (C.54:4-2.2a et seq.), to the extent that the total State payment exceeds the amount received in the 1982 budget year;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c.(1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not

exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) An increase based upon special emergency appropriations made pursuant to N.J.S.40A:4-53, N.J.S.40A:4-54, section 1 of P.L.1961, c.22 (C.40A:4-55.1) or section 1 of P.L.1968, c.194 (C.40A:4-55.13). Special emergency appropriations shall be approved by at least two-thirds of the governing body and the Director of the Division of Local Government Services. Neither approval procedure in paragraph (1) or (2) of this subsection shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

g. Expenditures mandated after the effective date of this act pursuant to State or federal law;

h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance, or derived from the sale of municipal assets;

i. Any amount approved by any referendum or any amount expended to conduct a special election required by law to be held at a time other than the time of a general election or regular municipal election, as appropriate;

j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; and (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

k. (Deleted by amendment, P.L.1987, c.74.)

l. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal or State funds, only the amount of the match which is required by law to be provided by the municipality shall be excepted;

m. (Deleted by amendment, P.L.1987, c.74.)

n. (Deleted by amendment, P.L.1987, c.74.)

o. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

p. (Deleted by amendment, P.L.1987, c.74.)

q. Expenditures of amounts to fund the purchase of vehicles used solely for police purposes by the municipal police department and all equipment installed in or on the vehicles;

r. Amounts expended to fund a free public library established pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;

s. Any additional expenditures for the testing of water supplies pursuant to P.L.1983, c.443 (C.58:12A-12 et al.) or any expenditures necessary to comply with an order or permit issued by the Department of Environmental Protection for the construction, improvement, repair or rehabilitation of public water supply systems pursuant to P.L.1981, c.262 (C.58:1A-1 et seq.);

t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;

u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

v. Amounts appropriated for the cost of providing insurance coverage for the municipality, its departments, boards, agencies, com-

missions, officers and employees, which exceed the amount appropriated therefor, in the 1985 local budget;

w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);

x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35; or

y. Amounts appropriated for the cost of purchasing, leasing and maintaining enhanced 9-1-1 termination equipment pursuant to the provisions of P.L.1989, c.3 (C.52:17C-1 et al.).

18. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read as follows:

C.40A:4-45.4 Limitation on increase in budget to 5% over previous year; exceptions.

4. In the preparation of its budget, a county may not increase the county tax levy to be apportioned among its constituent municipalities in excess of 5% or the index rate, whichever is less, of the previous year's county tax levy, subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations within the county, based solely on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements within the county, and such increase shall be levied in direct proportion to said valuation;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditures would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c.(1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) An increase based upon special emergency appropriations made pursuant to N.J.S.40A:4-53, N.J.S.40A:4-54, section 1 of P.L.1961, c.22 (C.40A:4-55.1) or section 1 of P.L.1968, c.194 (C.40A:4-55.13). Special emergency appropriations shall be approved by at least two-thirds of the governing body, and, where appropriate, approved by the chief executive officer of the county and the Director of the Division of Local Government Services. Neither approval procedure in paragraph (1) or (2) of this subsection shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service;

e. Expenditures mandated after the effective date of this act pursuant to State or federal law;

f. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a county and any other county, municipality, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; and (2) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

g. That portion of the county tax levy which represents funding to participate in any federal or State aid program and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures. If a county provides matching funds in order to receive the federal or State funds, only the amount of the match which is required by law to be provided by the county shall be excepted;

h. (Deleted by amendment, P.L.1987, c.74.)

i. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

j. Amounts expended for the conduct of any special election required by law to be held at a time other than the time of the general election;

k. Any additional expenditures for the testing of water supplies pursuant to P.L.1983, c.443 (C.58:12A-12 et al.);

l. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

m. Amounts appropriated for the cost of providing insurance coverage for the county, its departments, boards, agencies, commissions, officers and employees, which exceed the amount appropriated therefor in the 1985 local budget; or

n. Amounts appropriated for the cost of purchasing, leasing and maintaining enhanced 9-1-1 termination equipment pursuant to the provisions of P.L.1989, c.3 (C.52:17C-1 et al.).

C.48:2-21.15 Rate reduction.

19. Any telecommunications carrier other than a telephone company, that is no longer subject to taxation on personal property pursuant to R.S.54:4-1 et seq., or to taxation upon its gross receipts pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) as a result of the amendments to sections 2 and 3 of P.L.1940, c.4 (C.54:30A-17 and 54:30A-18) and to R.S.54:4-1 made in sections 2, 3 and 4 of P.L.1989, c.2 shall, within 90 days of the operative date of this act, petition the Board of Public Utilities for a reduction in its rates. The board shall institute a hearing on the petition, and at the conclusion of the hearing shall determine the amount of the reduction in the rate base of the telecommunications carrier which reflects the elimination of the tax liability of such carrier under those amendments. The rate reduction shall not take effect prior to January 1 next following enactment of this act.

20. There is appropriated from the General Fund \$250,000 to the 9-1-1 commission and the office to effectuate the purposes of this act.

There is appropriated from the General Fund \$9,000,000 to the 9-1-1 Emergency Telephone System Account to effectuate the purpose thereof.

21. This act shall take effect immediately but shall remain inoperative until the date of enactment of P.L.1989, c.2.

Approved January 18, 1989.

CHAPTER 4

AN ACT concerning campaigns for nomination for election and for election to the office of Governor, amending and supplementing P.L.1973, c.83 and amending P.L.1974, c.26 and P.L.1980, c.74.

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

1. 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. The term "allied candidates" means candidates in any election who are (1) seeking nomination or election (A) to an office or offices in the same county or municipal government or school district or (B) to the Legislature representing in whole or part the same constituency, and who are (2) either (A) nominees of the same political party or (B) publicly declared in any manner, including the seeking or obtaining of any ballot position or common ballot slogan, to be aligned or mutually supportive.

b. The term "allied campaign organization" means any political committee, any State, county or municipal committee of a political party or any campaign organization of a candidate which is in support or furtherance of the same candidate or any one or more of the same group of allied candidates or the same public question as any other such committee or organization.

c. The term "candidate" means an individual seeking or having sought 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.

d. The terms "contributions" and "expenditures" include all loans and transfers of money or other thing of value to or by any candidate, political committee or continuing political committee, and all pledges or other commitments or assumptions of 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.

j. The term “public solicitation” means any activity by or on behalf of any candidate, political committee or continuing political 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 or continuing political 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 State, county or municipal committee of a political party or in behalf of a political 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 this 1989 amendatory and supplementary act; 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 this 1989 amendatory and supplementary act; 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 this 1989 amendatory and supplementary act; 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 this 1989 amendatory and supplementary act.

n. The term "continuing political committee" means:

(1) the State committee, or any county or municipal committee, of a political party; or

(2) 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).

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 12 of this 1989 amendatory and supplementary act 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.

2. Section 7 of P.L.1973, c.83 (C.19:44A-7) is amended to read as follows:

C.19:44A-7 Spending limits.

7. The amount which may be spent in aid of the candidacy of any qualified candidate for Governor at any election shall not exceed in a primary election \$2,200,000, and in a general election \$5,000,000; but such sums shall not include the traveling expenses of the candidate or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate that they shall be, directly or indirectly, repaid to him by the candidate.

3. Section 19 of P.L.1980, c.74 (C.19:44A-7.1) is amended to read as follows:

C.19:44A-7.1 Adjustment of limits.

19. a. For the purpose of ensuring the continuing adequacy of the limits set by law upon contributions, expenditures and certain other amounts relating to campaigns for nomination or election to the office of Governor, the Election Law Enforcement Commission is authorized and directed to adjust the limits on those amounts as provided herein. The limitation amounts thus adjusted shall apply to the primary and general elections for the office of Governor to be held in the year following the year in which that adjustment is required hereunder to be made.

b. The commission shall establish an index reflecting the changes occurring in the general level of prices of particular goods and services, including but not limited to goods and services within such categories of expenditure as mass media and other forms of public communication, personnel, rent, office supplies and equipment, data processing, utilities, travel and entertainment, and legal and accounting services, directly affecting the overall costs of election campaigning in this State. The index shall be weighted in accordance with the impact in the preceding general election for the office of Governor of the respective prices of each of those several goods and services upon those overall costs. Not later than December 1 of each year preceding any year in which a general election is to be held to

fill the office of Governor for a four-year term, the commission shall determine the percentage of change in this index which shall have occurred during the four-year period ending with the year of the gubernatorial election, and shall adjust the amounts, as set forth in subsection c. of this section, which shall be applicable under P.L.1973, c.83 (C.19:44A-1 et seq.) to the primary and general elections for the office of Governor to be held in the following year by multiplying that percentage of change, plus 100%, times the amounts applicable thereunder to the primary and general elections for that office held in the third year preceding the year in which that December 1 occurs; provided that any amount so adjusted shall be rounded as follows: if the adjusted amount is less than \$20,000 and is not an exact multiple of \$100, to the next higher exact multiple of \$100; if the adjusted amount is more than \$20,000 but less than \$200,000 and is not an exact multiple of \$1,000, to the next higher exact multiple of \$1,000; if the adjusted amount is more than \$200,000 but less than \$2,000,000 and is not an exact multiple of \$10,000, to the next higher exact multiple of \$10,000; and if the adjusted amount is more than \$2,000,000 but less than \$20,000,000 and is not an exact multiple of \$100,000, to the next higher exact multiple of \$100,000.

c. The amounts subject to adjustment as provided under this section shall be:

(1) The maximum amount of contributions permitted to be made to any candidate for nomination for election or for election to the office of Governor pursuant to section 4 of P.L.1974, c.26 (C.19:44A-29) and the amount of contributions with respect to which a qualified candidate for nomination for election or for election to that office shall be eligible to receive moneys from the fund for election campaign expenses pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33);

(2) The amount of deposits or expenditures required to have been made by a candidate for nomination for election or for election to the office of Governor in order for that candidate to be a qualified candidate under subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3) and the amount of such deposits into such a candidate's bank account for which no payment of public funds is to be made pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33);

(3) The maximum amount which may be spent in aid of the candidacy of a qualified candidate for the office of Governor in a primary or a general election pursuant to section 7 of P.L.1973, c.83 (C.19:44A-7); and

(4) The maximum amount which any qualified candidate for nomination for election in a primary election or for election to the office of Governor in a general election may receive from the fund for election campaign expenses pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33).

d. Not later than December 15 of each year preceding any year in which a general election is to be held to fill the office of Governor for a four-year term, the commission shall report to the Legislature its adjustment of limits in accordance with the provisions of this section. Whenever, following the transmittal of that report, the commission shall have had notice that a person has declared as a candidate for nomination for election or for election to the office of Governor in the forthcoming primary or general election, it shall promptly notify that candidate of the amounts of those adjusted limits.

4. Section 17 of P.L.1980, c.74 (C.19:44A-18.1) is amended to read as follows:

C.19:44A-18.1 Inaugural fund-raising event limits.

17. a. No person, candidate or political committee, otherwise eligible to make political contributions, shall make any contribution or contributions for the purpose of any gubernatorial inaugural fund-raising event or events in the aggregate in excess of \$500.

b. For the purposes of the limitation in subsection a. of this section the term "gubernatorial inaugural fund-raising event" means any event or events held between the date of the general election for the office of Governor and a date 15 days after the date of the inauguration of the Governor, whether the event is sponsored by the inaugural committee, the State political party committee representing the party of the Governor-elect, or any other person or persons, and at which the Governor-elect is a prominent participant or for which solicitations of contributions include the name of the Governor-elect in prominent display; except that this definition shall not apply to an event sponsored by a religious, charitable, benevolent, scientific, artistic or educational nonprofit institution as long as any proceeds from the event will not be controlled by the Governor-elect or any political committee or political party committee, and the proceeds will not be contributed to the Governor-elect, the candidacy of the Governor-elect, a political committee or political party committee.

c. The person or committee sponsoring the event shall make a full report of all contributions and expenditures with respect to the

event within 45 days following the event in accordance with the provisions of this act.

5. Section 4 of P.L.1974, c.26 (C.19:44A-29) is amended to read as follows:

C.19:44A-29 Contribution limits.

4. a. Except in the case of a candidate, as provided in subsection g. of this section, no person, political committee or continuing political committee, otherwise eligible to make political contributions, shall make any contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate for nomination for election or for election to the office of Governor in any primary or general election in the aggregate in excess of \$1,500.00. No candidate for nomination for election or for election to the office of Governor in any primary or general election and no campaign treasurer or deputy campaign treasurer of such candidate shall knowingly accept from any person, candidate, political committee or continuing political committee any contribution or contributions in aid of the candidacy of or in behalf of such candidate in the aggregate in excess of \$1,500.00 in any primary or general election. No provision of this act shall be construed to prohibit a contribution or contributions in the aggregate in aid of the candidacy of or in behalf of any candidate for nomination for election to the office of Governor in a primary election not in excess of \$1,500.00 and another contribution or contributions in the aggregate in the aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election not in excess of \$1,500.00.

b. (Deleted by amendment, P.L.1980, c.74.)

c. The spouse of any contributor may make a contribution or contributions in the aggregate in aid of the candidacy of or in behalf of a candidate for nomination for election or for election to the office of Governor of up to \$1,500.00.

d. No State committee of any political party shall knowingly accept from any person, political committee or continuing political committee, any contribution or contributions in the aggregate in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election in excess of \$1,500.00. A State committee may allocate a contribution of up to \$1,500.00 and up to

\$1,500.00 of a contribution in excess of \$1,500.00 in aid of the candidacy of or in behalf of such candidate. A State committee shall create an account in a national or State bank in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, shall deposit in such account and report to the Election Law Enforcement Commission the name of the contributor of all moneys accepted or allocated in aid of the candidacy of or in behalf of such candidate, and may make a contribution or contributions from such account in any amount in aid of the candidacy of or in behalf of such candidate. No State committee may make any contribution or contributions in aid of the candidacy of or in behalf of such candidate of moneys not deposited in a bank account pursuant to this subsection, and no State committee may make a contribution or contributions in aid of the candidacy of or in behalf of such candidate of moneys or other thing of value pledged or received in a calendar year in which no gubernatorial election was held.

e. The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures in the aggregate of \$10,000.00 in aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election. No county committee or municipal committee may transfer or contribute any funds to any such candidate or to such candidate's campaign treasurer or deputy campaign treasurer, or to any political committee supporting such candidate. A candidate or his campaign treasurer or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacy of or in behalf of such candidate, and shall file a report of such determination with the Election Law Enforcement Commission no later than the seventh day prior to the general election being funded.

f. Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in any primary or general election.

g. No candidate receiving public funds may make expenditures

from his own funds, including any contributions from his own funds, in aid of his candidacy for nomination or election to the office of Governor in excess of \$25,000.00 for the primary election and \$25,000.00 for the general election.

As used in this subsection "own funds" means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to which he is a trustee, or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his candidacy.

6. Section 8 of P.L.1974, c.26 (C.19:44A-33) is amended to read as follows:

C.19:44A-33 Public funding.

8. a. The campaign treasurer or deputy campaign treasurer of any qualified candidate for nomination for election to the office of Governor in a primary election upon application to the commission shall promptly receive in behalf of the qualified candidate from the fund for election campaign expenses, but not prior to January 1 of the year of the election, moneys in an amount equal to twice the amount of no more than \$1,500.00 of each contribution deposited in the qualified candidate's primary election bank account described in section 7 of P.L.1974, c.26 (C.19:44A-32), except that no payment shall be made from the fund to any candidate for the first \$50,000.00 deposited in the qualified candidate's bank account. The maximum amount which any qualified candidate for nomination for election to the office of Governor in a primary election may receive from the fund for election campaign expenses shall not exceed \$1,350,000. Applications for payments and payments under this subsection following the date on which a candidate is determined to be a qualified candidate shall be made only on the basis of no less than \$12,500.00 of such contributions.

b. The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a general election upon application to the commission shall promptly receive in behalf of such qualified candidate from the fund for election campaign expenses, but not prior to the primary election, moneys in an amount equal to twice the amount of no more than \$1,500.00 of each contribution deposited in such qualified candidate's bank account described in section 7 of P.L.1974, c.26 (C.19:44A-32), except that no payment shall be made from the fund to any candidate for the first \$50,000.00 deposited in such qualified candidate's bank account.

The maximum amount which any qualified candidate for election to the office of Governor in a general election may receive from the fund for election campaign expenses shall not exceed \$3,300,000. Applications for payments and payments under this subsection following the date on which a candidate is determined to be a qualified candidate shall be made only on the basis of no less than \$12,500.00 of such contributions.

7. Section 19 of P.L.1974, c.26 (C.19:44A-44) is amended to read as follows:

C.19:44A-44 Borrowing by candidates.

19. Notwithstanding any provision of this act, any candidate in a primary election for the office of Governor, or his campaign treasurer or deputy campaign treasurer, or any candidate in a general election for the office of Governor, or his campaign treasurer or deputy treasurer may borrow funds from any national or State bank. No person or political committee, other than the candidate himself or the State committee of any political party in a general election, may in any way endorse or guarantee such loan in an amount in the aggregate in excess of \$1,500.00. The endorsement shall constitute a contribution for so long as the loan is outstanding. The amount borrowed by any such candidate or his campaign treasurer or deputy campaign treasurer shall in the aggregate not exceed \$50,000.00 and must be repaid in full by such candidate or his campaign treasurer or deputy campaign treasurer from moneys accepted or allocated pursuant to section 4 of P.L.1974, c.26 (C.19:44A-29) 20 days prior to the date of the primary or general election for which the loan was made, and certification of such repayment shall be made by the borrower to the Election Law Enforcement Commission in accordance with commission regulations.

Upon the failure of the borrower to repay the full amount borrowed on or before the 20th day prior to the date of the primary or general election for the office of Governor, or to certify such repayment to the Election Law Enforcement Commission as required herein, all payments of moneys to such candidate from the fund for election campaign expenses pursuant to section 8 of P.L.1974, c.26 (C.19:44A-33) shall promptly cease; and the Election Law Enforcement Commission shall forthwith seek and may obtain in a summary action in the Superior Court an injunction prohibiting the expenditure by any such candidate of any moneys received by him at any time from the fund for election campaign expenses pursuant to said section 8 of P.L.1974, c.26 (C.19:44A-33), and any other moneys received by him in aid of or in behalf of his candidacy in said election.

C.19:44A-11.1 Exemption.

8. a. Funds or other benefits received and payments made solely for the purpose of determining whether an individual should become a candidate are not contributions or expenditures. Activities contemplated under this exemption include, but are not limited to, conducting a poll, telephone calls and travel to determine whether an individual should become a candidate.

The individual shall keep records of all such funds received and payments made.

b. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions and requirements of P.L.1973, c.83 (C.19:44A-1 et seq.). Such contributions and expenditures shall be reported with the first report filed by the candidate or the campaign committee of the candidate, regardless of the date the funds were received or the payments made.

c. This exemption does not apply to funds received or payments made for general public political advertising; nor does this exemption apply to funds received or payments made for activities designed to amass campaign funds that would be spent after the individual becomes a candidate.

d. In no instance shall permissible activities conducted solely for the purpose of determining whether an individual will become a candidate be confined or limited on the basis of total funds received or payments made for such purpose.

C.19:44A-45 Interactive debates.

9. a. In any year in which a primary election is to be held to nominate candidates for the office of Governor, there shall be held among the several candidates for each such nomination a series of interactive gubernatorial primary debates, in which all "qualified candidates," as defined by paragraph (3) or paragraph (4) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for that nomination who have applied or who intend to apply to receive money for election campaign expenses under subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33) shall participate, and in which any other candidate for that nomination who has deposited and expended the amount necessary, under paragraph (3) or paragraph (4) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), to be deemed a "qualified candidate" may elect to participate, provided that other candidate notifies the Election Law Enforcement Commission of the candidate's intent to so participate within the time allowed under

those paragraphs for such notification to be made by candidates wishing to become qualified candidates; except that in any year in which no such candidate or only one such candidate for that nomination is required or elects to participate, no gubernatorial primary debate shall be required to be held under this subsection.

b. In any year in which a general election is to be held for the office of Governor, there shall be held a series of interactive gubernatorial election debates, in which all "qualified candidates," as defined by paragraph (1) or paragraph (2) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), for election to that office who have applied or who intend to apply to receive money for election campaign expenses under subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33) shall participate, and in which any other candidate for election to the office who has deposited and expended the amount necessary, under paragraph (1) or paragraph (2) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), to be deemed a "qualified candidate" may elect to participate, provided that other candidate notifies the Election Law Enforcement Commission of the candidate's intent to so participate within the time allowed under those paragraphs for such notification to be made by candidates wishing to become qualified candidates; except that in any gubernatorial election year in which no such candidate or only one such candidate for election to the office is required or elects to participate, no gubernatorial election debate shall be required to be held under this subsection.

C.19:44A-46 Timing, sponsorship.

10. a. The series of gubernatorial primary debates under subsection a. of section 9 of this 1989 amendatory and supplementary act shall consist of two debates. Each of the debates shall be of at least one hour's duration. The first debate in the series shall occur not earlier than the date on which the ballot for the primary election in which candidates are to be nominated for election to the office of Governor is finally certified by the Secretary of State to the clerks of the several counties, and the second debate in the series shall occur not later than the 11th day prior to the primary election to select candidates for that office unless an emergency, as determined by the vote of a majority of the participating candidates, requires the postponement thereof, but the second gubernatorial primary debate shall in no event be held later than the second day preceding that primary election.

b. The series of gubernatorial election debates under subsection b. of section 9 of this 1989 amendatory and supplementary act shall

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consist of two debates. Each of the gubernatorial election debates shall be of at least one hour's duration. The first debate in the series shall occur not earlier than the third Tuesday following the first Monday in September of the year in which a general election is to be held for the office of Governor, and the second debate in the series shall occur not later than the 11th day prior to the general election for that office unless an emergency, as determined by the vote of a majority of the participating candidates, requires the postponement thereof, but the final gubernatorial election debate shall in no event be held later than the second day preceding that general election.

c. Private organizations which are not affiliated with any political party or with any holder of or candidate for public office, which have not endorsed any candidate in the pending primary or general election for the office of Governor, and which have previously sponsored one or more televised debates for Statewide office in the State since 1976, shall be eligible to sponsor one or more interactive gubernatorial primary debates or interactive gubernatorial election debates under subsection a. or subsection b., respectively, of this section.

The Election Law Enforcement Commission shall accept applications from eligible private organizations to sponsor one or more of those interactive gubernatorial debates. Applications to sponsor debates under subsection a. shall be submitted to the commission no later than March 15 of any year in which a primary election is to be held to nominate candidates for the office of Governor, and applications to sponsor debates under subsection b. shall be submitted to the commission no later than July 1 of any year in which a general election is to be held to fill the office of Governor.

Where the number of eligible applicants to sponsor gubernatorial primary debates or gubernatorial election debates exceeds the number prescribed under subsection a. and subsection b. of this section, respectively, the Election Law Enforcement Commission shall select the private organizations from among the applicants within 30 days of the last day for submitting those applications, as provided by this subsection. To the maximum extent practicable and feasible, the commission shall select a different private organization to sponsor each of the interactive gubernatorial debates, but shall not be precluded from selecting the same private organization to sponsor more than one debate.

The private organizations selected by the commission shall be responsible for selecting the date, time and location of the debates, subject to the limitations set forth in this section. The rules for

conducting each debate shall be solely the responsibility of the private organizations so selected, but shall not be made final without consultation with both the chairman of the New Jersey Republican State Committee and the chairman of the New Jersey Democratic Committee in the case of gubernatorial primary debates, and with a representative designated by each of the participating candidates in the case of gubernatorial election debates.

C.19:44A-47 Repayment by debate nonparticipant.

11. The Election Law Enforcement Commission shall have the power and duty, upon receipt of a complaint against a candidate for nomination for election or for election for the office of Governor who is required to participate in gubernatorial primary debates or gubernatorial election debates, respectively, to hold a hearing to determine whether that candidate has failed to participate in such debates. If, at the conclusion of a hearing under this section, the commission determines by majority vote that a candidate required to participate under section 10 of this 1989 amendatory and supplementary act has failed to do so, the chairman shall immediately inform the candidate in writing of that determination, identifying in that writing the date and circumstances of the failure. If, after having found that a candidate required to participate in a gubernatorial primary or gubernatorial election debate has failed to do so, the commission further finds that the failure occurred under circumstances which were beyond the control of the candidate and of such a nature that a reasonable person, taking into account the purposes of this act and the relevant facts of the case, would find the failure justifiable or excusable, then the candidate shall not be subject to any penalty or liability for his failure to participate. The candidate charged with the failure to participate shall have the burden of showing justification or excuse.

The campaign of any candidate or former candidate who shall have been required to participate in a gubernatorial primary debate or gubernatorial election debate under this 1989 amendatory and supplementary act, but who shall have been found to have failed to do so without reasonable justification or excuse, shall be liable for return of moneys previously received for use by the candidate to pay primary election campaign expenses or general election campaign expenses, respectively. The commission shall determine the total amount of moneys for election campaign expenses in that year by the commission to the candidate under subsection a. or subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), as appropriate, and shall notify the campaign treasurer or the deputy campaign treasurer of

the candidate of the liability of the campaign of the candidate, as of the date of the notice, for the repayment of those moneys plus interest on the unpaid amount of that liability from that date at the rate of 1% for each month or fractional part of a month during which that amount remains unpaid.

12. a. The Election Law Enforcement Commission is hereby empowered and directed to adopt summarily and to publish any rule, and to take any administrative action whatsoever, necessary to effectuate the purposes of this 1989 amendatory and supplementary act in a timely manner. This adoption and publication of rules shall, to the extent feasible, be subject to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), provided that the commission shall be excused from strict compliance with any requirement under that act if and to the extent that it determines, in the reasonable exercise of its discretion, that the public interest in the timely implementation of the provisions of this 1989 amendatory and supplementary act so requires. For the purposes of this section, "administrative action" shall include, but shall not be limited to, any action or omission to act, which action or omission has as its purpose and result the effectuation of the provision of section 14 of this 1989 amendatory and supplementary act regarding retroactivity.

b. (1) If, on or after January 1, 1989 and prior to the effective date of this 1989 amendatory and supplementary act, moneys are paid from the fund for election campaign expenses pursuant to subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33) in behalf of a qualified candidate under the provisions of paragraph (3) or (4) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), and that candidate ceases on that effective date to meet the requirements of a "qualified candidate" under the amendatory provisions of section 1 of this 1989 amendatory and supplementary act, the Election Law Enforcement Commission is hereby authorized and directed to place into escrow any sums paid in behalf of the candidate from the fund for election campaign expenses, and not expended, until the candidate again becomes a qualified candidate under those amendatory provisions. On and after the 15th day following that effective date the commission may, and not later than the 45th day following that effective date the commission shall, recover the funds so escrowed if the candidate has not by the date on which such suit is commenced again become a qualified candidate.

(2) If, on or after June 6, 1989 and prior to the effective date of

this 1989 amendatory and supplementary act, moneys are paid from the fund for election campaign expenses pursuant to subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33) in behalf of a qualified candidate under the provisions of paragraph (1) or (2) of subsection m. of section 3 of P.L.1973, c.83 (C.19:44A-3), and that candidate ceases on that effective date to meet the requirements of a "qualified candidate" under the amendatory provisions of section 1 of this 1989 amendatory and supplementary act, the Election Law Enforcement Commission is hereby authorized and directed to place into escrow any sums paid in behalf of the candidate from the fund for election campaign expenses, and not expended, until the candidate again becomes a qualified candidate under those amendatory provisions. On and after the 15th day following that effective date the commission may, and not later than the 45th day following that effective date the commission shall, recover the funds so escrowed if the candidate has not by the date on which such suit is commenced again become a qualified candidate.

c. Subject to the provisions of subsection b. of this section, in the case of any qualified candidate for nomination for election or for election to the office of Governor in 1989 in whose behalf application is made prior to the effective date of this 1989 amendatory and supplementary act to receive moneys from the fund for election campaign expenses, if the application so made would have entitled the candidate to receive a larger amount of such moneys if that application had been made on or after that effective date, the candidate shall be entitled to receive in full that larger amount with respect to that application, provided the candidate continues to be or again becomes a qualified candidate under the appropriate amendatory provisions of section 1 of this 1989 amendatory and supplementary act.

13. If any section, subsection, paragraph, sentence or other part of this 1989 amendatory and supplementary act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part hereof directly involved in the controversy in which said judgment shall have been rendered.

14. This act shall take effect immediately and shall be retroactive to January 1, 1989, but section 3 shall be applicable only to the primary and general elections for the office of Governor to be held in 1993 and thereafter.

Approved January 21, 1989.

CHAPTER 5

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L.1987, c.154).

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.1987, c.154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

54 DEPARTMENT OF HUMAN SERVICES

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600 Purchased Residential

Care	\$25,000
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Grants:

Association for the Advancement
of the Mentally

Handicapped	(\$25,000)
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2. This act shall take effect immediately.

Approved January 23, 1989.

CHAPTER 6

AN ACT to amend and supplement the "New Jersey State Health Benefits Program Act," approved June 3, 1961 (P.L.1961, c.49), as said short title was amended by P.L.1972, c.75.

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

1. Section 4 of P.L.1961, c.49 (C.52:14-17.28) is amended to read as follows:

C.52:14-17.28 Purchase of contracts.

4. The commission shall negotiate with and arrange for the

purchase, on such terms as it deems to be in the best interests of the State and its employees, from carriers licensed to operate in the State, contracts providing hospital, surgical, obstetrical, medical and major medical expense benefits covering employees of the State and their dependents, and shall execute all documents pertaining thereto for and on behalf and in the name of the State. The commission shall not enter into a contract under this act unless the benefits provided thereunder equal or exceed the minimum standards specified in section 5 for the particular coverage which such contract provides; and unless coverage is available to all eligible employees and their dependents on the basis specified by section 7.

C.52:14-17.28a Required benefits level.

2. Notwithstanding the provisions of any other law to the contrary, the commission shall not enter into a contract under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.) for the benefits provided pursuant to the contract in effect on October 1, 1988, including, but not limited to, basic benefits, extended basic benefits, and major medical benefits unless the level of benefits provided under the contract entered into is equal to or exceeds the level of benefits provided for in the contract in effect on October 1, 1988, or unless the benefits in effect on October 1, 1988 are modified by an authorized collective bargaining agreement made on behalf of the State.

3. This act shall take effect immediately.

Approved January 23, 1989.

CHAPTER 7

AN ACT concerning commissions payable to certain fiduciaries and supplementing chapter 18 of Title 3B of the New Jersey Statutes.

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

C.3B:18-25.1 Taking annual amount on accounts of corpus commissions: two or more fiduciaries.

1. Taking annual amount on accounts of corpus commissions: two or more fiduciaries. If there are two or more fiduciaries, the amount of the annual commissions taken pursuant to N.J.S.3B:18-25 may equal the commissions which may be taken pursuant to that section

when there is but one fiduciary, plus one-fifth of the commissions for each fiduciary more than one. No one fiduciary shall be entitled to any greater commission than that which would be allowed if there were but one fiduciary involved.

2. This act shall take effect immediately and shall apply to all annual periods ending after February 29, 1980.

Approved January 27, 1989.

CHAPTER 8

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

03-5120 Miscellaneous Grants-

in-Aid	\$235,000
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State Aid:

Crossroads—Ocean County

drug/alcohol pilot	(\$235,000)
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2. This act shall take effect immediately but shall remain in-operative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1989, P.L.1988, c.47.

Approved January 27, 1989.

CHAPTER 9

AN ACT concerning common interest communities.

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

C.2A:62A-12 Definitions.

1. As used in this act:

a. "Association" means the entity responsible for the administration of a common interest community in which 75% or more units have been conveyed to unit owners other than the developer pursuant to subsection a. of section 2 of P.L.1979, c.157 (C.46:8B-12.1), which association may be incorporated or unincorporated.

b. "Bylaws" mean the governing regulations adopted by a common interest community for the administration and management of the property.

c. "Common interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the declaration. Ownership of a unit does not include holding a leasehold interest of less than 20 years in a unit, including renewal options. Common interest communities shall include, but not be limited to, condominiums and cooperatives.

d. "Declaration" means any instrument, however denominated, which creates a common interest community, including any amendment to that instrument.

e. "Bodily injury" means death or bodily injury to a person.

f. "Qualified common interest community" means a common interest community which is (1) residential and (2) contains at least four units.

g. "Unit" means a physical part of a common interest community designated for separate ownership or occupancy.

h. "Unit owner" means the person owning a unit or that person's spouse.

C.2A:62A-13 Limited immunity for association.

2. a. Where the bylaws of a qualified common interest community specifically so provide, the association shall not be liable in any

civil action brought by or on behalf of a unit owner to respond in damages as a result of bodily injury to the unit owner occurring on the premises of the qualified common interest community.

b. Nothing in this act shall be deemed to grant immunity to any association causing bodily injury to the unit owner on the premises of the qualified common interest community by its willful, wanton or grossly negligent act of commission or omission.

C.2A:62A-14 Amendment of bylaws.

3. a. No bylaws shall be amended in accordance with section 2 of this act unless the amendment is approved by the owners of at least two-thirds of the units held by unit owners other than the developer in the qualified common interest community.

b. Bylaws adopted in accordance with section 2 of this act shall apply to actions for injuries sustained on or after the operative date of the bylaws.

4. This act shall take effect immediately.

Approved January 30, 1989.

CHAPTER 10

AN ACT concerning admission to inpatient facilities for the treatment of persons who are mentally ill, amending P.L.1987, c.116 and supplementing Title 30 of the Revised Statutes.

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

1. Section 33 of P.L.1987, c.116 is amended to read as follows:

33. This act shall take effect 25 months from the date of enactment except that section 32 shall take effect immediately.

2. As used in this act:

“Chief executive officer” means the chief executive and administrative officer of any institution as designated for that purpose by the board of trustees.

“Commissioner” means the Commissioner of the Department of Human Services.

"County adjuster" includes the chief legal officer or adviser of the board of chosen freeholders of any county in this State or his duly authorized representative.

"Court" means the Superior Court or a municipal court.

"Department" means the Department of Human Services.

"Institution" includes, except as herein otherwise provided, any State or county institution for the care and treatment of the mentally ill, the tuberculous, or the mentally retarded in this State, as the case may be.

"Medical director" means the physician charged with the overall professional responsibility for the operation of a mental or tubercular hospital.

"Patient" includes any person or persons alleged to be mentally ill, tuberculous, or mentally retarded whose admission to any institution for care and treatment of such class of persons in this State has been applied for.

"Discharge" shall mean relinquishment by all agents of the department of all legal rights and responsibilities acquired by reason of the admission, with or without court order, of that person to any residential or functional service whose operation is in any way authorized by the department, except that the right and responsibility to pursue and recover unpaid charges shall be maintained.

"Police official" shall mean any permanent and full-time active policeman of any police department of a municipality or a member of the State Police or a county sheriff or his deputy.

"Evaluation services" shall mean those services and procedures in the department by which eligibility for functional services for the mentally retarded is determined and those services provided by the department for the purpose of advising the courts concerning the need for guardianship of individuals over the age of 18 who appear to be mentally deficient.

"State school" shall mean any residential institution of the State of New Jersey which is so designated by the State Board of Human Services and whose primary purpose is to provide functional services for the mentally retarded.

"Mental hospital" shall mean any inpatient medical facility, public or private, so designated by the State Board of Human Services.

Such a hospital may be an institution exclusively for the care of the mentally ill, or it may be a general hospital providing facilities for the diagnosis, care and treatment of individuals with mental illnesses on an inpatient basis.

“Practicing physician” shall mean a physician licensed to practice medicine in any one of the United States; provided, however, that “practicing physician,” with reference to admission to mental hospitals, shall not include any physician who is a relative, either by blood or marriage, of the patient, nor the director, chief executive officer, or proprietor of any institution for the care and treatment of the mentally ill to which application for admission is being prepared.

“State residential services” shall mean observation, examination, care, training, treatment, rehabilitation and related services, including family care, provided by the department to patients who have been admitted or transferred to, but not discharged from, any State hospital for the mentally ill or tuberculous or any residential functional service for the mentally retarded. “County residential services” shall mean comparable services provided to patients who have been admitted or transferred to, but not discharged from, any county hospital.

“Admitting physician” shall mean that physician designated by the medical director to act as his agent in authorizing the admission of patients to a mental hospital.

“Attending physician” shall mean a practicing physician in the community attending the patient in his home or in a mental hospital, or the physician on the staff of a mental hospital who is immediately responsible for the care and treatment of the patient.

“Chief of service” shall mean the physician charged with overall responsibility for the professional program of care and treatment in the particular administrative unit of the mental hospital to which the patient has been admitted, or such other member of the medical staff as may be designated by the medical director. He shall have the custody and control of every person admitted to his service until properly transferred or discharged.

“Custody” shall mean the right and responsibility to provide immediate physical attendance and supervision.

“Family care” shall mean a program conducted under the regulations of the State Board of Human Services for the placement with suitable private families or in boarding homes holding a certificate

of approval in accordance with State law of individuals who are eligible for care in mental hospitals or for functional services for the retarded, who have no need for professional nursing services, who have no suitable homes of their own, and who have no relatives able to provide minimum sheltered care.

"Eligible mentally retarded person" shall mean a person who has been declared eligible for admission to functional services of the department.

"Functional services" shall mean those services and programs in the department available to provide the mentally retarded with education, training, rehabilitation, adjustment, treatment, care and protection.

"Mental deficiency" shall mean that state of mental retardation in which the reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been demonstrated or be anticipated.

"Mental retardation" shall mean a state of significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

"Mental illness" shall mean mental disease to such an extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

3. For the purpose of Title 30 of the Revised Statutes, the method of commitment of mentally ill patients shall be divided into five classes:

Class A. Where immediate temporary confinement in an institution is not necessary before making final order of commitment.

Class B. Where immediate temporary confinement is necessary, owing to the condition of the patient, and where an order of temporary confinement can be obtained before the patient is taken into such institution.

Class C. Where immediate confinement in an institution before making the temporary order hereinafter referred to is necessary, owing to the condition of the patient, and where an order of temporary commitment cannot be obtained before the patient is taken into such institution.

Class D. Where a person voluntarily applies for admission to an institution for treatment. In all such cases the admission and maintenance shall be governed by the provisions of section 20 of this amendatory and supplementary act.

Class E. Where a person in confinement, under care of the chief executive officer of any correctional institution, is to be transferred to an institution for treatment, the transfer shall be governed by the provisions of section 29 of this amendatory and supplementary act.

4. If any female committed to any of the institutions referred to in R.S.30:1-7, at the time of such commitment, is the mother of a child in her care under two years of age, or is pregnant with child, which shall be born after such commitment, such child may accompany its mother to and, subject to the provisions of this section, may remain in such institution. The name and history of such child shall be entered upon the records of the institution.

If the mother is a State indigent patient, such child shall be maintained at the expense of the State, and if such mother is a county indigent patient, such child shall be maintained at the expense of the county chargeable with maintenance of the mother. The rate for maintenance shall be fixed by the State House Commission. The chief executive officer of the institution, as a condition precedent to charging the maintenance of such child, shall notify the Director of the Division of Budget and Accounting in the case of charging the State, and shall notify the director of the board of freeholders in the case of charging a county.

Whenever it would be in the best interest of such child, and in any event prior to the time when such child arrives at the age of two years, the chief executive officer of the institution shall take such action as is authorized by the laws of this State to place such child in the care, custody or guardianship of the Division of Youth and Family Services in the Department of Human Services.

5. The board of chosen freeholders of every county in this State shall designate one or more mental hospitals, as defined in this chapter as hospitals to which a judge of any court upon application by a police official as set forth herein may issue an order for an examination or for temporary hospitalization for purposes of observation, examination and treatment. The board of chosen freeholders shall make provision for the proper care and maintenance of such persons so examined or hospitalized.

The constables and police officers in the several townships, cities, and other municipalities shall be authorized to apprehend any person whose behavior suggests the existence of a mental illness, who shall on inspection be deemed to be dangerous to the public and they shall immediately take such person or persons so apprehended before the nearest court of competent jurisdiction which shall in a summary way inquire and determine whether an order for temporary hospitalization for purposes of observation, examination and treatment until discharged or removed therefrom as herein provided shall be issued.

An order for temporary hospitalization for purposes of observation, examination and treatment may be issued by a judge of any court upon application by a police official and upon proof by him of the existence of the following circumstances: that upon ascertaining the available facts, the police official has concluded that the behavior of the person is such as to constitute a peril to life, person or property and further that the person's behavior suggests the existence of a mental illness, that he had made inquiry as to the person's next-of-kin or friend and had found that either none were available or that they were unwilling to apply for admission for the person; that he had made inquiry to determine whether a practicing physician had examined or would examine the person; that if a physician has, in fact, examined or could examine the person, the physician has confirmed the need for further examination, observation and treatment. An order for an examination at a mental hospital may be made in the absence of a medical examination if the court finds that no physician is able or willing to conduct an examination into the patient's condition.

The aforesaid order when filed with the admitting physician of the hospital and upon his certification of the necessity for hospitalization shall be the warrant and authority for the admission and detention of the person for purposes of observation, examination and treatment for a temporary period not exceeding 15 days from date thereof, and the cost of such hospitalization shall be paid in the same manner as is provided in Title 30 of the Revised Statutes for patients admitted or committed to mental hospitals.

6. Any person who attempts to commit suicide shall fall under the jurisdiction of section 5 of this amendatory and supplementary act and subject to temporary hospitalization as provided therein.

7. A person believed to be mentally ill may be admitted to and hospitalized in any mental hospital in this State in an action brought

by a person interested in the admission of the patient by reason of relationship or marriage, or by the person having the charge or care of such patient, or by the sheriff, or by the county prosecutor, or by the municipal or county director of welfare or person charged with the care and relief of the poor, or by any chief of police or police captain of any municipality in this State where such patient may be, or by the chief executive officer of any correctional institution, or of any public or private charitable institution or hospital in which the patient may be, or by the commissioner.

8. Forms of application and physicians' certificates for commitment to and hospitalization of any patient in any State, county or private mental hospital in this State must be furnished by the board of trustees of such institution, by the board of chosen freeholders, or by the management of such private mental hospital, as the case may be. A physician may submit a written statement in lieu of the certificate, provided that such written statement shall contain all of the information required by section 10 of this amendatory and supplementary act.

9. On the institution of the action for commitment to any such mental hospital, there shall be submitted the certificate in writing of two physicians. No physician is qualified to certify to the mental illness of such patient for the purpose of securing his commitment to any such institution, unless the physician is of reputable character and qualified as a "practicing physician" as defined in section 2 of this amendatory and supplementary act.

10. Every certificate or written statement of a practicing physician shall set forth the date of the making of the personal examination of the subject of the action, which must be made in every case by the physician signing the certificate or written statement not more than 10 days prior to the admission of such person to the hospital and in class A cases not more than 10 days prior to the date of the commencement of the action.

Every certificate or signed statement shall contain the following information: name and address of physician; a report of the physician's medical findings concerning the person whose admission or detention is sought; the date of the latest examination of the patient by the physician; the physician's relationship, if any, to the person for whom application is being made; the physician's staff appointment, if any, to the mental hospital in which care is sought; and the number and issuing state of the physician's valid license to practice medicine.

Each certificate or signed statement shall set forth any additional facts and circumstances upon which the judgment of such physician is based, and shall include a precise personal description sufficient to identify the patient, and previous mental illness if any, and shall set forth that the condition of the patient is such as to require care and treatment in a mental hospital and such other information as may be required to be furnished.

11. A person who shall sign an application or certificate or written statement of a practicing physician for the commitment of a person to an institution for the mentally ill, mentally retarded, or tubercular in this State for any purpose or motive other than the care and treatment of the patient or who shall in any manner aid or abet in any such application shall be guilty of a crime of the fourth degree.

12. The class designated "A" shall include all cases where the condition of the patient, in the judgment of the certifying physicians, is such that immediate temporary admission to an institution pending a judicial hearing and final order of commitment, is not necessary. In all cases the action shall be brought before the court of the county in which the patient resides or may be.

13. The class designated "B" shall include all cases where the condition of the patient, in the judgment of the certifying physicians, is such that he should be placed under immediate restraint in an institution, and where an order of temporary commitment can be obtained prior to his admission into such institution. In all such cases a statement of such condition of the patient must appear in the certificates of the physicians certifying to the insanity of the patient. The plaintiff shall, before the patient is admitted to the institution, obtain an order of temporary commitment, instituting the inquiry, from any court in the county in which such person resides or may be. The order of temporary commitment, complaint and certificates shall be filed with the chief executive officer of the institution before or at the time of the admission of the patient to such institution and shall be the warrant and authority for the admission and detention of the patient for a temporary period not exceeding 20 days from the date thereof. It shall be the duty of the chief executive officer forthwith after such application, certificates and order of temporary commitment shall have been received by him, to mail certified copies thereof under his hand and the seal of the institution to the county adjuster of the county from which the commitment of such patient is requested. It shall thereupon be the duty of the county adjuster to present forthwith such certified copies to the court of such county.

14. The class designated "C" shall include all cases where the condition of the patient, in the judgment of the certifying physicians, is such that the patient should be placed under immediate restraint and confinement in an institution, and where it is impossible to obtain an order of temporary commitment from a court, in the county in which the patient resides or may be. A statement of such condition of the patient must appear in the certificates of the physicians. The plaintiff shall, on or before the admission of the patient to the institution, present the complaint and certificates to the chief executive officer of the institution, and such papers shall be the warrant and justification for the temporary detention of the patient at such institution. The chief executive officer shall thereupon make or cause to be made a copy of the papers so filed and shall certify them under his hand and the seal of the institution and forthwith mail such certified copies to the county adjuster of the county from which the patient shall have been admitted. It shall be the duty of the county adjuster upon receipt of the papers from the chief executive officer, to present the same to the court of the county and obtain an order of temporary commitment, which order shall approve the admission of the patient to the institution, and shall be the warrant and authority for the detention of the patient for a temporary period not exceeding 20 days from the date of his admission and it shall be the duty of the county adjuster to forward the order to the chief executive officer of the institution.

15. When the medical director or the chief of service at the time of admission to an institution of a class "B" or a class "C" patient or any time before final hearing shall be satisfied in his discretion, that the patient is not suffering from mental illness, he shall discharge the patient forthwith, and at the same time mail to the county adjuster of the county whence the patient was admitted a certificate signed by him setting forth that the patient is not suffering from mental illness, and has been discharged from the hospital to which he was presented for admission. If, however, at any time before final hearing, the medical director or the chief of service shall have reason to doubt the mental illness of the patient, it shall be his duty to certify forthwith his reasons therefor to the county adjuster of the county from which the admission of such patient has been requested, and the county adjuster shall forthwith bring the certificate of doubt to the attention of the court for consideration at the final hearing.

16. In all cases where the patient is confined in an institution before a judicial hearing, and if there is to be a judicial hearing, the county adjuster shall serve or cause to be served personally upon the

patient a written notice of the time and place of any such hearing and shall give notice to the plaintiff and the patient's nearest relative. The medical director, or the chief of service if so designated, shall afford the patient every opportunity to appear personally or by attorney at the hearing, and assist him in communicating with his friends, relatives or attorney. If the medical director or the chief of service of a mental hospital shall certify that in his opinion it would be prejudicial to the health of the patient, or unsafe to produce the patient at the inquiry, then such patient shall not be required to be produced.

17. The court shall hear and determine the matter in a summary way without a jury, or it may, in its discretion, call a jury to determine the question of mental illness.

A continuance of the hearing, when endorsed on the complaint, or certified copy thereof, shall be sufficient warrant and authority for the detention of the patient for such period. The aggregate period of continuances shall not exceed three months from the date originally fixed for such hearing.

The county adjuster in all cases shall forthwith notify the chief executive officer of the institution in which the patient is confined, of a continuance. The court shall also have power to order the taking and transcribing of the testimony adduced at the hearing, the expense of which shall be paid by the board of chosen freeholders of the county in the same manner as other court expenses are paid. If the court refers the matter of the examination of witnesses to the county adjuster, the county adjuster is hereby authorized and empowered to administer oaths for this purpose. Additional compensation for the examination of witnesses by the county adjuster may be fixed by the court, subject to the approval of the board of chosen freeholders, and paid to the county adjuster in the same manner as compensation is paid to other county employees.

18. The court shall first inquire as to the mental illness of the patient. If the patient shall be found not to be suffering from a mental illness, the court shall direct his discharge forthwith. If the patient shall be found to be mentally ill, the court shall then inquire as to his financial ability or that of his legally responsible relatives to pay all or a part of the cost of his hospitalization and his legal settlement.

19. If on final hearing the court shall determine that the patient is mentally ill and if he or his legally responsible relatives cannot pay any part of the cost of his hospitalization, and if he appears to

have a legal settlement in a county other than that in which the final hearing shall be held, it shall adjourn the inquiry for two weeks, and shall cause notice to be given to the board of chosen freeholders of the county in which the patient appears to have a legal settlement. The notice shall be mailed to the county adjuster of the county or to the clerk of the board if no county adjuster shall have been designated in such county, at least one week before the date of the adjourned inquiry. The final hearing shall not be had nor final determination made in the case of such patient except upon proof being made that notice has been mailed as herein required.

20. A person resident of the State 18 years of age or older believing himself to be mentally ill, and being desirous of obtaining treatment for the betterment of his mental condition, or a minor under the age of 21 in whose behalf an application for voluntary admission has been made by a parent or guardian or by a grandparent or adult brother or sister, may be admitted to any public or private mental hospital by filing, or having filed in his behalf, with the chief executive officer, at the time of his admission, an application in writing to be approved and furnished by the board of trustees or the board of chosen freeholders or the private mental hospital, as the case may be, setting forth his name, place of residence for 10 years, preceding the application, and a full statement of his financial ability to support himself or the financial ability of the person or persons chargeable by law with his support, together with such other information as may be required on the approved forms.

If arrangements are made which are satisfactory to the institution for payment of the cost of care and treatment of the patient and if the chief executive officer or his designated admitting physician is satisfied that the patient requires hospitalization and should be admitted then he shall be so admitted without reference of the matter to the county adjuster for presentation to the court. However if such financial arrangements are not made then the chief executive officer shall forward forthwith a certified copy of the application to the county adjuster of the county from which the patient is admitted, who shall investigate the matter of legal settlement and indigence of the patient and the persons chargeable with his support, and report the facts to the court in a proceeding therein. The court shall make a finding as to legal settlement and financial ability of the patient or the person chargeable with his support and may direct the payment of the whole or any part of the expense of care and maintenance of such patient as in the case of involuntary commitments. Such

finding and direction shall be filed in the same manner as final judgments of commitment are filed.

21. A person who upon examination by a duly licensed physician of this State shall be found to be suffering from a mental or nervous illness or from a psychosis caused by drugs or alcohol which renders him incapable of executing a voluntary application for admission to an institution maintained by the State or a county or a municipality treating such illness, may upon the certificate of such physician, the form whereof shall be approved by the department, and in the discretion of the chief executive or other officer in charge of such institution, be admitted thereto for observation for a period not exceeding seven days, excluding Saturdays, Sundays and holidays, unless such person is thereafter detained under the authority of a formal commitment entered pursuant to the provisions of sections 2 to 23 of this amendatory and supplementary act or other applicable statute.

22. A person admitted to any institution under section 21 of this amendatory and supplementary act may be discharged therefrom within the said observation period upon the certificate of the chief executive officer or other officer in charge thereof stating that further observation in the institution is unnecessary or undesirable.

23. A person admitted to any mental hospital under section 20 of this amendatory and supplementary act may be discharged therefrom upon the certificate of the medical director or chief of service, made to the chief executive officer stating either that the said patient is recovered or that further treatment in the hospital is unnecessary or undesirable. Any such person, not so discharged, who desires to leave such institution, shall be released therefrom, when he or the applicant or someone acting in his behalf shall give notice to the chief executive officer, the chief of service when so designated or the medical director of such institution of his desire to be discharged, and such person shall be released at the earliest opportunity possible in accordance with the rules and regulations of the hospital, the department, or the board of chosen freeholders, as the case may be, but in every case prior to the expiration of 72 hours.

When discharge has been requested by or on behalf of any patient above described, and when, in the judgment of either the chief executive officer or the chief of service when so designated, or the medical director, together with the patient's attending physician in the hospital, there is believed to exist in the patient a diagnosed mental illness of such degree and character that the person, if dis-

charged, will probably imperil life, person or property, either the chief executive officer or the chief of service or the medical director, together with the attending physician, shall make application to the court for an order authorizing hospitalization of the patient as provided for in this amendatory and supplementary act and in Title 30 of the Revised Statutes.

24. If the patient shall be found to be mentally ill and to have a legal settlement in the county from which his admission was requested, the court shall by order commit him to a mental hospital owned by the county or by the State.

25. If the court shall find that the patient has a legal settlement in another county as set forth in section 19 of this amendatory and supplementary act, it shall by order commit him to an institution of such other county. If there be no such institution owned by such county, the court shall commit him to a mental hospital owned by the State. Any patient may be committed or transferred by the court to any mental hospital owned by the State upon consent of the county chargeable with his support.

26. In all class "A" or class "C" cases the court making the final or temporary judgment or order of commitment, as the case may be, may in its discretion direct that the costs and expenses of transportation of the patient to the institution shall be borne by the plaintiff or by the county from which the patient was committed, as the circumstances of the case may warrant. Boards of chosen freeholders may contract for such transportation from time to time.

27. In all class "B" cases any court which shall sign the order of temporary commitment, in all counties where the transportation of indigent patients is not otherwise provided for, is authorized, in its discretion in indigent cases, to issue an order directing the director of welfare, or person charged with the care and relief of the poor in the municipality in which the patient resides or may be, to take and convey such patient to the institution designated in the order of temporary commitment, in which case the cost and expense of transportation shall be borne by such municipality.

28. The State Board of Human Services may designate any institution or portion thereof under its jurisdiction as a part of each or of any of the institutions enumerated in R.S.30:1-7, where persons sentenced to imprisonment in penal or correctional institutions in this State may be confined immediately after sentence has been imposed, for a period not to exceed 60 days, for observation and

classification, subject to the rules and regulations for the time being of such institution, which time shall be computed as a part of the sentence imposed.

Sheriffs and other officers charged with the duty of transporting persons admitted, or sentenced to any institution enumerated in R.S.30:1-7, shall deliver them to such institution or parts thereof as the State Board of Human Services shall by resolution determine. The cost of transferring such persons from such designated institution or part thereof to the institution, if any, named in the court order shall be borne by the institution named in such order. The commissioner shall notify the sheriffs and others charged with the duty of transporting persons to institutions enumerated in R.S.30:1-7 of the places designated for observation and classification in accordance with the provisions of this section.

29. If any person in confinement under commitment, indictment or sentence, or under any process, shall appear to be mentally ill or mentally retarded, the Superior Court may, in an action like an action for commitment, determine the mental or physical condition and legal settlement of such person. Pending the action such person may be temporarily confined in an appropriate public institution in this State, upon an order of the court.

If the court shall determine that said person is mentally ill or mentally retarded, it shall direct that such person be removed from imprisonment, and that he be confined in one of the institutions for the care and treatment of such persons owned by this State, or if it shall deem it advisable, in an institution for the care and treatment of such persons owned by one of the counties of this State, until such person is improved or removed or discharged according to law. The court shall also make a determination of such person's condition, and if it shall find that such person has no legal settlement in any county in this State, he shall be maintained in such institution at the expense of the State, and if he has a legal settlement in any county in this State he shall be maintained by such county. The judgment shall be filed with the clerk of the county, and such clerk shall forthwith forward a certified copy of it to the sheriff or chief executive officer of the institution from which such person is to be discharged, and to the chief executive officer of the institution in which such person has been ordered confined.

The court may, in its discretion, order the removal of such person so confined as aforesaid from the institution in which he is confined, and may order his confinement in another one of the institutions in

this State. Such order shall be filed with the clerk of the county from which such person was originally committed, and such clerk shall forthwith forward a certified copy of the order to the chief executive officer of the institution from which such person is to be removed, and likewise to the chief executive officer of the institution in which such person is to be confined.

When, however, such person is in a condition to be discharged from the institution to which he has been removed, as being in a state of remission and free of symptoms of the mental disease which required his original transfer, upon that fact being certified by the chief executive officer, or the chief of service when so designated, to the court such person shall be remanded by order of the court to the place in which he was confined under commitment, indictment or sentence, or other process as aforesaid, there to be dealt with according to law, unless the maximum period of detention fixed by sentence or operation of law shall meanwhile have expired, in which case such inmate shall be discharged from custody when such discharge is indicated in the judgment of the medical director, the chief of service when so designated, or the chief executive officer. This certificate, together with the order of the court, shall be filed with the clerk of the county, and such clerk shall forthwith forward a certified copy of such order to the chief executive officer of the institution from which such person is remanded.

30. Any inmate of any charitable, hospital, or other similar institution as classified in R.S.30:1-7 may be transferred to any other charitable, hospital, or other similar institution, by order of the commissioner in accordance with the formally adopted rules of the State Board of Human Services either upon the initiative of the commissioner or upon the application of the chief executive officer.

31. Any inmate of any correctional institution as classified in R.S.30:1-7 may be transferred to any charitable, hospital or other similar institution in accordance with the provisions of this amendatory and supplementary act and Title 30 of the Revised Statutes. If the period of confinement under the proposed transfer shall be less than 30 days then the commissioner's order of transfer shall be sufficient warrant and authority for the transfer of the individual and his subsequent treatment.

Any inmate of any correctional institution as classified in R.S.30:1-7 may be transferred to any functional service for a period not to exceed 30 days on the warrant and authority of the commissioner's order of transfer.

Any inmate so transferred may be returned to the correctional institution or transferred to another correctional institution in accordance with formally adopted rules of the State Board of Human Services.

32. Any individual admitted without court order to any public mental hospital or functional service may, in the absence of objection by him or by his legal guardian, if any, or parent if he is a minor, be transferred by order of the commissioner to any other hospital, mental hospital or functional service to which he is admissible, in accordance with the formally adopted rules of the State Board of Human Services; such transfer may be made upon the initiative of the commissioner or upon application of the chief executive officer of the institution or service to which the individual was previously admitted.

33. Any individual admitted to functional service under classes H and I may be transferred by order of the commissioner to any other functional service or hospital, in accordance with the formally adopted rules of the State Board of Human Services; such transfer may be made upon the initiative of the commissioner or upon the application of the chief executive officer of the institution or service to which the individual was previously admitted, on notice to the committing court as well as to those persons specified in this amendatory and supplementary act and in Title 30 of the Revised Statutes.

Any mentally ill or mentally retarded individual committed under section 3 of this amendatory and supplementary act and who is an adherent of any well-recognized religious denomination, or his guardian of the person, or his parent, if he is a minor, may petition the commissioner for an order of transfer to a service or facility which is operated by a society or organization associated with such recognized religious denomination, which is prepared to accept him and which is approved by the department to receive such individuals; upon verification of the facts, the commissioner shall grant such petition, provided it is, in his opinion, consistent with the public interest and safety.

34. A patient admitted to any institution in this State, other than a correctional institution, may be paroled or discharged therefrom in accordance with the rules and regulations prescribed by the board of trustees or the board of chosen freeholders or the proper committee thereof, as the case may be. In all cases where the patient shall have been transferred to the institution from a correctional institution he shall not be paroled or discharged therefrom prior to the expiration

of the maximum period of detention. The chief executive officer of any State institution, other than a correctional institution, subject to regulations of the State Board of Human Services, may make arrangements with suitable families for the care, maintenance and treatment of patients of the institution and may place at board on parole in a family with whom any such arrangements have been made, any patient for whom family care may be deemed beneficial. Patients so placed on parole in family care shall be returned to the institution at any time upon order of the chief executive officer. Subject to such regulations, provision may be made by the chief executive officer for payment of the necessary expenses for the board and care of such patients in a suitable family, over and above the value of any service rendered by such patient; provided, that such net cost shall not exceed the daily per capita cost of maintaining any such patient within the institution. All such patients placed in family care shall be and remain patients of the institution until discharged therefrom as provided for in this chapter.

The legal jurisdiction of the professional staff of the hospital over any person discharged therefrom shall terminate at the time of discharge of the person from inpatient status. However, upon recommendation of the professional staff of the hospital, patients so discharged may continue to receive further professional services on an outpatient basis or may be assisted in securing continued treatment from other community resources.

The chief executive officer is empowered to negotiate with the legally responsible relatives of any such patient for the purpose of securing payment to the institution or to a suitable family of all or a portion of the net cost of maintaining such patient in such family placement or providing services on an outpatient basis after discharge.

35. Any person transferred from one institution to another and cured of the disease for which he was transferred, as evidenced by the certificate of the chief executive officer, or the chief of service, when so designated, or whom the board of trustees of the institution of transfer is otherwise prepared to discharge, may be discharged from the institution to which transferred as though originally committed or admitted thereto, except in the case of persons convicted of crime and transferred from a correctional institution, whose final discharge shall be governed and controlled by the provisions of section 29 of this amendatory and supplementary act.

36. If any patient who has been discharged from any institution for the care of the mentally ill to which he had been committed under the provisions of this amendatory and supplementary act and Title 30 of the Revised Statutes, is dissatisfied with the findings of the institution at the time of discharge, he may by his guardian or next friend, present a verified petition to the court by which he was committed, praying for an inquiry to inquire into his mental capacity. Upon the presentation of such a petition such court shall direct that the patient be re-examined by the physicians of such institution, and after a reasonable time, require a report as to their findings, as to whether the patient has been restored to reason. If they report that the patient has been restored to reason, such court may make an order to such effect. If the findings of the physicians of such institution are that the patient has not been restored to reason and the patient is dissatisfied with the findings, the court may institute further inquiry in the same way and manner, and with the same procedure as provided for final hearings for the commitment of persons to institutions for the mentally ill under the provisions of this amendatory and supplementary act and Title 30 of the Revised Statutes. The findings of the court shall be filed with the clerk of the court of such county. The court to whom such petition shall be presented shall assess the costs of the proceedings, which shall be paid by the petitioner.

37. The superintendent or chief executive officer of the several State and county institutions established and maintained for the care and treatment of mental diseases, pursuant to the provisions of Title 30 of the Revised Statutes, shall establish and maintain a system of identification and shall cooperate with municipal, county, State and federal governmental agencies to the end that such system may be permitted to function with all possible efficiency and latitude. The identification records maintained shall include, among other accepted identification data, the fingerprint record of each patient now receiving, or who shall in the future receive, treatment in the several institutions coming within the purview of this section.

The identification records hereinbefore established shall not be public records in the sense that they are open to public inspection, but shall only be made available to accredited county, State or federal officials engaged in law enforcement, upon proper application to the commissioner.

38. No insane convict transferred to the State hospital at Trenton shall be admitted to parole while an inmate of that institution.

39. County patients whom State hospitals can accommodate shall be admitted from each county entitled to send patients in just proportion to those from other counties, which proportion shall be regulated by the board of trustees. If a county shall not send its full quota at any time, the vacancies may be allotted by the board of trustees to other counties. County and municipal officers before sending patients shall see that they are in a state of cleanliness, suitably clothed and provided with suitable changes of clothing.

40. The department shall on the seventh day of each month commencing December 7, 1988 and ending on June 7, 1989, report to the Assembly Health and Human Resources Committee and the Senate Institutions, Health and Welfare Committee, or their successors, on the department's progress in implementing the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.).

The report shall include, but not be limited to:

a. An expenditure report of the appropriation of \$100,000 contained in section 32 of P.L.1987, c.116 and of all funds authorized for the implementation of P.L.1987, c.116 pursuant to P.L.1988, c.47;

b. An update on all activities undertaken as a result of section 32 of P.L.1987, c.116;

c. An update on the designation of screening centers including, but not limited to: the number and location of designated sites; the number and location of sites under consideration; and the number and types of personnel employed; and

d. Any proposed rules and regulations under consideration to implement P.L.1987, c.116.

41. This act shall take effect immediately and is retroactive to November 7, 1988 and sections 2 through 40, inclusive, shall expire on June 7, 1989.

Approved January 30, 1989.

CHAPTER 11

AN ACT concerning security guards and amending N.J.S.2C:39-3.

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

1. N.J.S.2C:39-3 is amended to read as follows:

Prohibited weapons and devices.

2C:39-3. Prohibited Weapons and Devices. a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, ballistic knife, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and (c) is therefore capable of breaching or penetrating body armor,

is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions. (1) Nothing in subsection a., b., c., d., e., or f. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. Nothing in subsection h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land, nor shall subsection f. (1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

(3) Nothing in paragraph (2) of subsection f. shall be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency, together with written authorization of the chief of police or highest ranking official of the agency, the name and rank

of the purchasing law enforcement officer, if applicable, and the date, time and amount of ammunition sold or otherwise disposed. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition.

(4) Nothing in subsection a. of this section shall be construed to apply to antique cannons as exempted in subsection d. of N.J.S.2C:39-6.

h. Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime of the fourth degree.

i. Nothing in subsection e. of this section shall be construed to prevent any guard in the employ of a private security company, who is licensed to carry a firearm, from the possession of a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course approved by the Police Training Commission in the use of a nightstick.

2. This act shall take effect immediately.

Approved February 1, 1989.

CHAPTER 12

AN ACT concerning judges of the Superior Court in certain counties and amending N.J.S.2A:2-1.

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 358 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. (1) The Superior Court shall at all times consist of the following number of judges of each county who at the time of their appointment and reappointment were residents of that county:

Atlantic	10
Bergen	24

Burlington	5
Camden	14
Cape May	4
Cumberland	5
Essex	28
Gloucester	8
Hudson	22
Hunterdon	3
Mercer	8
Middlesex	20
Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	3

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved February 1, 1989.

CHAPTER 13

AN ACT concerning judges of the Superior Court in certain counties and amending N.J.S.2A:2-1.

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 359

judges. Each judge shall receive such annual salary as shall be fixed by law.

b. (1) The Superior Court shall at all times consist of the following number of judges of each county who at the time of their appointment and reappointment were residents of that county:

Atlantic	10
Bergen	24
Burlington	5
Camden	14
Cape May	4
Cumberland	6
Essex	28
Gloucester	8
Hudson	22
Hunterdon	3
Mercer	8
Middlesex	20
Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	3

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved February 1, 1989.

CHAPTER 14

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management—State Aid

15-4890 Marine Lands

Management	\$1,500,000
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State Aid:

Cape May inlet to Lower	
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Township beach restoration ..	(\$1,500,000)
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2. This act shall take effect immediately.

Approved February 1, 1989.

CHAPTER 15

AN ACT to amend "An act providing for the periodic reexamination of licensed drivers of motor vehicles and supplementing chapter 3 of Title 39 of the Revised Statutes," approved February 24, 1977 (P.L.1977, c.28).

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

1. Section 1 of P.L.1977, c.28 (C.39:3-10c) is amended to read as follows:

C.39:3-10c Vision screening.

1. The division shall require every licensed driver to take and successfully pass a screening of his vision at least once every 10 years

as a condition for the renewal of his driver's license and of any endorsement thereon.

The vision screening may be certified by the division or by any licensed optometrist or ophthalmologist, licensed ophthalmic dispenser or by any person licensed to practice medicine and surgery. If the screening shows a need for corrective eyeglasses or any other corrective action, the renewal of the applicant's license shall be conditioned upon his compliance with such need. The division may require a road test of any applicant to determine the adequacy of, or the applicant's adaptation to the required corrective action.

The division shall, by regulation, prescribe minimum standards with respect to the equipment to be used for screenings.

2. This act shall take effect immediately.

Approved February 1, 1989.

CHAPTER 16

AN ACT concerning the "Pharmaceutical Assistance to the Aged and Disabled" program and amending P.L.1975, c.194.

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

1. Section 2 of P.L.1975, c.194 (C.30:4D-21) is amended to read as follows:

C.30:4D-21 Pharmaceutical assistance eligibility.

2. Any resident of this State who is either a recipient of disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C. § 401 et seq.) or 65 years of age and over and whose annual income is less than \$13,650.00 if single or, if married, whose annual income combined with that of his spouse is less than \$16,750.00, shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled" if he is not otherwise qualified for assistance under P.L.1968, c.413 (C.30:4D-1 et seq.). Annual income shall not include gain from the sale of a principal residence that is excluded from gross income pursuant to N.J.S.54A:6-9.

2. This act shall take effect immediately.

Approved February 1, 1989.

CHAPTER 17

AN ACT concerning the civil liability of certain corporate directors and officers and revising parts of the statutory law.

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

1. N.J.S.14A:2-7 is amended to read as follows:

Certificate of incorporation.

14A:2-7. Certificate of incorporation.

(1) The certificate of incorporation shall set forth:

(a) The name of the corporation;

(b) The purpose or purposes for which the corporation is organized. It shall be a sufficient compliance with this paragraph to state, alone or with specifically enumerated purposes, that the corporation may engage in any activity within the purposes for which corporations may be organized under this act, and all such activities shall by such statement be deemed within the purposes of the corporation, subject to express limitations, if any;

(c) The aggregate number of shares which the corporation shall have authority to issue;

(d) If the shares are, or are to be, divided into classes, or into classes and series, the designation of each class and series, the number of shares in each class and series, and a statement of the relative rights, preferences and limitations of the shares of each class and series, to the extent that such designations, numbers, relative rights, preferences and limitations have been determined;

(e) If the shares are, or are to be, divided into classes, or into classes and series, a statement of any authority vested in the board to divide the shares into classes or series or both, and to determine or change for any class or series its designation, number of shares, relative rights, preferences and limitations;

(f) Any provision not inconsistent with this act or any other statute of this State, which the incorporators elect to set forth for the management of the business and the conduct of the affairs of the corporation, or creating, defining, limiting or regulating the powers of the corporation, its directors and shareholders or any class of shareholders, including any provision which under this act is required or permitted to be set forth in the bylaws;

(g) The address of the corporation's initial registered office, and the name of the corporation's initial registered agent at such address;

(h) The number of directors constituting the first board and the names and addresses of the persons who are to serve as such directors;

(i) The names and addresses of the incorporators;

(j) The duration of the corporation if other than perpetual; and

(k) If, pursuant to subsection 14A:2-7(2), the certificate of incorporation is to be effective on a date subsequent to the date of filing, the effective date of the certificate.

(2) The certificate of incorporation shall be filed in the office of the Secretary of State. The corporate existence shall begin upon the effective date of the certificate, which shall be the date of the filing or such later time, not to exceed 90 days from the date of filing, as may be set forth in the certificate. Such filing shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and, after the corporate existence has begun, that the corporation has been incorporated under this act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

(3) The certificate of incorporation may provide that a director or officer shall not be personally liable, or shall be liable only to the extent therein provided, to the corporation or its shareholders for damages for breach of any duty owed to the corporation or its shareholders, except that such provision shall not relieve a director or officer from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the corporation or its shareholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit. As used in this subsection, an act or omission in breach of a person's duty of loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the corporation or its shareholders in connection with a matter in which he has a material conflict of interest.

2. N.J.S.14A:3-5 is amended to read as follows:

Indemnification of directors, officers and employees.

14A:3-5. Indemnification of directors, officers and employees.

(1) As used in this section,

(a) "Corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying corporation or of any constituent corporation absorbed by the indemnifying corporation in a consolidation or merger and any person who is or was a director, officer, trustee, employee or agent of any other enterprise, serving as such at the request of the indemnifying corporation, or of any such constituent corporation, or the legal representative of any such director, officer, trustee, employee or agent;

(b) "Other enterprise" means any domestic or foreign corporation, other than the indemnifying corporation, and any partnership, joint venture, sole proprietorship, trust or other enterprise, whether or not for profit, served by a corporate agent;

(c) "Expenses" means reasonable costs, disbursements and counsel fees;

(d) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(e) "Proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitral action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to such action, suit or proceeding; and

(f) References to "other enterprises" include employee benefit plans; references to "fines" include any excise taxes assessed on a person with respect to an employee benefit plan; and references to "serving at the request of the indemnifying corporation" include any service as a corporate agent which imposes duties on, or involves services by, the corporate agent with respect to an employee benefit plan, its participants, or beneficiaries; and a person who acted in good faith and in a manner the person reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this section.

(2) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses and liabilities in connection with any proceeding involving the corporate agent by reason of his being or having been such a corporate agent, other than a proceeding by or in the right of the corporation, if

(a) such corporate agent acted in good faith and in a manner

he reasonably believed to be in or not opposed to the best interests of the corporation; and

(b) with respect to any criminal proceeding, such corporate agent had no reasonable cause to believe his conduct was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that such corporate agent did not meet the applicable standards of conduct set forth in paragraphs 14A:3-5(2)(a) and 14A:3-5(2)(b).

(3) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses in connection with any proceeding by or in the right of the corporation to procure a judgment in its favor which involves the corporate agent by reason of his being or having been such corporate agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such corporate agent shall have been adjudged to be liable to the corporation, unless and only to the extent that the Superior Court or the court in which such proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, such corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Superior Court or such other court shall deem proper.

(4) Any corporation organized for any purpose under any general or special law of this State shall indemnify a corporate agent against expenses to the extent that such corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections 14A:3-5(2) and 14A:3-5(3) or in defense of any claim, issue or matter therein.

(5) Any indemnification under subsection 14A:3-5(2) and, unless ordered by a court, under subsection 14A:3-5(3) may be made by the corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met the applicable standard of conduct set forth in subsection 14A:3-5(2) or subsection 14A:3-5(3). Unless otherwise provided in the certificate of incorporation or bylaws, such determination shall be made

(a) by the board of directors or a committee thereof, acting by

a majority vote of a quorum consisting of directors who were not parties to or otherwise involved in the proceeding; or

(b) if such a quorum is not obtainable, or, even if obtainable and such quorum of the board of directors or committee by a majority vote of the disinterested directors so directs, by independent legal counsel, in a written opinion, such counsel to be designated by the board of directors; or

(c) by the shareholders if the certificate of incorporation or bylaws or a resolution of the board of directors or of the shareholders so directs.

(6) Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding as authorized by the board of directors upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified as provided in this section.

(7) (a) If a corporation upon application of a corporate agent has failed or refused to provide indemnification as required under subsection 14A:3-5(4) or permitted under subsections 14A:3-5(2), 14A:3-5(3) and 14A:3-5(6), a corporate agent may apply to a court for an award of indemnification by the corporation, and such court

(i) may award indemnification to the extent authorized under subsections 14A:3-5(2) and 14A:3-5(3) and shall award indemnification to the extent required under subsection 14A:3-5(4), notwithstanding any contrary determination which may have been made under subsection 14A:3-5(5); and

(ii) may allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection 14A:3-5(6), if the court shall find that the corporate agent has by his pleadings or during the course of the proceeding raised genuine issues of fact or law.

(b) Application for such indemnification may be made

(i) in the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(ii) to the Superior Court in a separate proceeding. If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for such relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

The application shall set forth the disposition of any previous application for indemnification and shall be made in such manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the corporation. The court may also direct that notice shall be given at the expense of the corporation to the shareholders and such other persons as it may designate in such manner as it may require.

(8) The indemnification and advancement of expenses provided by or granted pursuant to the other subsections of this section shall not exclude any other rights, including the right to be indemnified against liabilities and expenses incurred in proceedings by or in the right of the corporation, to which a corporate agent may be entitled under a certificate of incorporation, bylaw, agreement, vote of shareholders, or otherwise; provided that no indemnification shall be made to or on behalf of a corporate agent if a judgment or other final adjudication adverse to the corporate agent establishes that his acts or omissions (a) were in breach of his duty of loyalty to the corporation or its shareholders, as defined in subsection (3) of N.J.S.14A:2-7, (b) were not in good faith or involved a knowing violation of law or (c) resulted in receipt by the corporate agent of an improper personal benefit.

(9) Any corporation organized for any purpose under any general or special law of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted against him by reason of his being or having been a corporate agent, whether or not the corporation would have the power to indemnify him against such expenses and liabilities under the provisions of this section. The corporation may purchase such insurance from, or such insurance may be reinsured in whole or in part by, an insurer owned by or otherwise affiliated with the corporation, whether or not such insurer does business with other insureds.

(10) The powers granted by this section may be exercised by the corporation, notwithstanding the absence of any provision in its certificate of incorporation or bylaws authorizing the exercise of such powers.

(11) Except as required by subsection 14A:3-5(4), no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by a court, if such action would be inconsistent with a provision of the certificate of incorporation,

a bylaw, a resolution of the board of directors or of the shareholders, an agreement or other proper corporate action, in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise conditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

(12) This section does not limit a corporation's power to pay or reimburse expenses incurred by a corporate agent in connection with the corporate agent's appearance as a witness in a proceeding at a time when the corporate agent has not been made a party to the proceeding.

3. N.J.S.14A:6-14 is amended to read as follows:

Liability of directors; reliance on records and reports.

14A:6-14. Liability of directors; reliance on records and reports.

(1) Directors and members of any committee designated by the board shall discharge their duties in good faith and with that degree of diligence, care and skill which ordinarily prudent people would exercise under similar circumstances in like positions.

(2) In discharging their duties, directors and members of any committee designated by the board shall not be liable if, acting in good faith, they rely

(a) Upon the opinion of counsel for the corporation;

(b) Upon written reports setting forth financial data concerning the corporation and prepared by an independent public accountant or certified public accountant or firm of such accountants;

(c) Upon financial statements, books of account or reports of the corporation represented to them to be correct by the president, the officer of the corporation having charge of its books of account, or the person presiding at a meeting of the board; or

(d) Upon written reports of committees of the board.

(3) A director shall not be personally liable to the corporation or its shareholders for damages for breach of duty as a director if and to the extent that such liability has been eliminated or limited by a provision in the certificate of incorporation authorized by subsection (3) of N.J.S.14A:2-7.

(4) In taking action, including, without limitation, action which may involve or relate to a change or potential change in the control

of the corporation, a director shall be entitled to consider, without limitation, both the long-term and the short-term interests of the corporation and its shareholders. For the purpose of this subsection, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the corporation, whether through the ownership of voting shares, by contract or otherwise.

4. N.J.S.17B:18-57 is amended to read as follows:

Mutual insurers; change of name, extension of corporate existence or amendment of charter or certificate of incorporation.

17B:18-57. Mutual insurers; change of name, extension of corporate existence or amendment of charter or certificate of incorporation.

a. Any mutual insurer heretofore or hereafter incorporated under any general or special law of this State may change its name and extend its corporate existence or amend its charter or certificate of incorporation for any lawful purpose by a three-fourths vote of its directors present at any regular or special meeting, held in accordance with its charter and bylaws, held not less than 30 nor more than 90 days after notice of the proposed amendment has been given to the directors and to the commissioner.

b. Upon adoption, a certificate of such adoption setting forth such change of name, extension or amendment shall be made and filed by the president or a vice-president of the insurer and by the secretary or an assistant secretary under the corporate seal and shall be acknowledged or proved as in the case of deeds of real estate and shall be submitted to the commissioner for his approval. If the commissioner finds that such change of name, extension or amendment is in conformity with law and does not unreasonably affect the interests of the policyholders, he may endorse his approval on the certificate. When so approved, it shall be filed in the Department of Insurance whereupon the charter or certificate of incorporation shall be deemed to be amended accordingly.

c. The refusal of the commissioner to give any approval shall be subject to judicial review.

d. To the extent that an amendment of the charter or certificate of incorporation of a mutual insurer is adopted in accordance with subsection (3) of N.J.S.14A:2-7, the commissioner shall approve such amendment unless he finds that it unreasonably affects the interest of the policyholders.

5. Section 3 of P.L.1948, c.67 (C.17:9A-3) is amended to read as follows:

C.17:9A-3 Incorporation; certificate of incorporation; officers, directors and employees as incorporators.

3. Incorporation; certificate of incorporation; officers, directors and employees as incorporators.

A. Seven or more persons, of full age, may incorporate a bank on the terms and conditions prescribed by this act. Such persons shall execute and acknowledge a certificate of incorporation stating:

- (1) The name by which the bank shall be known;
- (2) The street, street number, if any, and municipality in which the principal office of the bank is to be located;
- (3) The powers authorized by this act which the bank will have power to exercise;
- (4) The amount of the capital stock, the number of shares into which it is divided, and the par value of each share;
- (5) The amount of surplus with which the bank will commence business;
- (6) The amount of the fund reserved for organization expense pursuant to section 5;
- (7) The names and residences of the incorporators, and the number of shares subscribed for by each;
- (8) The number of directors, or that the number of directors shall be not less than a stated minimum, or more than a stated maximum;
- (9) The names of the persons who will serve as directors until the first annual meeting of stockholders; and
- (10) Such other provisions, not inconsistent with this act, as the incorporators may choose to insert for the regulation of the business and affairs of the bank.

The certificate of incorporation may provide that a director or officer shall not be personally liable, or shall be liable only to the extent therein provided, to the bank or its stockholders for damages for breach of any duty owed to the bank or its stockholders, except that such provision shall not relieve a director or officer from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the bank or its stockholders, (b)

not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit. If such a provision is not included in the original certificate of incorporation, it may be added by an amendment effected in accordance with section 117 of P.L.1948, c.67 (C.17:9A-117). As used in this section, an act or omission in breach of a person's duty of loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the bank or its stockholders in connection with a matter in which he has a material conflict of interest.

B. An officer, director or employee of any bank may be an incorporator of another bank when not inconsistent with such person's fiduciary duty or other applicable law.

6. Section 2 of P.L.1982, c.9 (C.17:9A-8.2) is amended to read as follows:

C.17:9A-8.2 Capital stock savings bank incorporation.

2. Nine or more persons, over the age of 18 years, may incorporate a capital stock savings bank in this State on the terms and provisions prescribed by this act. They shall execute and acknowledge a certificate of incorporation stating:

- a. The name by which the capital stock savings bank shall be known;
- b. The street, street number, if any, and municipality in which the principal office of the capital stock savings bank is to be located;
- c. The amount of the capital stock, the number of shares into which it is divided, and the par value of each share;
- d. The amount of surplus with which the capital stock savings bank will commence business;
- e. The names and addresses of the incorporators;
- f. The number of directors, or that the number of directors shall be not less than a stated minimum or more than a stated maximum;
- g. The names of the persons who will serve as directors until their successors are elected and qualify;
- h. Any fiduciary powers that the capital stock savings bank shall be authorized to exercise; and
- i. Any other provisions, not inconsistent with this act, which the

incorporators choose to insert for the regulation of the business and affairs of the capital stock savings bank.

The certificate of incorporation may provide that a director or officer shall not be personally liable, or shall be liable only to the extent therein provided, to the capital stock savings bank or its stockholders for damages for breach of any duty owed to the capital stock savings bank or its stockholders, except that such provision shall not relieve a director or officer from liability for an act or omission (a) in breach of such person's duty of loyalty to the capital stock savings bank or its stockholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit. If such a provision is not included in the original certificate of incorporation, it may be added by an amendment effected in accordance with section 117 of P.L.1948, c.67 (C.17:9A-117). As used in this section, an act or omission in breach of a person's duty of loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the capital stock savings bank or its stockholders in connection with a matter in which he has a material conflict of interest.

7. Section 250 of P.L.1948, c.67 (C.17:9A-250) is amended to read as follows:

C.17:9A-250 Action against directors, managers, officers or employees; indemnification.

250. Action against directors, managers, officers or employees; indemnification.

A. As used in this section

(1) "Corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying bank or of any constituent banking institution or corporation absorbed by the indemnifying bank in a consolidation or merger or created by or owned by the indemnifying bank and any person who is or was a director, officer, trustee, employee or agent of any other enterprise, serving as such at the request of the indemnifying bank, or of any constituent banking institution or corporation or the legal representative of any such director, officer, trustee, employee or agent;

(2) "Other enterprise" means any domestic or foreign corporation, other than the indemnifying bank, and any partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise, whether or not for profit, served by a corporate agent;

(3) "Expenses" means reasonable costs, disbursements and counsel fees;

(4) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(5) "Proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitratative action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to such action, suit or proceeding;

(6) "Bank" includes savings bank and capital stock savings bank;

(7) "Directors" includes directors of a bank and capital stock savings bank and managers of a savings bank.

B. Any bank of this State shall have the power to indemnify a corporate agent against his expenses and liabilities in connection with any proceeding involving the corporate agent by reason of his being or having been such a corporate agent, other than a proceeding by or in the right of the bank, if

(1) Such corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the bank;

(2) With respect to any criminal proceeding, such corporate agent had no reasonable cause to believe his conduct was unlawful.

The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that such corporate agent did not meet the applicable standards of conduct set forth in subdivisions (1) and (2) of this subsection.

C. Any bank of this State shall have the power to indemnify a corporate agent against his expenses in connection with any proceeding by or in the right of the bank to procure a judgment in its favor which involves the corporate agent by reason of his being or having been such corporate agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the bank. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such corporate agent shall have been adjudged to be liable to the bank, unless and only to the extent that the Superior Court or other court in which such proceeding was brought shall determine upon appli-

cation that despite the adjudication of liability, but in view of all circumstances of the case, such corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Superior Court or other court shall deem proper.

D. Any bank of this State shall indemnify a corporate agent against expenses to the extent that such corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections B and C of this section or in defense of any claim, issue or matter therein.

E. Any indemnification under subsection B of this section, and, unless ordered by a court, under subsection C of this section, may be made by the bank only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met the applicable standard of conduct set forth in subsection B of this section or subsection C of this section. Unless otherwise provided in the certificate of incorporation or bylaws, the determination shall be made

(a) By the board of directors or a committee thereof acting by a quorum consisting of directors who were not parties to or otherwise involved in, the proceeding; or

(b) If such a quorum is not obtainable, or, even if obtainable and that quorum of the board of directors or committee by a majority vote of the disinterested directors so directs, by independent legal counsel in a written opinion, that independent legal counsel to be designated by the board of directors; or

(c) By the stockholders, if the certificate of incorporation or bylaws or a resolution of the board of directors or of the stockholders so directs, in the case of a bank which is not a savings bank, and by the commission, in the case of a savings bank.

F. Expenses incurred by a corporate agent in connection with a proceeding may be paid by the bank in advance of the final disposition of the proceeding, if authorized by the board of directors, upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified as provided in this section.

G.(1) If a bank upon application of a corporate agent has failed or refused to provide indemnification as required under subsection D of this section or permitted under subsections B, C and F of this section, a corporate agent may apply to a court for an award of indemnification by the bank, and such court

(2) May award indemnification to the extent authorized under subsections B and C of this section and shall award indemnification to the extent required under subsection D of this section, notwithstanding any contrary determination which may have been made under subsection E of this section; and

(3) May allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection F of this section, if the court shall find that the corporate agent has by his pleadings or during the course of the proceeding raised genuine issues of fact or law.

(4) Application for such indemnification may be made

(a) In the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(b) To the Superior Court in a separate proceeding. If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for such relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

(5) The application shall set forth the disposition of any previous application for indemnification and shall be made in such manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the bank. The court may also direct that notice shall be given at the expense of the bank to the stockholders of a bank other than a savings bank and such other persons as it may designate in such manner as it may require.

H. The indemnification and advancement of expenses provided by or granted pursuant to the other subsections of this section shall not exclude any other rights, including the right to be indemnified against liabilities and expenses incurred in proceedings by or in the right of the bank, to which a corporate agent may be entitled under a certificate of incorporation, bylaw, agreement, vote of stockholders of a bank other than a savings bank, or otherwise; provided that no indemnification shall be made to or on behalf of a corporate agent if a judgment or other final adjudication adverse to the corporate agent establishes that his acts or omissions (a) were in breach of his duty of loyalty to the bank or its stockholders, (b) were not in good faith or involved a knowing violation of law or (c) resulted in receipt by the corporate agent of an improper personal benefit. As used in this subsection, an act or omission in breach of a person's duty of

loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the bank, other than a savings bank, or its stockholders or the savings bank or its depositors in connection with a matter in which he has a material conflict of interest.

I. Any bank of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted against him by reason of his being or having been a corporate agent, whether or not the bank would have the power to indemnify him against those expenses and liabilities under the provisions of this section. The bank may purchase such insurance from, or such insurance may be reinsured in whole or in part by, an insurer owned by or otherwise affiliated with the bank, whether or not such insurer does business with other insureds.

J. The powers granted by this section may be exercised by a bank notwithstanding the absence of any provision in its certificate of incorporation or bylaws authorizing the exercise of such powers.

K. Except as required by subsection D of this section, no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by the Superior Court or other court, if that action would be inconsistent with a provision of the certificate of incorporation, a bylaw, a resolution of the board of directors or of the stockholders, or an agreement or other proper corporate action, in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise conditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

L. This section does not limit a bank's power to pay or reimburse expenses incurred by a corporate agent in connection with the corporate agent's appearance as a witness in a proceeding at a time when the corporate agent has not been made a party to the proceeding.

8. Section 11 of P.L.1987, c.35 (C.17:9A-197.1) is amended to read as follows:

C.17:9A-197.1 Savings bank official immunity.

11. Notwithstanding the provisions of section 197 of P.L.1948, c.67 (C.17:9A-197), a savings bank may, by amending its certificate of incorporation in the manner provided in section 198 of P.L.1948, c.67 (C.17:9A-198), provide that a manager or officer shall not be

personally liable, or shall be liable only to the extent therein provided, to the savings bank or its depositors for damages for breach of any duty owed to the savings bank or its depositors, except that such provision shall not relieve a manager or officer from liability for an act or omission (a) in breach of such person's duty of loyalty to the savings bank or its depositors, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit. As used in this section, an act or omission in breach of a person's duty of loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the savings bank or its depositors in connection with a matter in which he has a material conflict of interest.

The Commissioner of Banking shall approve such amendment unless he finds that it unreasonably affects the interests of the depositors.

9. Section 13 of P.L.1987, c.35 (C.17:12B-38.1) is amended to read as follows:

C.17:12B-38.1 Association official immunity.

13. An association may with the approval of the commissioner, amend its certificate of incorporation or bylaws, by a two-thirds vote of its board present and voting at a duly convened regular or special meeting, to provide that a director or officer shall not be personally liable, or shall be liable only to the extent therein provided, to the association or its members for damages for breach of any duty owed to the association or its members, except that the provision shall not relieve a director or officer from liability for an act or omission: a. in breach of that person's duty of loyalty to the association or its members; b. not in good faith or involving a knowing violation of law; or c. resulting in receipt by that person of an improper personal benefit. As used in this section, an act or omission in breach of a person's duty of loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the association or its members in connection with a matter in which he has a material conflict of interest.

The commissioner shall approve the amendment unless he finds that it unreasonably affects the interest of the members.

This section shall be applicable to federal associations, in addition to State associations, to the extent permitted by federal law.

10. Section 15 of P.L.1987, c.35 (C.17:12B-250.1) is amended to read as follows:

C.17:12B-250.1 Capital stock association official immunity.

15. A capital stock association may with the approval of the commissioner, amend its certificate of incorporation or bylaws, by a two-thirds vote of its board present and voting at a duly convened regular or special meeting, to provide that a director or officer shall not be personally liable, or shall be liable only to the extent therein provided, to the association or its stockholders for damages for breach of any duty owed to the association or its stockholders, except that the provision shall not relieve a director or officer from liability for an act or omission: a. in breach of that person's duty of loyalty to the association or its stockholders; b. not in good faith or involving a knowing violation of law; or c. resulting in receipt by that person of an improper personal benefit. As used in this section, an act or omission in breach of a person's duty of loyalty means an act or omission which that person knows or believes to be contrary to the best interests of the association or its stockholders in connection with a matter in which he has a material conflict of interest.

The commissioner shall approve the amendment unless he finds that it unreasonably affects the interest of the stockholders.

This section shall be applicable to federal associations, in addition to State associations, to the extent permitted by federal law.

Repealer.

11. Sections 4, 7, 9, 12, 14 and 16 of P.L.1987, c.35 are repealed.

12. This act shall take effect immediately.

Approved February 4, 1989.

CHAPTER 18

AN ACT concerning Medicaid reimbursement to private skilled nursing and intermediate care facilities and making an appropriation therefor.

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

1. For the purpose of establishing a supplement to the prospective per diem reimbursement rates for routine patient care expenses incurred by private skilled nursing and intermediate care facilities that are serving a high level of patients who are Medicaid recipients

pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and recipients of public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), the Commissioner of Human Services, upon enactment of this act, shall establish a formula to provide for a supplement to the prospective per diem reimbursement rates for private skilled nursing and intermediate care facilities participating in the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) that are at or above the Statewide average Medicaid occupancy level.

The formula for determining the supplement to the prospective per diem reimbursement rates for a private facility shall be based upon the Medicaid occupancy level, such that a facility with a higher Medicaid occupancy level shall receive a larger supplement than a facility with a lower Medicaid occupancy level.

For the purposes of this act: "Statewide average Medicaid occupancy level" means the sum of the average number of Medicaid recipients and recipients of public assistance under P.L.1947, c.156 (C.44:8-107 et seq.) residing in each skilled nursing and intermediate care facility in the State divided by the total number of skilled nursing and intermediate care facility licensed beds in the State, during that month; and "Medicaid occupancy level" means the average number of Medicaid recipients and recipients of public assistance residing in a skilled nursing or intermediate care facility divided by the total number of licensed beds in the facility, during that month. The commissioner shall determine the Statewide average Medicaid occupancy level and compile the Medicaid occupancy level on a monthly basis.

2. Any skilled nursing or intermediate care facility in the geographic region with the lowest average actual compensation level for nursing and general services personnel may request that the Commissioner of Human Services review and adjust the equalization factor for that facility to reflect changes in the information upon which the equalization factors are based. To assist in that review, the facility shall provide such information as the commissioner may request.

3. The Commissioners of Human Services and Health jointly shall submit a report in writing to the Governor and the Legislature on or before September 30, 1989, which shall include, but not be limited to the following, for skilled nursing and intermediate care facilities:

- a. A summary of any new State minimum nursing standards and their relation to federal standards;
 - b. An assessment of the fiscal impact of any new State or federal minimum nursing standards and enhancements for special patient care;
 - c. A statement of the number of facilities which exceed the current screen according to salary region;
 - d. A statement of the number of public, private nonprofit and for profit facilities and a distribution of each of these types of facilities according to Medicaid occupancy levels;
 - e. A distribution of the number and type of facility that is within a 135% reasonableness limit by Medicaid occupancy level; and
 - f. An estimate of the number of facilities by Medicaid occupancy level that would remain within a 50% screen level if a 135% reasonableness level were to decrease by 5%, 10% and 15%, respectively.
4. 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 effectuate the purposes of this act.
5. There is appropriated \$7,500,000 from the General Fund and \$7,500,000 in federal funds to the Department of Human Services to carry out the provisions of section 1 of this act. Any unexpended balances remaining on June 30, 1989 shall be reappropriated for the purposes of this act in the fiscal year beginning July 1, 1989.
6. This act shall take effect immediately but remain inoperative until certification to the Commissioner of Human Services by the Administrator of the United States Health Care Financing Administration of federal financial participation for the purposes of this act, except that section 1 of this act shall be retroactive to October 1, 1988. The provisions of this act shall expire on September 30, 1989.
- Approved February 6, 1989.

CHAPTER 19

AN ACT concerning disclosure of financial interests by certain health care practitioners 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.45:9-22.4 Definitions.

1. For the purposes of this act:

“Health care service” means a business entity which provides on an inpatient or outpatient basis: testing for or diagnosis or treatment of human disease or dysfunction; or dispensing of drugs or medical devices for the treatment of human disease or dysfunction. Health care service includes, but is not limited to, a bioanalytical laboratory, pharmacy, home health care agency, rehabilitation facility, nursing home, hospital, or a facility which provides radiological or other diagnostic imagery services, physical therapy, ambulatory surgery, or ophthalmic services.

“Immediate family” means the practitioner’s spouse and children, the practitioner’s siblings and parents, the practitioner’s spouse’s siblings and parents, and the spouses of the practitioner’s children.

“Practitioner” means a physician, chiropractor or podiatrist licensed pursuant to Title 45 of the Revised Statutes.

“Significant beneficial interest” means any financial interest that is equal to or greater than the lesser of: (1) 5% of the whole or (2) \$5,000.00; but does not include ownership of a building wherein the space is leased to a person at the prevailing rate under a straight lease agreement, or any interest held in publicly traded securities.

C.45:9-22.5 Disclosure of interest.

2. A practitioner shall not refer a patient or direct an employee of the practitioner to refer a patient to a health care service in which the practitioner, or the practitioner’s immediate family, or the practitioner in combination with practitioner’s immediate family has a significant beneficial interest unless the practitioner discloses the significant beneficial interest to the patient.

The practitioner shall provide the patient with a written disclosure form, prepared pursuant to section 3 of this act, and post a copy of this disclosure form in a conspicuous public place in the practitioner’s office.

C.45:9-22.6 Written disclosure form.

3. The written disclosure form required pursuant to section 2 of this act shall be in the following form:

Public law of the State of New Jersey mandates that a physician, chiropractor or podiatrist inform his patients of any significant financial interest he may have in a health care service.

Accordingly, I wish to inform you that I do have a financial interest in the following health care service(s) to which I refer my patients:

(list applicable health care services)

You may, of course, seek treatment at a health care service provider of your own choice. A listing of alternative health care service providers can be found in the classified section of your telephone directory under the appropriate heading.

C.45:9-22.7 Exemption.

4. The disclosure requirements of this act do not apply in the case of a practitioner who is providing health care services pursuant to a prepaid capitated contract entered into with the Division of Medical Assistance and Health Services in the Department of Human Services.

C.45:9-22.8 Penalty.

5. A practitioner who violates the provisions of this act is liable for a penalty pursuant to section 12 of P.L.1978, c.73 (C.45:1-25).

C.45:9-22.9 Rules, regulations.

6. The State Board of Medical Examiners established pursuant to R.S.45:9-1 shall adopt rules and regulations necessary to carry out the purposes of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

7. This act shall take effect immediately.

Approved February 6, 1989.

CHAPTER 20

AN ACT authorizing the sale of surplus real property owned by the State and appropriating the proceeds from the sale thereof to the Department of Higher Education.

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

1. The Department of Higher Education is authorized to sell and convey all of the State's interest in a single family residence and 1.727± acres of surplus real property located in the township of Mahwah, Bergen county. The property is designated as Block 17, Lot 12, on the Mahwah township tax map. The property and the residence are located at 398 Ramapo Valley Road.
2. The sale shall be upon terms and conditions as approved by the State House Commission.
3. The proceeds from the sale of property under this act shall be deposited in the General Fund of the State.
4. The proceeds from the sale of property under this act are appropriated from the General Fund to the Department of Higher Education for Ramapo College.*
5. This act shall take effect immediately.

Approved February 6, 1989.

*Wording changed by line-item veto of the Governor. See statement following.

STATEMENT TO CHAPTER 20
(Senate Bill No. 1245 (First Reprint))

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 1245 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

The purpose of this bill is to permit the sale of the State's interest in a single-family residence and 1.727 acres of surplus real property located in the Bergen County township of Mahwah. The building and land, known as the Van Horn property, is currently under the

jurisdiction of Ramapo State College. The sale of this property would be made upon the terms and conditions as already approved by the State House Commission. The legislation provides that the proceeds from the sale of the property would be deposited in the State's General Fund and then be appropriated to the Department of Higher Education to be used by the Department to purchase a new residence for the President of Ramapo College.

Although I support the sale of this property, I cannot support the appropriation of the proceeds to the Department of Higher Education solely for the purpose of purchasing a residence for Ramapo College's President. I have recently announced that next year's budget will be an austere one. In light of that, I do not believe that either the Department or Ramapo should be restricted from looking at competing programs and determining how the money can best be spent, based upon competing needs. So, while I agree the money should be appropriated for the use of Ramapo, I do not agree that the range of choice should be circumscribed to one purpose—the acquisition of a presidential residence—when more compelling needs may present themselves.

Accordingly, I am utilizing my line-item veto authority to delete the language limiting the use of appropriated proceeds to the single purpose of purchasing a presidential residence. I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 1, Section 4, Lines 20 and 21: After “for” delete “the purchase of a residence for the President of.”

Respectfully,

Thomas H. Kean
Governor

CHAPTER 21

AN ACT concerning the provisional approval of prospective foster or adoptive parents and supplementing P.L.1985, c.396 (C.30:4C-26.8).

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

C.30:4C-26.9 Provisional approval.

1. The Department of Human Services may grant provisional approval to a prospective foster or adoptive 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 the prospective foster or adoptive parent and any adult residing in the prospective 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.

2. This act shall take effect immediately.

Approved February 6, 1989.

CHAPTER 22

AN ACT concerning jurors in criminal matters and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:29-8.1 Prohibited juror contact.

1. a. Any person impaneled as a petit or grand juror in any criminal action in this State who, before the rendering of a verdict, entry of a plea, or the termination of service as a grand juror, solicits, negotiates, accepts, or agrees to accept a contract for a movie, book, magazine article, other literary expression, recording, radio or television presentation, or live entertainment or presentation of any kind which would depict his service as a juror is guilty of a crime of the fourth degree.

b. Any person who offers, negotiates, confers, or agrees to confer a contract for a movie, book, magazine article, other literary expression, recording, radio or television presentation, or live entertainment or presentation of any kind which would depict the juror's service, to any person impaneled as a petit or grand juror in any criminal action in this State, during the term of service of the juror, is guilty of a crime of the fourth degree.

2. This act shall take effect immediately.

Approved February 6, 1989.

CHAPTER 23

AN ACT concerning abuse and neglect of elderly and disabled persons, amending and supplementing Title 2C of the New Jersey Statutes and making an appropriation therefor.

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

C.2C:24-8 Criminal neglect of elderly, disabled.

1. 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 disabled, who unreasonably neglects to do or fails to permit to be done any act necessary for the physical or mental health of the elderly or disabled person, is guilty of a crime of the fourth degree. 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 person's established religious tradition, to a person to whom he has a legal duty to care for or has assumed responsibility for the care of. 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. Section 2 of P.L.1981, c.426 (C.2C:25-2) is amended to read as follows:

C.2C:25-2 Findings, declarations.

2. The Legislature finds and declares that domestic violence is a serious crime against society; that there are thousands of persons in this State who are regularly beaten, tortured and in some cases

even killed by their spouses or cohabitants; that a significant number of women who are assaulted are pregnant; that victims of domestic violence come from all social and economic backgrounds and ethnic groups; that there is a positive correlation between spousal abuse and child abuse; and that children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to domestic violence. It is therefore, the intent of the Legislature to assure the victims of domestic violence the maximum protection from abuse the law can provide.

The Legislature further finds and declares that the health and welfare of some of its most vulnerable citizens, the elderly and disabled, are at risk because of incidents of reported and unreported domestic violence, abuse and neglect which are known to include acts which victimize the elderly and disabled emotionally, psychologically, physically and financially; because of age, disabilities or infirmities, this group of citizens frequently must rely on the aid and support of others; while the institutionalized elderly are protected under P.L.1977, c.239 (C.52:27G-1 et seq.), elderly and disabled adults in noninstitutionalized or community settings may find themselves victimized by family members or others upon whom they feel compelled to depend.

The Legislature further finds and declares that violence against the elderly and disabled, including criminal neglect of the elderly and disabled under section 1 of P.L.1989, c.23 (C.2C:24-8), must be recognized and addressed on an equal basis as violence against spouses and children in order to fulfill our responsibility as a society to protect those who are less able to protect themselves.

The Legislature further finds and declares that even though many of the existing criminal statutes are applicable to acts of domestic violence, previous societal attitudes concerning domestic violence have affected the response of our law enforcement and judicial systems, resulting in these acts receiving different treatment from similar crimes when they occur in a domestic context. The Legislature finds that battered adults presently experience substantial difficulty in gaining access to protection from the judicial system, particularly due to that system's inability to generate a prompt response in an emergency situation.

It is the intent of the Legislature to stress that the primary duty of a law enforcement officer when responding to a domestic violence call is to enforce the laws allegedly violated and to protect the victim. It is further intended that the official response to domestic violence

shall communicate the attitude that violent behavior will not be excused or tolerated, and shall make clear the fact that the existing criminal laws and civil remedies created under this act will be enforced without regard to the fact that the violence grows out of a domestic situation.

3. Section 4 of P.L.1981, c.426 (C.2C:25-4) is amended to read as follows:

C.2C:25-4 Training course.

4. The Police Training Commission in the Division of Criminal Justice shall develop and approve a training course on the handling, investigation and response procedures concerning reports of domestic violence and abuse and neglect of the elderly and disabled. This training course shall be modified by the Police Training Commission from time to time as need may require, and shall be made available to all law enforcement personnel who are likely to encounter situations of domestic violence or abuse or neglect of the elderly and disabled. The Attorney General shall be responsible for ensuring that law enforcement officers throughout the State receive training concerning domestic violence and abuse and neglect of the elderly and disabled.

The Police Training Commission shall provide that all training for law enforcement officers on the handling of domestic violence and neglect and abuse of the elderly and disabled complaints shall stress the enforcement of criminal laws in domestic situations, the protection of the victim, and the use of available community resources. Law enforcement agencies may establish domestic crisis teams or individual officers may be trained in methods of dealing with domestic violence and neglect and abuse of the elderly and disabled. The teams may include social workers, clergy or other persons trained in counseling, crisis intervention or in the treatment of domestic violence and neglect and abuse of the elderly and disabled victims. When an alleged incident of domestic violence or neglect and abuse of the elderly and disabled is reported, the agency shall dispatch a domestic crisis team or specially trained officer, if available, to the scene of the incident.

4. N.J.S.2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. Criteria for Withholding or Imposing Sentence of Imprisonment. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the defendant committed the offense because of the status of the victim as a public servant;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who

he knew or should have known was 60 years of age or older, or disabled.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

- (1) The defendant's conduct neither caused nor threatened serious harm;
- (2) The defendant did not contemplate that his conduct would cause or threaten serious harm;
- (3) The defendant acted under a strong provocation;
- (4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;
- (5) The victim of the defendant's conduct induced or facilitated its commission;
- (6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;
- (7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;
- (8) The defendant's conduct was the result of circumstances unlikely to recur;
- (9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;
- (10) The defendant is particularly likely to respond affirmatively to probationary treatment;
- (11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;
- (12) The willingness of the defendant to cooperate with law enforcement authorities;
- (13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a.

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized,

sentences imposed pursuant to 2C:43-7a.(1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a.(4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a.(2) or a.(12) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.*

5. This act shall take effect immediately.

Approved February 6, 1989.

*Appropriation deleted by line-item veto of the Governor. See statement following.

STATEMENT TO CHAPTER 23
(Senate Bill No. 2159 (First Reprint))

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 2159 (First Reprint) at the time of signing it my statement of the item, or part thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

Senate Bill No. 2159 provides additional protection for senior and disabled citizens who are victims of neglect or abuse. The bill makes it a fourth degree crime for a person who has a legal duty to care for or has assumed continuing responsibility for the care of an elderly or disabled person, to unreasonably fail to do any act necessary for the health of that elderly or disabled individual. In addition, the bill requires the Police Training Commission in the Department of Law and Public Safety, Division of Criminal Justice, to develop and approve a training course on the handling, investigation and response procedures concerning reports of domestic violence as well as the abuse and neglect of the elderly and disabled. The bill appropriates \$90,000 from the General Fund to the Police Training Commission to implement the training provisions of the bill.

Current law contains certain requirements and procedures for law enforcement officers and agencies to use when responding to incidents of domestic violence. This bill amends current law to provide that these standards would also apply to the handling of incidents regarding the neglect and abuse of the elderly and disabled. Finally, this bill provides that upon sentencing a defendant, the court must consider whether the defendant committed an offense against a person who he or she knew or should have known was elderly or disabled.

I firmly believe that there is a legitimate need to strengthen our laws governing the protection of elderly and disabled citizens who are victims of neglect or abuse. Statistics suggest that 4 percent of the elderly population are victims of elderly abuse. Research completed in recent years has also confirmed that abusers of elderly and disabled persons tend to be close relatives, including adult children involved in caring for the victims. The mistreatment of the elderly and disabled may include neglect of a dependent older person or psychologically abusive treatment by an adult child or relative caring for the victim, the misuse of the victim's material and financial assets by an adult child, spousal abuse, and in certain instances, actually physical abuse or sexual assault of the victim.

In response to this information, the New Jersey Advisory Council on Elderly Abuse, which I created by signing Executive Order No. 103 on May 28, 1985, made several recommendations to address the issue of elderly and disabled abuse. This bill implements several of those recommendations and its enactment is of great importance to our elderly and disabled citizens.

As much as I seek the enactment of this bill's provisions into law, I cannot sign this bill as presented. Budgetary limitations precipitated by a \$290 million shortfall in projected State revenues permit the disbursement of General Fund revenues for new programs only when an unequivocal need can be demonstrated, and then such needs must be prioritized. It is not at all clear that the Police Training Commission would be unable in Fiscal Year 1989 to commence the development of the training course called for by this bill. Indeed, I am advised that the \$90,000 appropriation is representative of two years of funding actually required by the Commission, to implement the training provisions of this bill. Since this bill will be taking effect halfway through the current fiscal year, the Department of Law and Public Safety need only find approximately one-quarter of that amount within its existing budget to assist the Commission with this function. For Fiscal Year 1990, the Department of Law and Public Safety should prioritize funding for this task within its other spending priorities.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill.

Page 7, Section 5, Lines 35-39: Delete in its entirety.

Respectfully,

Thomas H. Kean
Governor

CHAPTER 24

AN ACT concerning motor vehicle franchises and supplementing Title 56 of the New Jersey Statutes.

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

C.56:10-7.2 Findings, declarations.

1. The Legislature hereby finds and declares the following:

a. Notwithstanding the enactment of the "Franchise Practices Act," P.L.1971, c.356 (C.56:10-1 et seq.), and other legislation dealing with the franchisor-franchisee relationship, including, but not limited to P.L.1982, c.156 (C.56:10-17 et seq.), inequality of bargaining power continues to exist between motor vehicle franchisors and motor vehicle franchisees. This inequality of bargaining power exists even as to motor vehicle franchisees who have had their franchises for many years and who have expended large sums of money in the promotion of their franchises.

b. This inequality of bargaining power enables motor vehicle franchisors to compel motor vehicle franchisees to execute franchises and related leases and agreements which contain terms and conditions that would not routinely be agreed to by the motor vehicle franchisees absent the compulsion and duress which arise out of the inequality of bargaining power. These terms and conditions are detrimental to the interests of the motor vehicle franchisees in that they require the motor vehicle franchisees to relinquish their rights which have been established by the "Franchise Practices Act" and supplemental legislation and other statutes and laws of this State.

c. As a result, motor vehicle franchisees have been denied the opportunity to have disputes with their motor vehicle franchisors arising out of the franchisor-franchisee relationship heard in an appropriate venue, convenient to both parties, by tribunals established by statute for the resolution of these disputes. It is therefore necessary and in the public interest to ensure that motor vehicle franchisees voluntarily determine whether to agree to certain terms and conditions contained in franchises and related leases and agreements presented to them by motor vehicle franchisors and under circumstances unaffected by the compulsion which arises from the inequality of bargaining power.

C.56:10-7.3 Prohibited conditions, terms of franchise.

2. a. It shall be a violation of the "Franchise Practices Act,"

P.L.1971, c.356 (C.56:10-1 et seq.) for a motor vehicle franchisor to require a motor vehicle franchisee to agree to a term or condition in a franchise, or in any lease or agreement ancillary or collateral to a franchise, as a condition to the offer, grant or renewal of the franchise, lease or agreement, which:

(1) Requires the motor vehicle franchisee to waive trial by jury in actions involving the motor vehicle franchisor; or

(2) Specifies the jurisdictions, venues or tribunals in which disputes arising with respect to the franchise, lease or agreement shall or shall not be submitted for resolution or otherwise prohibits a motor vehicle franchisee from bringing an action in a particular forum otherwise available under the law of this State; or

(3) Requires that disputes between the motor vehicle franchisor and motor vehicle franchisee be submitted to arbitration or to any other binding alternate dispute resolution procedure; provided, however, that any franchise, lease or agreement may authorize the submission of a dispute to arbitration or to binding alternate dispute resolution if the motor vehicle franchisor and motor vehicle franchisee voluntarily agree to submit the dispute to arbitration or binding alternate dispute resolution at the time the dispute arises.

b. For the purposes of this section, it shall be presumed that a motor vehicle franchisee has been required to agree to a term or condition in violation of this section as a condition of the offer, grant or renewal of a franchise or of any lease or agreement ancillary or collateral to a franchise, if the motor vehicle franchisee, at the time of the offer, grant or renewal of the franchise, lease or agreement is not offered the option of an identical franchise, lease or agreement without the term or condition proscribed by this section.

c. In addition to any remedy provided in the "Franchise Practices Act," any term or condition included in a franchise, or in any lease or agreement ancillary or collateral to a franchise, in violation of this section may be revoked by the motor vehicle franchisee by written notice to the motor vehicle franchisor within 60 days of the motor vehicle franchisee's receipt of the fully executed franchise, lease or agreement. This revocation shall not otherwise affect the validity, effectiveness or enforceability of the franchise, lease or agreement.

3. This act shall take effect immediately but shall apply only to franchises and leases or agreements ancillary to or collateral to franchises which are offered, granted, or renewed after the effective date of this act.

Approved February 6, 1989

CHAPTER 25

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220 Community Health
Services \$750,000

Grants:

Diagnosis and treatment of
birth defects and genetic
diseases (\$750,000)

2. This act shall take effect immediately.

Approved February 6, 1989.

CHAPTER 26

AN ACT concerning the Hackensack Meadowlands Development Commission and amending and supplementing P.L.1968, c.404.

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

1. Section 59.1 of P.L.1968, c.404 (C.13:17-61) is amended to read as follows:

C.13:17-61 Definitions.

59.1. As used in this article, unless the context indicates another meaning or intent:

(a) "Adjustment year" means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

(b) "Intermunicipal account" means the administrative device established and administered by the commission to record all the transactions made pursuant to this article for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by this article.

(c) "Meadowlands adjustment payment" means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be, pursuant to the provisions of this article.

(d) "Resident enrollment" means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the school district or a school district or State teachers' college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county, for which the school district pays tuition.

(e) "Base year" means the calendar year 1970.

(f) "Comparison year" means the second calendar year preceding the adjustment year.

(g) "Apportionment rate" means a rate determined as follows:

(1) The total property taxes levied for local, school, and veterans' and senior citizens' purposes, as certified pursuant to R.S.54:4-52, of the municipality in the comparison year after the meadowlands adjustment payment made in that comparison year has been subtracted or added, as the case may be, divided by

(2) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in the municipality, both within and without the district, in the comparison year, as determined by the Director of the Division of Taxation on October 1 of the comparison year, pursuant to P.L.1954, c.86, as amended, as the same may have been modified by the tax court. If a tax appeal is decided

after calculations are made for an adjustment year, the next year's calculations must show a retroactive correction for the applicable preceding two years.

2. Section 63 of P.L.1968, c.404 (C.13:17-65) is amended to read as follows:

C.13:17-65 Resident enrollment certification.

63. On or before November 15, 1969, and on or before November 15 of each year thereafter, the secretary, superintendent or a person designated by the school board of each school district of each constituent municipality shall certify to the commission the resident enrollment as of September 30 of that year. The certification shall show the number, address and grade enrolled of pupils who reside within the district and the number who reside outside, in a manner to be prescribed by the Commissioner of the Department of Education.

3. Section 65 of P.L.1968, c.404 (C.13:17-67) is amended to read as follows:

C.13:17-67 Aggregate true value.

65. (a) As used in this section, except as otherwise specifically provided:

(1) The increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between:

(i) The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the municipality located within the district in the comparison year, and

(ii) The aggregate true value of said property in the base year.

(2) Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, and dividing said total by the average assessment ratio as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P.L.1954, c.86, as amended, as the same may have been modified by the tax court.

(3) For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise:

(i) The assessed value shown on the assessment duplicate for such

year, as certified by the county board of taxation and reflected in the county table of aggregates prepared pursuant to R.S.54:4-52, as the same may be modified by the county board of taxation upon appeal, plus

(ii) The prorated assessed values pertaining to such year, as certified by the county board of taxation on or before October 10, with respect to the assessor's added assessment list for such year, as the same may be modified by the county board of taxation upon appeal, plus

(iii) The assessed values pertaining to such year, as certified by the county board of taxation on or about October 10, with respect to the assessor's omitted property assessment list for such year, as the same may be modified by the county board of taxation upon appeal.

(b) The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rates calculated for the comparison year shall be multiplied by the increase, if any, in aggregate true value of taxable real property for such year; provided, however, that the amount payable to the intermunicipal account shall be limited to 10% of the amount so calculated in the adjustment year 1973 and shall increase 4 percentage points a year until 50% of the amount so calculated is paid into the intermunicipal account in the adjustment year 1983 through adjustment year 1988. Beginning in adjustment year 1989 the amount payable into the intermunicipal account shall be reduced by 2 percentage points a year until 40% of the amount calculated pursuant to this subsection is paid into the intermunicipal account in the adjustment year 1993 and thereafter.

(c) If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection (a)(1) of this section, there shall be added to the aggregate true value otherwise determined for such comparison year an amount determined by dividing the amount of said in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation, as same may have been modified by the tax court.

C.13:17-67.1 Adjustment payment exclusion.

4. Notwithstanding the provision of any law, rule or regulation to the contrary, no constituent municipality shall pay out or receive a meadowlands adjustment payment for any adjustment year in which its municipal equalized valuation per capita, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of the Division of Local Government Services in the Department of Community Affairs exceeds \$1,000,000.00.

5. A meadowlands adjustment payment made contrary to the provisions of section 4 of this 1989 amendatory and supplementary act shall be returned to the municipality or the intermunicipal account, as the case may be, and corresponding corrections in the remaining meadowlands adjustment payments shall be completed within 90 days of the effective date of this act.

6. This act shall take effect immediately and shall be retroactive to January 1, 1989.

Approved February 15, 1989.

CHAPTER 27

AN ACT restricting certain activities within the Hackensack Meadowlands District, amending P.L.1968, c.404 and revising the penalty provisions therein.

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

1. Section 18 of P.L.1968, c.404 (C.13:17-19) is amended to read as follows:

C.13:17-19 Penalties for failure to obtain approval.

18. (a) If any person transfers, sells, or rents to another, or agrees to transfer, sell or rent to another any land or building or other structure or constructs or alters any building or structure within the district, or directly causes the transfer, sale or rental to another, or arranges for an agreement to transfer, sell or rent to another any land or building or other structure or directly causes the construction or alteration of any building or structure within the district, without first obtaining the approval of the commission of any application for a subdivision, site plan or building permit as may be required by

P.L.1968, c.404 (C.13:17-1 et seq.), the person shall be subject to a fine of not more than \$5,000.00, and each parcel, lot, plot, building, or rental unit so disposed of or agreed or caused to be disposed of shall be deemed a separate violation.

The commission may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), if the commission finds that the person has violated this subsection. Where any violation of this subsection is of a continuing nature, each day during which the continuing violation remains unabated, after the date fixed by the commission in any order or notice for the correction or termination of the violation, constitutes an additional, separate and distinct violation. The commission, in the exercise of its administrative authority pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), may levy and collect the fines in the amounts set forth in this subsection. Where an administrative penalty order has not been satisfied, the penalty may be sued for and recovered by and in the name of the commission in a civil action brought in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), in Superior Court.

(b) In addition to the foregoing, the commission may in the case of any violation of subsection (a) of this section, institute civil action:

- (1) For injunctive relief;
 - (2) To set aside and invalidate any conveyance or lease made pursuant to contract for sale or otherwise in violation of subsection (a) of this section;
 - (3) To prevent such unlawful sale, rental, erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 - (4) To restrain, correct, or abate such violation;
 - (5) To prevent the occupancy of said dwelling, structure or land;
- or
- (6) To prevent any illegal act, conduct, business or use in or about such premises.

2. This act shall take effect immediately.

Approved February 15, 1989.

CHAPTER 28

AN ACT concerning agriculture and farmland development, amending P.L.1983, c.32 and supplementing chapter 1C of Title 4 of the Revised Statutes.

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

C.4:1C-38 Acquisition in name of State.

1. In addition to those powers and duties provided for by section 5 of P.L.1983, c.31 (C.4:1C-6) and by sections 5 and 6 of P.L.1983, c.32 (C.4:1C-5 and C.4:1C-7), the State Agriculture Development Committee also shall have the power to purchase and acquire, in the name of the State, fee simple absolute title to farmland in accordance with section 3 of this act.

C.4:1C-39 Notice of proposed sale.

2. a. A landowner who wishes to sell a fee simple absolute interest in land that becomes enrolled in a farmland preservation program or a municipally approved farmland preservation program after this bill's effective date and established pursuant to sections 13 and 14 of P.L.1983, c.32 (C.4:1C-20 and C.4:1C-21), respectively, shall give to the committee no less than 60 days' prior written notice, by certified mail, of the terms and conditions of the proposed sale. A copy of the proposed offer indicating the price which the proposed purchaser has agreed to pay for the land shall be attached to the notice of proposed sale. The notice of proposed sale shall also include any other information which the committee may reasonably require by regulation. The committee shall have the first right and option to purchase the land upon substantially similar terms and conditions, which right and option shall be exercisable as provided by this section. If the committee chooses to exercise the first right and option, the committee shall give notice of such intent to the landowner within a period of 30 days following the date of receipt of the notice of proposed sale. The committee shall submit its offer to match the terms and conditions of the proposed sale to the landowner within the 60 days following the expiration of the 30-day period. If no notice is given within the 30-day period that the committee intends to exercise the first right and option, the owner may at the expiration of the 30-day period contract to sell the land to the proposed purchaser named in the notice of proposed sale upon the terms specified therein. If the owner fails to close upon the proposed sale transaction, the land shall again become subject to the committee's right of first refusal as provided by this section.

b. The provisions of this section shall apply to sales of fee simple interest in land that becomes enrolled in a farmland preservation program or a municipally approved farmland preservation program subsequent to the effective date of this act, except that any person enrolled in a farmland preservation program prior to the effective date of this act may agree to provide this right of first refusal in a manner consistent with this section.

C.4:1C-40 Certificate.

3. A certificate executed and acknowledged by the committee stating that the provisions of section 2 of this act have been met by the owner, and that the right of first refusal of the committee has terminated, shall be conclusive upon the committee and the owner in favor of all persons who rely thereon in good faith, and this certificate shall be furnished to any owner who has complied with the provisions of section 2 of this act.

C.4:1C-41 Priority.

4. The committee shall give priority to the purchase of land in those cases in which the committee determines that sale of the land to a third party is likely to lead to loss of all or substantially all of the land for agricultural use and production or is likely to negatively impact on the maintenance of a positive agricultural business climate in the municipality or county in which the land is located.

C.4:1C-42 Nonagricultural development prohibited.

5. Any land acquired by the committee pursuant to the terms of this act shall be held of record in the name of the State and shall be offered for sale with a restriction prohibiting nonagricultural development by the State without complying with the provisions of this act relating to the committee's right of first refusal.

C.4:1C-43 Appropriation.

6. Such moneys as are reasonable and necessary to carry out the intent of this act shall be appropriated from the "Farmland Preservation Fund" established pursuant to section 5 of the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276.

7. Section 17 of P.L.1983, c.32 (C.4:1C-24) is amended to read as follows:

C.4:1C-24 Restrictive covenant.

17. a. Landowners within a municipally approved program or other farmland preservation program shall enter into an agreement with the board, and the municipal governing body, if appropriate, to retain the land in agricultural production for a minimum period

of eight years. The agreement shall constitute a restrictive covenant and shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed. The recording of this agreement shall include notification that the committee may exercise the right of first refusal on proposed sales of a fee simple absolute interest in the land in a farmland preservation program pursuant to section 2 of P.L.1989, c.28 (C.4:1C-39).

b. The landowner shall be eligible to apply to the local soil conservation district and the board for a grant for a soil and water conservation project approved by the State Soil Conservation Committee and to the board to sell a development easement on the land, subject to the provisions of this act.

c. The landowner or farm operator as an agent for the landowner may apply to the local soil conservation district and the board for a grant for a soil and water conservation project approved by the State Soil Conservation Committee on land included within a municipally approved program or other farmland preservation program and restricted by an agreement entered into pursuant to subsection a. of this section.

d. Approval by the local soil conservation district and the board for grants for soil and water conservation projects shall be contingent upon a written agreement by the person who would receive funds that the project shall be maintained for a specified period of not less than three years, and shall be a component of a farmland conservation plan approved by the local soil conservation district.

e. If the landowner applying for funds for a soil and water conservation project pursuant to this section provides 50% of those funds without assistance from the county, the local soil conservation district shall review, approve, conditionally approve or disapprove the application. The committee shall certify that the land on which the soil and water conservation project is to be conducted is part of a municipally approved program or other farmland preservation program and restricted by an agreement entered into pursuant to the provisions of this section.

8. This act shall take effect immediately.

Approved February 17, 1989.

CHAPTER 29

AN ACT requiring employers of agricultural laborers to post certain employment information and supplementing Title 43 of the Revised Statutes.

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

C.43:21-11.2 Notice posting; penalties for violation.

1. a. An employer or contracting agent of an employer who employs any employee covered by subparagraph (I) of paragraph (1) of subsection (i) of R.S.43:21-19 shall post, in a conspicuous location or locations accessible to all employees, a notice which shall contain in English and Spanish the following or a substantially similar statement prescribed by the Commissioner of Labor: "Attention Farm Laborer: Any individual seeking unemployment benefits on the basis of the production and harvesting of agricultural crops is required under law to accept an offer of continuing suitable work with his current employer following the completion of the contract of hire if no other suitable work is offered. Failure to accept work under these conditions may result in a denial of benefits until the worker is employed for four weeks and earns six times his weekly benefit rate. If you have any questions about eligibility under the New Jersey 'unemployment compensation law,' you may contact the New Jersey Department of Labor."

b. An employer who fails to post a notice as required under subsection a. of this act shall be issued by the Department of Labor a written warning for the first violation of subsection a. of this section, and shall be fined up to \$25.00 for the second violation and up to \$100.00 for the third violation and each subsequent violation of subsection a. of this section. A penalty imposed by the commissioner pursuant to this act shall be final, unless within 15 days after receipt of notice thereof by certified mail, the person charged with the violation takes exception to the determination that the violation for which the penalty is imposed occurred, in which event final determination of the penalty shall be made as a declaratory ruling under section 8 of P.L.1968, c.410 (C.52:14B-8) and subject to review in the Superior Court of the State of New Jersey.

c. The Department of Labor shall provide to each employer covered by this section a copy or copies of the notice prescribed by subsection a. of this section.

2. This act shall take effect immediately.

Approved February 17, 1989.

CHAPTER 30

AN ACT concerning open space preservation by certain counties, and supplementing Title 40 of the Revised Statutes.

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

C.40:12-16 Acquisition of open space areas.

1. The governing body of any county in which the voters of the county have approved, in a general or special election, a proposition authorizing the acquisition of lands for conservation as open space, may annually raise by taxation, including for purpose of debt service payments on indebtedness issued for the acquisition of open space, a sum not to exceed the amount or rate set forth in the proposition approved by the voters, for the acquisition of land or water areas, and any existing improvements thereon, within the county for conservation as open space. Amounts raised by taxation hereunder shall be deposited in a county open space preservation trust fund and shall be used exclusively for the acquisition of open space areas. Selection of open space areas for acquisition shall be in accordance with a park, recreational and open space plan prepared and adopted by the county.

Whenever the county shall determine that it is necessary that any public utility facilities such as tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public utility, as defined in R.S.48:2-13, which are now, or hereafter may be, located in, on, along, over or under any open space area acquired by the county, should be removed from such area, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the open space plan prepared and adopted by the county; except that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the

relocation or removal of such property, shall be ascertained and paid by the county as a part of the cost of the acquisition. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location.

As used in this act:

“Acquisition” means the securing of a fee simple absolute or a lesser interest by gift, purchase, devise or condemnation.

“Open space” means land or water areas to be retained in a largely natural or undeveloped state, for purposes of, among other things, providing parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting or preserving areas of scenic, historic and cultural value, while at the same time affording, whenever practicable, public outdoor recreational opportunities for the county’s residents. “Open space” may include a recreational area such as a golf course if the acquisition subserves the objective of this act of protecting a largely undeveloped area from future development.

C.40:12-17 County preservation trust.

2. Land or water areas, and any improvements thereon, acquired pursuant to this act shall be held in a county open space preservation trust and shall be used exclusively for purposes authorized under this act. Upon a finding that the purposes of this act might otherwise be better served or that an open space area is required for another public use, which finding shall be set forth in a resolution adopted by the governing body of the county, the governing body may convey, through sale, exchange or other disposition, title to, or a lesser interest in, an open space area acquired under this act and described in the resolution, provided the governing body shall replace any open space conveyed under this section by land or water areas at least equal in size to the open space area conveyed, and any monies derived from the conveyance shall be deposited in the county open space preservation trust fund for use in the acquisition of open space. Conveyance shall be made in accordance with the “Local Lands and Buildings Law,” P.L.1971, c.199 (C.40A:12-1 et seq.). In the event of conveyance by exchange, the land or water area to be transferred to the county open space preservation trust shall be at least equal in value to that of the property conveyed from the trust.

C.40:12-18 Apportionment of tax revenue.

3. Amounts raised by taxation for the acquisition of open space pursuant to this act shall be apportioned by the county board of taxation among the municipalities within the county in accordance with R.S.54:4-49. The amounts so apportioned shall be assessed, levied and collected in the same manner and at the same time as other county taxes. The tax collected hereunder shall be referred to as the "County Open Space Preservation Trust Fund Tax."

C.40:12-19 Complete county control.

4. The governing body of the county shall annually appropriate such amounts as it may deem necessary for the care, custody, policing and maintenance of, including improvements to, open space, which amounts shall be in addition to any monies deposited in the county open space preservation trust fund. The governing body of the county shall have full control of the open space and may adopt a resolution providing for suitable rules, regulations and bylaws for their use, provide for the enforcement thereof, and, when appropriate, charge and collect reasonable fees for use of the open space or for activities conducted thereon.

5. This act shall take effect immediately and shall retrospectively apply to any county whose voters have approved a proposition to acquire open space within two years of the effective date of this act.

Approved February 17, 1989.

CHAPTER 31

AN ACT concerning the extension of county and municipal budget deadlines, and supplementing N.J.S.40A:4-1 et seq.

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

C.40A:4-5.1 Local budget date extension.

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, the Director of the Division of Local Government Services, in the Department of Community Affairs, hereinafter the "director," may, with the approval of the Local Finance Board, in the Department of Community Affairs, extend the dates for the introduction and approval, and for the adoption, of county and municipal budgets, for any local fiscal year, beyond the dates required

under the "Local Budget Law" (N.J.S.40A:4-1 et seq.), for time periods not to exceed:

- a. Two calendar weeks, for the introduction and approval of county and municipal budgets;
- b. Three calendar weeks, for the adoption of a county budget; and
- c. Two calendar weeks, for the adoption of a municipal budget.

Notwithstanding any provision of this section to the contrary, the governing body of a local unit may adopt the budget for that unit at any time within 10 days after the director has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

C.40A:4-11.1 Transmission to county.

2. In any local fiscal year for which budget dates have been extended pursuant to section 1 of this act, the dates concerning budget transmission to the county board of taxation, county board advisement to the director of the failure to receive a budget, and the filling out of the table of aggregates for late budgets shall be as follows:

- a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than April 14 of the fiscal year.
- b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district by April 14 of the fiscal year, the board shall immediately notify the director of that failure.
- c. Immediately upon receipt of the director's certificate and in any event on or before April 20 of the fiscal year, the county board of taxation shall fill out the table of aggregates required by R.S.54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director.

If the local unit has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before April 20 of the fiscal year, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after April 20 of the fiscal year.

C.54:4-52a Table of aggregates.

3. In any local fiscal year for which budget dates have been

extended pursuant to section 1 of this act, the date concerning the preparation of the table of aggregates shall be extended to May 9.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 9 due to failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, in the Department of the Treasury, the county treasurer and the clerk and tax collector of the affected municipality.

C.54:4-55a Delivery of duplicates.

4. In any local fiscal year for which budget dates are extended pursuant to section 1 of this act, the date concerning the delivery of the corrected, revised and completed duplicates by the county board of taxation to the collectors of the various taxing districts in the county shall be May 19.

C.40A:4-19.1 Interim appropriations.

5. In any local fiscal year for which budget dates have been extended pursuant to section 1 of this act, the governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of its budget, shall, by resolution, adopted prior to March 1, make appropriations, in addition to any temporary appropriations made pursuant to N.J.S.40A:4-19, to provide for the period between February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the budget. The total of the appropriations so made shall not exceed one-twelfth of the total of the appropriations made for all purposes in the budget for the fiscal year, excluding, in both instances, appropriations made for the interest and debt redemption charges, capital improvement fund and public assistance.

C.40A:4-45.3a2 Referendum date.

6. Notwithstanding the provisions of section 1 of P.L.1979, c.268 (C.40A:4-45.3a) to the contrary, in any local fiscal year for which budget dates are extended pursuant to section 1 of this act, any referendum for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, conducted pursuant to subsection i. of section 3 of P.L.1976, c.68 (C.40A:4-45.3) by a municipality which takes advan-

tage of such extension, shall be held on the next-to-the-last Tuesday in March. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N.J.S.40A:4-5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N.J.S.40A:4-6 at least 12 days prior to the referendum date.

C.40A:4-27a Anticipation as miscellaneous revenue.

7. Notwithstanding the provisions of N.J.S.40A:4-27 or of any other law to the contrary, in any local fiscal year for which budget dates are extended pursuant to section 1 of this act a local unit which takes advantage of such extension may anticipate as a miscellaneous revenue in its budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to February 18.

C.40:69A-46.1 Mayor-council plan deadline.

8. Notwithstanding the provisions of section 3-16 of P.L.1950, c.210 (C.40:69A-46), in any local budget year for which budget dates are extended pursuant to section 1 of this act, the mayor of a municipality governed under the "mayor-council plan" pursuant to P.L.1950, c.210 (C.40:69A-1 et seq.) which takes advantage of such extension shall submit to the council his recommended budget not less than 16 days prior to the extended date for the introduction and approval of municipal budgets.

C.40:69A-97.1 Council-manager plan deadline.

9. Notwithstanding the provisions of section 9-17 of P.L.1950, c.210 (C.40:69A-97), in any local budget year for which budget dates are extended pursuant to section 1 of this act, the municipal manager of a municipality governed under the "council-manager plan" pursuant to P.L.1950, c.210 (C.40:69A-1 et seq.) which takes advantage of such extension shall submit to the council his recommended budget not less than 16 days prior to the extended date for the introduction and approval of municipal budgets.

10. This act shall take effect immediately.

Approved February 17, 1989.

CHAPTER 32

AN ACT concerning the management of access to State highways, amending R.S.27:7-1, R.S.27:16-1, R.S.40:67-1, the title and body of P.L.1945, c.83, P.L.1952, c.21, P.L.1975, c.291, P.L.1983, c.283, supplementing Title 27 of the Revised Statutes and repealing sections 4 and 7 of P.L.1945, c.83 and section 52 of P.L.1951, c.23 and making an appropriation.

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

C.27:7-89 Short title.

1. Sections 1 through 10, inclusive, and sections 27, 28, 30, 31 and 32 of this act shall be known and may be cited as the "State Highway Access Management Act."

C.27:7-90 Findings, declarations.

2. The Legislature finds and declares that:

a. The purpose of the State highway system is to serve as a network of principal arterial routes for the safe and efficient movement of people and goods in the major travel corridors of the State.

b. The existing State highways which comprise the State highway system were constructed at great public expense and constitute irreplaceable public assets.

c. The State has a public trust responsibility to manage and maintain effectively each highway within the State highway system to preserve its functional integrity and public purpose for the present and future generations.

d. Land development activities and unrestricted access to State highways can impair the purpose of the State highway system and damage the public investment in that system.

e. Every owner of property which abuts a public road has a right of reasonable access to the general system of streets and highways in the State, but not to a particular means of access. The right of access is subject to regulation for the purpose of protecting the public health, safety and welfare.

f. Governmental entities through regulation may not eliminate all access to the general system of streets and highways without providing just compensation.

g. The access rights of an owner of property abutting a State

highway must be held subordinate to the public's right and interest in a safe and efficient highway.

h. It is desirable for the Department of Transportation to establish through regulation a system of access management which will protect the functional integrity of the State highway system and the public investment in that system.

i. Areas characterized by extensive commercial activity oriented toward and dependent upon a State highway should not be classified by reason of that level of activity as urban environments for access management purposes, and where an area is also characterized by excessive driveway openings, excessive traffic congestion, excessive accident rates, or undesirably low average rates of speed the Department of Transportation should manage the State highway within the area to mitigate these nuisances.

j. The Department of Transportation should, in implementing an access management program, avoid undue burdens on property owners and should, where feasible, incorporate mitigation measures into comprehensive highway improvement programs.

k. Improved access management is beneficial for streets and highways of every functional classification, and a statutory plan providing for improved management should enable counties and municipalities to take full advantage of its provisions.

C.27:7-91 Access code.

3. a. The Commissioner of Transportation shall, within one year of the effective date of this amendatory and supplementary act, adopt as a regulation under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a State highway access management code (hereinafter, "access code") providing for the regulation of access to State highways. The commissioner shall hold at least five public hearings in various locations throughout the State to receive public comment on the proposed access code, and shall give notice of these hearings at least 15 days in advance thereof in newspapers having general circulation in the localities in which the hearings are to be held. At one of these hearings the members of the Senate Transportation and Communications Committee, or its successor, and at another hearing the members of the Assembly Transportation and Communications Committee, or its successor, shall be invited to sit with the commissioner and participate in the public hearing. In each case the commissioner shall preside at the hearing and it shall be the commissioner's duty to give reasonable notice to the members

of the appropriate committee of the time and place of the holding of the hearing. Prior to the holding of the public hearings the commissioner shall submit the draft access code to the advisory committee established pursuant to subsection i. of this section for its comments and recommendations. The advisory committee shall also be afforded the opportunity to provide additional comments and recommendations following the completion of these hearings and before the access code is proposed for adoption under the provisions of the "Administrative Procedure Act."

The Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, shall also be notified by the commissioner of the provisions of the access code at the time it is proposed for adoption under the provisions of the "Administrative Procedure Act." In addition, following the adoption of the access code, the commissioner shall notify the Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, of any proposed revisions to the access code at the time these revisions are proposed for adoption under the provisions of the "Administrative Procedure Act."

b. The access code shall establish a general classification system for the State highway system. The classification system shall be based upon the following criteria: (1) the function that segments of State highway serve and are planned to serve within the State highway system and within the general system of streets and highways, (2) the environment within which highways are located, including but not limited to urban and rural environments, (3) the appropriate and desirable balance between facilitating safe and convenient movement of through traffic and providing direct access to abutting property, and (4) the desirable rate of speed and the degree to which through traffic should be protected from major variations in speed. Each State highway segment shall have its classification identified in the access code.

c. For each highway classification identified, the access code shall establish standards for:

(1) The geometric design of driveways and of intersections and interchanges with other streets and highways, (2) the desirability of constructing driveways and interchanges with grade separations, and (3) minimum and desirable spacing of driveways and intersections and interchanges.

The access code also shall set forth alternative design standards for each highway classification which, combined with limits on vehicular use, can be applied to lots which were in existence prior to the adoption of the access code and which cannot meet the standards of the access code.

d. The access code shall set forth administrative procedures for the issuance of access permits. The code shall include a provision providing for a period of time for the renewal, issuance, modification or denial of these permits, not to exceed 200 days from the date of receipt of the completed application for a major access permit and not to exceed 45 days from the date of receipt of the completed application for a minor access permit.

e. The access code shall contain standards suitable for adoption by counties and municipalities for the management of access to streets and highways under their jurisdiction.

f. The commissioner may adopt, as supplements to the access code, site-specific access plans for individual segments of a State highway. Any access plan adopted in accordance with this subsection shall be developed jointly by the Department of Transportation and the municipality in which the highway segment is located and, where a county road intersects the State highway, by the county in which the State highway segment is located. Prior to incorporating a site-specific access plan into the access code, the commissioner shall determine: (1) that the access plan conditions have been incorporated into the master plan and development ordinances of the municipality, (2) that the access plan complies with or exceeds the standards established in the access code, and (3) that an appropriate means of access has been identified for every lot currently having frontage on the highway segment.

g. The access code shall include provision under which any person may submit to the commissioner, in writing, a request for a change in the classification of a specified segment of State highway. This provision shall also require the commissioner to notify affected counties and municipalities of such a request, require the commissioner to respond in writing to the request within a specified time, specify what data, evidence, information, comments, or arguments the commissioner is to consider in evaluating the request, and affirm that any request made by any person is in addition to, and not in lieu of, any other administrative or other remedy that person may have under the "Administrative Procedure Act" or any other law.

h. The access code may require financial contributions toward the cost of constructing public improvements of streets and highways but no permit applicant shall be required to contribute an amount that exceeds his fair share of the costs of off-site improvements that have a rational nexus with the proposed development on the property for which the permit is requested. The "fair share" shall be based upon the added traffic growth attributable to the development.

i. There is established in the Department of Transportation an Access Code Advisory Committee which shall consist of 11 members, three of whom shall be appointed by the Governor upon recommendation of the President of the Senate, no more than two of whom shall be of the same political party; three of whom shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly, no more than two of whom shall be of the same political party; and five of whom shall be appointed by the Governor from among the following: one shall be a traffic engineer, one shall be a developer engaged substantially in residential construction, one shall be a developer engaged substantially in commercial, industrial or office building construction, one shall represent the State Chamber of Commerce, and one shall represent the New Jersey Business and Industry Association. Of the 11 members no more than two shall be developers or represent the interests of developers. The chairman of the committee shall be appointed by the Governor from among the members of the committee. It shall be the duty of the committee to make comments and recommendations on the access code as provided in subsection a. of this section, which shall include analysis of methods and procedures to assure the timely and equitable consideration and processing by the department of access permit requests, and to otherwise consult with and advise the commissioner on the code. The members of the committee shall not receive compensation for their services as members of the committee. Each member shall be reimbursed by the department for his actual expenses necessarily incurred in attending meetings of the committee. The committee shall be dissolved on the 30th day following the adoption of the access code.

C.27:7-92 Access permit.

4. a. Any person seeking to construct or open a driveway or public street or highway entering into a State highway shall first obtain an access permit from the commissioner.

b. Every access permit, including street opening permits, in effect on the effective date of this amendatory and supplementary act shall remain valid and effective until revoked or replaced.

c. Every State highway intersection with a driveway or public street or highway in existence prior to January 1, 1970 shall be assumed to have been constructed in accordance with an access permit, even if no permit was issued.

d. Access permits issued under this amendatory and supplementary act may contain whatever terms and conditions the commissioner finds necessary and convenient for effectuating the purposes of this amendatory and supplementary act, including but not limited to, the condition that a permit shall expire when the use of the property served by the access permit changes resulting in a significant increase in traffic or is expanded. Any increase in traffic that adds the greater of 100 movements during the peak hour, or 10 percent of the previously anticipated daily movements shall be considered significant. For projects for which a completed application has been made to the department for an access permit and which have received preliminary site plan approval or subdivision approval from the municipal approval authority pursuant to "The Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), as of the date of the adoption of the access code, permit applications for that project shall be reviewed and approved according to the permit requirements in effect immediately prior to that date.

e. Any person constructing, maintaining or opening a driveway or public street or highway entering into a State highway, except as authorized by law, is subject to a civil penalty of \$100. Each day in which an unauthorized driveway or public street or highway entering into a State highway is open, following written notice from the commissioner that the driveway or public street or highway is not authorized by law, is a separate violation. The commissioner may, in addition to or in conjunction with initiating a civil action for collection of this penalty, initiate an action in the Chancery Division of the Superior Court for injunctive relief.

C.27:7-93 Nonconforming lot access permit.

5. The commissioner shall issue a nonconforming lot access permit for a property a. on his own motion or b. after finding that: (1) the property otherwise would not be eligible for an access permit under the access code because of insufficient frontage or other reason; (2) the lot on which the property is located was in existence prior to adoption of the access code; and (3) denial of an access permit would leave the property without reasonable access to the general system of streets and highways. Every nonconforming lot access per-

mit shall specify limits on the maximum permissible vehicular use of any driveway constructed or operated under that permit.

C.27:7-94 Revocation of permit; alternative access.

6. a. The commissioner may, upon written notice and hearing, revoke an access permit after determining that alternative access is available which meets the standards provided in subsection c. of this section for the property served by the access permit and that the revocation would be consistent with the purposes of this amendatory and supplementary act.

b. The commissioner shall provide to the affected property owner and lessee or lessees, at least 90 days prior to the hearing, a plan depicting how such alternative access shall be obtained after revocation of the current permit, and the improvements which will be provided by the department to secure the alternative means of access. A copy of the plan shall also be filed with the municipal clerk and the planning board secretary of the municipality.

c. For the purposes of this section, alternative access shall be assumed to exist if the property owner enjoys reasonable access to the general system of streets and highways in the State and in addition, in the case of the following classes of property, the applicable following condition is met:

(1) For property zoned or used for commercial purposes, access onto any parallel or perpendicular street, highway, easement, service road or common driveway, which is of sufficient design to support commercial traffic to the business or use, and is so situated that motorists will have a convenient, direct, and well-marked means of both reaching the business or use and returning to the highway. For the purposes of this subsection, "property used for commercial purposes" shall include, but not be limited to, property used for wholesale facilities, retail facilities, service establishments or office or research buildings, and property used for residential purposes consisting of developments in excess of four residential units per acre with a total acreage of 25 or more acres.

(2) For property zoned or used for industrial purposes, access onto any improved public street, highway or access road or an easement across an industrial access road, provided that the street, highway or access road is of sufficient design to support necessary truck and employee access as required by the industry.

(3) For property zoned or used for residential or agricultural

purposes, except as provided in paragraph (1) of this subsection, access onto any improved public street or highway.

If a property is used for a purpose other than that for which it is zoned, the property shall be classified in accordance with the higher use.

If the use or zoning of a property changes, the owner may apply for a new access permit pursuant to section 4 of this amendatory and supplementary act, which permit may not be unreasonably withheld.

d. When the commissioner revokes an access permit pursuant to this section, the commissioner shall be responsible for providing all necessary assistance to the property owner in establishing the alternative access, which shall include the funding of any such improvements by the department. Until the alternative access is completed and available for use, the permit shall not be revoked. The commissioner shall also erect on the State highway and on connecting local highways suitable signs directing motorists to the new access location. The commissioner may enter into agreements with property owners for phased development and provisions of this subsection shall not supersede any such agreements.

As provided in this subsection, necessary assistance shall include but not be limited to the costs and expenses of relocation and removal associated with engineering, installation of access drives in a new location or locations, removal of old drives, on-site circulation improvements to accommodate changes in access drives, landscaping, replacement of directional and identifying signs and the cost of any lands, or any rights or interests in lands, and any other right required to accomplish the relocation or removal.

C.27:7-95 Expansion, change in use.

7. a. Any property owner who expands or changes the use of property subject to an access permit issued before the effective date of this amendatory and supplementary act shall be required to file an application for a new access permit if the expansion or change in the use will result in a significant increase in traffic. Any increase in traffic that adds the greater of 100 movements during the peak hour, or 10 percent of the previously anticipated daily movements shall be considered significant. Any such property owner who has not been granted such a new access permit shall be subject to enforcement in accordance with subsection e. of section 4 of this amendatory and supplementary act.

b. When the commissioner either denies an application for an access permit in accordance with section 4 or 5 of this amendatory and supplementary act because alternative access is available, or revokes an existing permit in accordance with section 6 of this amendatory and supplementary act because alternative access is available, the decision of the commissioner as to the appropriate location for an access driveway shall be final, the action of any municipal or county body to the contrary notwithstanding.

Any subsequent county or municipal review of the development which may be required shall abide by the commissioner's decision on this matter. The county or municipality may require additions or changes in the design of the development in accordance with any applicable provisions of its development review ordinances; provided that such additional requirements do not conflict with the commissioner's decision.

C.27:7-96 New subdivisions.

8. After adoption of the access code, as provided by section 3 of this amendatory and supplementary act, no property abutting a State highway shall be subdivided in a manner which would create additional lots abutting that highway unless all the abutting lots so created are in accord with the standards established in the access code.

C.27:7-97 Provision of alternative access.

9. The Commissioner of Transportation and every county and municipality may build new roads or acquire access easements to provide alternative access to existing developed lots which have no other means of access except to a State highway.

C.27:7-98 Acquisition of right of access.

10. In addition to any powers granted to him under this amendatory and supplementary act or any other provision of law, the commissioner may acquire, by purchase or condemnation, any right of access to any highway upon a determination that the public health, safety and welfare require it.

11. R.S.27:7-1 is amended to read as follows:

Subtitle definitions.

27:7-1. As used in this subtitle:

"Access code" means the State highway access management code adopted by the commissioner under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91).

"Access permit" means a permit issued by the commissioner pursuant to sections 4 and 5 of P.L.1989, c.32 (C.27:7-92 and 27:7-93), for the construction and maintenance of a driveway or public street or highway connecting to a State highway.

"Authority" means a governing body or public official charged with the care of a highway.

"Betterment" means construction, subsequent to the original improvement, of any one or more of the component factors properly belonging to the original improvement, which may have been omitted in the original improvement of a road, or which adds to the value thereof after improvement.

"Commissioner" means the Commissioner of Transportation.

"County road" means a road taken over, controlled or maintained by the county.

"Department" means the Department of Transportation, acting through the commissioner or such officials as may be by the commissioner designated.

"Driveway" means a private roadway providing access to a public street or highway.

"Engineer" means the Deputy Commissioner of Transportation, or the deputy State transportation engineer, when designated.

"Extraordinary repairs" means extensive or entire replacement, with the same or a different kind of material, of one or more of the component factors of the original improvement of a road, which may become necessary because of wear, disintegration or other failure.

"Governing body" means the mayor and council, town council, village trustees, commission or committee of any municipality, and the board of chosen freeholders of any county.

"Highway" means a public right-of-way, whether open or improved or not, including all existing factors of improvements.

"Improvement" means the original work on a road or right-of-way which converts it into a road which shall, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel. "Improvement" shall consist of location, grading, surface, and subsurface drainage provisions, including curbs, gutters, and catch basins, foundations, shoulders and slopes, wearing surface, bridges, culverts, retaining walls, intersections, private entrances,

guard rails, shade trees, illumination, guideposts and signs, ornamentation and monumenting. "Improvement" also may consist of alterations to driveways and local streets, acquisition of rights-of-way, construction of service roads and other actions designed to enhance the functional integrity of a highway. All of these component factors need not be included in an original improvement.

"Jurisdiction" means the civil division of the State, over the roads of which any authority may have charge.

"Maintenance" means continuous work required to hold an improved road against deterioration due to wear and tear and thus to preserve the general character of the original improvement without alteration in any of its component factors.

"Major access permit" means a permit for access serving shopping centers, business establishments, manufacturing plants, parking or sales lots, truck terminals, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected two-way traffic volume is 500 cars or more per day with or without speed-change lanes involved.

"Minor access permit" means a permit for access serving shopping centers, business establishments, manufacturing plants, parking or sales lots, truck terminals, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected two-way traffic volume is less than 500 cars per day.

"Public utility" means and includes every individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court, owning, operating, managing or controlling within the State of New Jersey a steam railroad, street railway, traction railway, canal, express, subway, pipe line, gas, electric, light, heat, power, water, oil, sewer, telephone, telegraph system, plant or equipment for public use under privileges granted by the State or by any political subdivision thereof.

"Reconstruction" means the rebuilding with the same or different material of an existing improved road, involving alterations or renewal of practically all the component factors of which the original improvement consisted.

"Repairs" means limited or minor replacements in one or more of the component factors of the original improvement of a road which may be required by reason of storm or other cause in order that there may be restored a condition requiring only maintenance to preserve the general character of the original improvement of a road.

"Resurfacing" means work done on an improved road involving a new or partially new pavement, with or without change in width, but without change in grade or alignment.

"Road" means a highway other than a street, boulevard or parkway.

"Route" means a highway or set of highways including roads, streets, boulevards, parkways, bridges and culverts needed to provide direct communication between designated points.

"State highway" means a road taken over and maintained by the State.

"State highway system" means all highways included in the routes set forth in this subtitle, or added thereto, including all bridges, culverts, and all necessary gutters and guard rails along the route thereof.

"Street" means a highway in a thickly settled district where, in a distance of 1,320 feet on the center line of the highway, there are 20 or more houses within 100 feet of the center line; or any highway which the governing body in charge thereof and the commissioner may declare a street, and all highways within incorporated municipalities of over 12,000 population; and includes boulevards, parkways, speedways, being highways maintained mainly for purposes of scenic beauty or pleasure, or of which the public use is restricted.

"Take over" means the action by the department in assuming the control and maintenance of a part of the State highway system.

"Work" means and includes the:

- a. Acquisition, by lease, gift, purchase, demise or condemnation, of lands for any purpose connected with highways or adjoining sidewalks, for temporary or permanent use;
- b. Laying out, opening, construction, improvement, repair and maintenance of highways and removal of obstructions and encroachments from adjoining sidewalks;
- c. Building, repair and operation of bridges;
- d. Building of culverts, walls and drains;
- e. Planting of trees;
- f. Protection of slopes;

- g. Placing and repair of road signs and monuments;
- h. Opening, maintenance and restoration of detours;
- i. Elimination of grade crossings;
- j. Lighting of highways;
- k. Removal of obstructions to traffic and to the view;
- l. Surveying and preparation of drawings and papers;
- m. Counting of traffic;
- n. Letting of contracts;
- o. Purchase of equipment, materials and supplies;
- p. Hiring of labor;
- q. And all other things and services necessary or convenient for the performance of the duties imposed by this title.

12. Section 1 of P.L.1983, c.283 (C.27:7-44.9) is amended to read as follows:

C.27:7-44.9 Relocation of facilities.

1. a. In addition to other powers conferred upon the Commissioner of Transportation by any other law and not in limitation thereof, the commissioner, in connection with the construction, reconstruction, maintenance or operation of any highway project, may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances, herein called "facilities," of any public utility as defined in R.S.48:2-13, and of any cable television company as defined in the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.), in, on, along, over or under any highway project. Whenever the commissioner determines that it is necessary that facilities which now are, or hereafter may be, located in, on, along, over or under any highway project shall be relocated in the project or should be removed from the project, the public utility or cable television company owning or operating the facilities shall relocate or remove the same in accordance with the order of the commissioner. The cost and expenses of such relocation or removal, including the cost of installing the facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish the relocation or removal, shall be ascertained and paid by the commissioner as a part of the cost of the project.

In the case of the relocation or removal of facilities, as aforesaid, the public utility or cable television company owning or operating the same, its successors or assigns may maintain and operate the facilities, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the facilities in the former location or locations.

b. As used in this act, "highway project," in addition to its ordinary meaning, means one which is administered and contracted for by the commissioner.

c. The powers conferred upon the commissioner by this section also are conferred upon the governing body of any county having under its jurisdiction a limited access highway in the meaning of section 1 of P.L.1945, c.83 (C.27:7A-1) with respect to the construction, reconstruction, maintenance or operation of any highway project on that limited access highway.

Title amended.

13. The title of P.L.1945, c.83, as said title was amended by P.L.1948, c.461, is amended to read as follows:

An act providing for the establishment, construction and maintenance of limited access highways.

14. Section 1 of P.L.1945, c.83 (C.27:7A-1) is amended to read as follows:

C.27:7A-1 Definitions.

1. a. As used in this act:

"Limited access highway" means a highway especially designed for through traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts upon such way;

"Commissioner" means the Commissioner of Transportation.

b. The definitions in this section shall not be construed as restricting the ability of the commissioner to provide for the design of any State highway or element thereof, according to design standards in conformity with accepted engineering practice as determined by the commissioner.

c. The term "freeway" or "parkway," as used in any law which went into effect before the effective date of P.L.1989, c.32 (C.27:7-89 et seq.), which designates any State highway as a "freeway" or

“parkway” shall be construed to mean a “limited access highway” as defined in subsection a. of this section.

15. Section 2 of P.L.1945, c.83 (C.27:7A-2) is amended to read as follows:

C.27:7A-2 Limited access highway.

2. a. The commissioner shall construct every State highway, or portion thereof, located on new alignment as a limited access highway unless he shall determine that the public interest requires otherwise.

b. When the commissioner or the governing body of a county constructs a limited access highway, the commissioner or governing body shall have authority to arrange with landowners, at the time of purchase of the rights-of-way for such highway or portion thereof, for the control of public or private access or for complete exclusion of direct access of abutters to the highway right-of-way. Such arrangements shall be made part of the purchase contract. In the event that no agreement can be reached between the parties, the commissioner or the governing body of the county shall have the power to acquire said rights of access by condemnation.

c. No right of access exists to a highway constructed on new alignment unless the construction of the highway results in the creation of a remainder parcel of property which has no access to a public street or highway. Arrangements made with landowners for exclusion of direct access by the commissioner, or by the governing body of a county under subsection b. of this section, shall not be subject to compensation unless it is determined that the construction of the highway has had the effect of eliminating all reasonable access to the system of streets and highways from the remainder parcel of land.

16. Section 3 of P.L.1945, c.83 (C.27:7A-3) is amended to read as follows:

C.27:7A-3 Necessary property.

3. a. Property needed for any limited access highway is declared to be all those lands or interests therein required for the traveled way together with those lands or interests therein necessary or desirable for service, maintenance and protection of the present and future use of the highway, including those lands or interests therein necessary or desirable in connection with grade separations, connecting roadways at an intersection with another main highway, land between roadways, occasional parking areas, treatment of borders and landscape areas, recreational facilities, parallel service roads and railroad crossing eliminations or relocations, and for those areas referred to in section 8 of this act.

b. Except as provided in subsection c. of this section, the commissioner, with respect to limited access highways under his jurisdiction, and the governing body of a county, with respect to limited access highways under its jurisdiction, shall permit access only from infrequently spaced intersections with public streets and highways. Intersections shall be especially designed to minimize interference with through traffic and shall be located in a manner which facilitates regional access to the highway.

c. The commissioner, or the governing body of the county, as appropriate, may allow construction or continuation of driveway access to a remote or isolated facility owned or operated by a governmental agency or authority or by a public utility or to an agricultural building or land, if the commissioner or governing body determines that the use of the driveway would be infrequent and would not pose a hazard or inconvenience to the public and that the creation or continuation of the driveway would not be in conflict with the purposes of P.L.1989, c.32 (C.27:7-89 et seq.). No driveway access shall be provided to a facility which consists of an establishment providing employment to more than five persons.

17. Section 1 of P.L.1952, c.21 (C.27:7A-4.1) is amended to read as follows:

C.27:7A-4.1 Acquisition of entire parcel.

1. In connection with the acquisition of property or property rights for any limited access highway or portion thereof, the commissioner, with respect to limited access highways under his jurisdiction, and the governing body of a county, with respect to limited access highways under its jurisdiction, may, in his or its discretion, acquire by gift, devise, purchase or condemnation, an entire lot, block or tract of land, if, by so doing, the interests of the public will be best served even though said entire lot, block or tract is not needed for transportation purposes, but only if the portion not needed for transportation purposes is landlocked or is so situated that the cost to the State will be practically equivalent to the total value of the whole parcel of land. For purposes of this section, "transportation purposes" means all uses of property which are, in the judgment of the commissioner, useful or beneficial in promoting an efficient, integrated, and balanced transportation system.

18. Section 5 of P.L.1945, c.83 (C.27:7A-5) is amended to read as follows:

C.27:7A-5 Existing State highways.

5. The commissioner may, by order and after public hearing,

designate any existing State highway, or portion thereof, a limited access highway and thereafter shall have the authority to acquire, either by purchase or condemnation, such property rights, easements and access rights as may be necessary to make such existing highway or portion thereof a limited access highway.

19. Section 6 of P.L.1945, c.83 (C.27:7A-6) is amended to read as follows:

C.27:7A-6 Restricted use.

6. The commissioner, with respect to limited access highways under his jurisdiction, and the governing body of a county, with respect to limited access highways under its jurisdiction, shall have the authority to restrict the use of roadways in limited access highways to passenger motor vehicles, to prohibit the use of any roadway in limited access highways by certain classes of vehicles or by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motorized bicycle or motorcycle and to make such other regulations as may be proper or necessary to carry out the provisions of this act; provided, however, if any highway or any portion or portions thereof over which autobuses lawfully operate is designated a limited access highway, or a part of a limited access highway, no such restriction or regulation shall prevent the use by autobuses, in accordance with other laws applicable thereto, of such portion or portions of such limited access highway as include such highway or portion or portions thereof, or of such portion or portions of such limited access highway as shall be necessary to provide ingress and egress for such autobuses in connection with such use.

20. Section 8 of P.L.1945, c.83 (C.27:7A-8) is amended to read as follows:

C.27:7A-8 Service facility sales, leases.

8. No commercial enterprises or activities shall be conducted by the commissioner or any other agency of the State within or on the property acquired for or in connection with a limited access highway, as defined in this act, nor shall such commercial enterprises or activities be authorized except as hereinafter provided but nothing herein shall prevent the operation, in the manner provided by law, of autobuses within or on the property used for or designated as a limited access highway as defined in this act.

The commissioner, in order to permit the establishment of adequate fuel or other service facilities by private owners or their lessees, for the users of a limited access highway, may acquire suitable areas for such facilities even though such areas are not needed for the right-

of-way proper and, in the manner hereinafter provided, shall sell or lease as lessor such portions thereof as in his judgment the public interest shall then require. Such sales and leases shall be made under the following terms and conditions:

a. Each purchaser and lessee shall be a person who has been continuously a resident of this State for a period of at least two years immediately preceding such sale.

b. Subject to the conditions and restrictions imposed by this act, the premises shall be sold or leased at public sale to the highest responsible bidder.

c. The commissioner shall have the right to incorporate in any deed conveying premises so sold covenants running with the land requiring the purchasers, their grantees, and successors (1) to erect and maintain any buildings thereon in conformity with specified exterior design, (2) to provide services reasonably required by the users of the limited access highway subject to usual sanitary and health standards, and (3) to conduct no business other than that for which the property was originally sold, without the written consent of the commissioner.

d. Such premises shall not be sold or leased to a person who owns, directly or indirectly, or holds under lease any premises in the same service area on the same side of a limited access highway purchased or leased for a similar purpose.

e. In acquiring areas for the purposes aforesaid and in subdividing such areas into smaller premises for sale to the purchasers thereof, the commissioner shall provide a sufficient number of separate premises to encourage free and open competition among all suppliers of each service involved who desire to purchase or lease premises for the furnishing of such services along each limited access highway, subject to any restrictions hereinabove stated.

f. The commissioner shall provide access roads from the limited access highway to the service areas, the location of which shall be indicated to users of the limited access highway by appropriate signs, the style, size, and specifications of which shall be determined by the commissioner.

g. Each purchaser or lessee of such premises may arrange to have the services for which such premises were sold or leased performed through lessees or sublessees or other third persons; provided that such purchasers or lessees shall remain liable for failure to comply with the covenants contained in the deed affecting such premises.

For the purpose of this section, "person" shall include any individual and those related to him by blood, marriage or adoption, and partnerships and corporations and all individuals affiliated therewith through ownership or control, directly or indirectly, of more than fifty per centum (50%) of any outstanding corporate stock.

21. Section 9 of P.L.1945, c.83 (C.27:7A-9) is amended to read as follows:

C.27:7A-9 Additional powers.

9. The powers contained in this act are in addition to all the powers that the commissioner has at the time this act becomes effective and in addition to the powers granted to him by the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-89 et seq.), and any limitation herein contained shall be interpreted as applying only to limited access highways created under this act.

22. R.S.27:16-1 is amended to read as follows:

County powers.

27:16-1. The governing body of any county may:

- a. Lay out and open such free public roads in the counties as it may deem useful for the accommodation of travel between two or more communities;
- b. Acquire roads and highways, or portions thereof, within the limits of the county;
- c. Widen, alter, straighten, and change the grade or location of any road or highway under its control, or any part thereof;
- d. Improve, pave, repave, surface or resurface, repair and maintain any road or highway under its control, either in whole or in part;
- e. Protect any road or highway under its control, or any part thereof, by the construction of sewers, drains, culverts, receiving basins, jetties, bulkheads, seawalls, or other means and devices, either in or on the road or highway or on land adjacent thereto;
- f. Light, beautify and ornament any road or highway under its control, or any part thereof and, in any county where a county park commission does not exist, construct and maintain along any road or highway where it touches upon a navigable stream, a public park for recreation purposes, as well as public docks and wharves, but the cost of the park and docks and wharves shall not exceed \$100,000;
- g. Vacate any road or highway under its control, or any portion thereof, that may be unnecessary for public travel;

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h. Lay out and open or acquire limited access highways as defined in section 1 of P.L.1945, c.83 (C.27:7A-1) and subject to the terms of that law; and

i. For roads and highways under its control adopt an access management code which satisfies the standards embodied in the access code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91). This code shall comply with the provisions of the "State Highway Access Management Act," and provide reasonable access by abutting landowners to roads and highways.

Where any building or other structure has or shall have been erected or constructed upon any portion of a road or highway under its control, such portion of the road or highway may be vacated or the continuance of such building or structure in its location authorized for such period as may be deemed advisable, if the portion of such road or highway so occupied be declared by the board to be unnecessary for public travel.

23. Section 26 of P.L.1975, c.291 (C.40:55D-35) is amended to read as follows:

C.40:55D-35 Building lot to abut street.

26. Building lot to abut street. No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the official map or shall be (1) an existing State, county or municipal street or highway, or (2) a street shown upon a plan approved by the planning board, or (3) a street on a plat duly filed in the office of the county recording officer prior to the passage of an ordinance under this act or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, (1) such street shall have been certified to be suitably improved to the satisfaction of the governing body, or such suitable improvement shall have been assured by means of a performance guarantee, in accordance with standards and specifications for road improvements approved by the governing body, as adequate in respect to the public health, safety and general welfare of the special circumstance of the particular street and, (2) it shall have been established that the proposed access conforms with the standards of the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L. 1989, c.32 (C.27:7-91), in the case of a State highway, with

the standards of any access management code adopted by the county under R.S.27:16-1 in the case of a county road or highway, and with the standards of any municipal access management code adopted under R.S.40:67-1 in the case of a municipal street or highway.

24. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to read as follows:

C.40:55D-38 Contents of ordinance.

29. Contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall include the following:

a. Provisions, not inconsistent with other provisions of this act, for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;

b. Provisions ensuring:

(1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

(2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;

(3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

(4) Suitable size, shape and location for any area reserved for public use pursuant to section 32 of this act;

(5) Reservation pursuant to section 31 of this act of any open space to be set aside for use and benefit of the residents of planned development, resulting from the application of standards of density

or intensity of land use, contained in the zoning ordinance, pursuant to subsection 52c. of this act;

(6) Regulation of land designated as subject to flooding, pursuant to subsection 52e., to avoid danger to life or property;

(7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;

(8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), for any airport hazard areas delineated under that act;

(9) Conformity with a municipal recycling ordinance required pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

(10) Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), with respect to any State highways within the municipality;

(11) Conformity with any access management code adopted by the county under R.S.27:16-1, with respect to any county roads within the municipality; and

(12) Conformity with any municipal access management code adopted under R.S.40:67-1, with respect to municipal streets;

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision or site plan by allowing the posting of performance bonds by the developer;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of

conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

25. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to read as follows:

C.40:55D-62 Power to zone.

49. Power to zone. a. The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. Such ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of a master plan, and all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; and provided further that, notwithstanding anything aforesaid, the governing body may adopt an interim zoning ordinance pursuant to subsection b. of section 77 of P.L.1975, c.291 (C.40:55D-90).

The zoning ordinance shall be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings or other structures or uses of land, including planned unit development, planned unit residential development and residential cluster, but the regulations in one district may differ from those in other districts.

b. No zoning ordinance and no amendment or revision to any zoning ordinance shall be submitted to or adopted by initiative or referendum.

c. The zoning ordinance shall provide for the regulation of any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), in conformity with standards promulgated by the Commissioner of Transportation.

d. The zoning ordinance shall provide for the regulation of land adjacent to State highways in conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), for the regulation of land with access to county roads and highways in conformity with any access management code adopted by the county under R.S.27:16-1 and for the regulation of land with access to municipal streets and highways in conformity with any municipal access management code adopted under R.S.40:67-1. This subsection shall not be construed as requiring a zoning ordinance to establish minimum lot sizes or minimum frontage requirements for lots adjacent to but restricted from access to a State highway.

26. R.S.40:67-1 is amended to read as follows:

Municipal ordinances.

40:67-1. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

a. Ascertain and establish the boundaries of all streets, highways, lanes, alleys and public places in the municipalities, and prevent and remove all encroachments, obstructions and encumbrances in, over or upon the same or any part thereof;

b. Establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof, including the vacation of any portion of any public street, highway, lane or alley measured from a horizontal plane a specified distance above or below its surface and continuing upward or downward, as the case may be; vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; accept any street, highway, lane, alley, square, beach, park or other place, or any part thereof, dedicated to public use, and thereafter, improve and maintain the same. The word "vacate" shall be construed for all purposes of this article to include the release of all public rights resulting from any dedication of lands not accepted by the municipality. Any vacation ordinance adopted pursuant to this subsection shall expressly reserve and except from vacation all rights and privileges then possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to,

over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated;

c. Prescribe the time, manner in which and terms upon which persons shall exercise any privilege granted to them in the use of any street, highway, alley, or public place, or in digging up the same for laying down rails, pipes, conduits, or for any other purpose whatever;

d. Prevent or regulate the erection and construction of any stoop, step, platform, window, cellar door, area, descent into a cellar or basement, bridge, sign, or any post, erection or projection in, over or upon any street or highway, and for the removal of the same at the expense of the owner or occupant of the premises where already erected;

e. Cause the owners of real estate abutting on any street or highway to erect fences, walls or other safeguards for the protection of persons from injury from unsafe places on said real estate adjacent to or near such street or highway; and provide for the erection of the same by the municipality at the expense of the owner or owners of such real estate;

f. Regulate or prohibit the erection and maintenance of fences or any other form of inclosure fronting on any municipal street, highway, lane, alley or public place;

g. Prevent persons from depositing, throwing, spilling or dumping dirt, ashes or other material upon any street or highway or portion thereof, or causing or permitting the same to be done;

h. Regulate or prohibit the placing of banners or flags in, over or upon any street or avenue;

i. Cause the territory within the municipality to be accurately surveyed and a map or maps to be prepared showing the location and width of each street, highway, lane, alley and public place, and a plan for the systematic opening of roads and streets in the future. Such map or maps may be changed from time to time;

j. Provide for the adoption and changing of a system of numbering all buildings and lots of land in such municipality, and the display upon each building of the number assigned to it, either at the expense of the owner thereof or of the municipality;

k. Provide for the naming and changing the names of streets and highways, and the erection thereon of signs, showing the names thereof, and guideposts for travelers;

1. Regulate processions and parades through the streets and highways of the municipality; and

m. Satisfy the standards embodied in the access code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), for streets and highways under its control, through an access management code. This code shall comply with the provisions of the "State Highway Access Management Act" and provide reasonable access by abutting landowners to streets and highways.

27. 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.

28. This act shall be interpreted liberally to effect the purposes set forth herein.

29. There is appropriated from the General Fund to the Department of Transportation the sum of \$300,000 to effectuate the purposes of this act.

Repealer.

30. The following are repealed: Sections 4 and 7 of P.L.1945, c.83 (C.27:7A-4 and 27:7A-7) and section 52 of P.L.1951, c.23 (C.39:4-94.1).

31. Until such time as the State highway access management code is promulgated, the department shall review all permit applications in accordance with procedures in effect on the date of enactment of this act. The commissioner shall not enforce the provisions of a proposed access code prior to its adoption.

32. This act shall take effect on the 90th day after enactment except that section 31 shall take effect immediately.

Approved February 23, 1989.

CHAPTER 33

AN ACT concerning vending machines and amending N.J.S.2C:21-18.

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

1. N.J.S.2C:21-18 is amended to read as follows:

Slugs.

2C:21-18. Slugs.

A person is guilty of a disorderly persons offense when, other than under such circumstances as would constitute a violation of any of the provisions of the "Casino Control Act" (P.L.1977, c.110):

- (1) He inserts or deposits a slug, key, tool, instrument, explosive or device in a coin, currency or credit card activated machine with purpose to defraud; or

- (2) He makes, possesses or disposes of a slug, key, tool, instrument, explosive or device or a drawing, print or mold of a key, tool, instrument, explosive or device with purpose to enable a person to insert or deposit it in a coin, currency or credit card activated machine.

"Slug" means an object or article which, by virtue of its size, shape or any other quality is capable of being inserted or deposited in a coin, currency or credit card activated machine as an improper substitute for money.*

2. This act shall take effect immediately.

Approved March 3, 1989.

*Language deleted by line-item veto of the Governor. See statement following.

STATEMENT TO CHAPTER 33
(Senate Bill No. 1393)

Pursuant to Article V, Section I, paragraph 14 of the Constitution, I am returning Senate Bill No. 1393 with my objections for reconsideration.

Under current law, an individual is guilty of a petty disorderly persons offense when he uses a slug in a coin machine with a purpose

to defraud, or makes, possesses or disposes of a slug with the purpose to enable a person to insert it or deposit it in a coin machine. The present bill would make several changes to current law. First, the bill changes the outdated reference to a "coin machine" amending it to "coin, currency or credit card activated machine" to reflect the recent technological changes that enable vending machines to accept paper currency and credit cards as well as coins. Second, the bill increases the penalties for violating this statute from a petty disorderly persons offense to a disorderly persons offense, and provides for mandatory restitution, a graded fine schedule and mandatory sentences for chronic offenders. Third, the bill creates a new offense of breaking into a vending machine and possessing tools or other devices to tamper with a vending machine. The purpose of the bill is to update the law governing tampering with and theft from vending machines and to increase the penalties in order to deter what is perceived by some as an increase in tamperings and thefts from these machines.

There are sections of the bill which are both proper and necessary. For example, the portions of the bill which update the statute are necessary in light of new technologies used in the vending machine industry. Likewise, increasing the offense from a petty disorderly to a disorderly persons offense may be necessary in order to deter violations of the statute. However, the provision of a graded fine mechanism, mandatory restitution, and mandatory sentences for chronic offenders are unnecessary and should be deleted from the bill. These provisions needlessly impinge on judicial discretion in circumvention of the general intent of our Code of Criminal Justice.

First, the graded fine mechanism set forth in this bill is inconsistent with one of the overriding purposes of the Criminal Code, that is, to establish uniform guidelines for punishment, including fines and terms of imprisonment. This individual fine mechanism limits judicial discretion beyond that generally envisioned by the Code. This mechanism is not necessary, as judges already have the ability, within certain parameters, to tailor the fines to specific circumstances of the offense, including whether the defendant has been previously convicted of a similar offense. While I recognize that a similar fine mechanism is set forth in N.J.S.2C:20-11c. regarding shoplifting, this mechanism also contravenes the Criminal Code's general fine and penalty scheme. It was an unwarranted deviation from our general approach to criminal punishment, and should not be unnecessarily repeated.

Second, this bill requires that a person who violates its mandate make mandatory restitution for any loss or damage caused by the offense. The present Criminal Code provides for restitution to be ordered by the judge but leaves it to the discretion of the judge in the individual case. There seems to be no logical reason to mandate restitution in every case of tampering with a vending machine and to not require such restitution in other, more serious crimes of theft or violence. If mandatory restitution is a good idea, it is a good idea for all crimes and should not be targeted for use in a single interest area. It should be noted that there is presently a bill in the Legislature, Assembly Bill No. 2178, which would require mandatory restitution for all crime victims. That bill has been passed in the General Assembly and is now in the Senate Judiciary Committee for action. The issue of mandatory restitution can be addressed in relation to this legislation, where the issue can be afforded the time, scrutiny and expertise it deserves.

Third, the bill requires a mandatory jail sentence of 30 days for a third or subsequent offender. While such offenders may deserve such a sentence, the need for mandatory minimum sentences in this specific statute, or in any disorderly persons statute, is highly questionable. Mandatory sentencing has been reserved for only the most serious crimes and is not proper in a disorderly persons statute without an overriding rationale which does not appear to exist in this circumstance.

In conclusion, our Code of Criminal Justice was an answer to the myriad of piecemeal and disparate criminal statutes that governed before its adoption. There seems no apparent overriding public policy in the area of "slugs" to warrant a departure from the general purposes of the Code. Graded and statute-specific fine mechanisms, mandatory restitution and individualized mandatory sentence provisions in a disorderly persons statute, such as the present one, do not fit with the overall structure of our Criminal Code. While such mechanisms could be as easily justified for all criminal offenses, the resulting system would be both chaotic and in contravention of the policies of uniformity and equity envisioned by the drafters of the Criminal Code. Consequently, it is my recommendation that the provisions regarding the graded fine mechanism, mandatory restitution and mandatory sentencing be deleted from the bill.

Therefore, I herewith return Senate Bill No. 1393 and recommend that it be amended as follows:

Page 1, Section 1, Lines 24-32: Delete in entirety.

Page 2, Section 1, Lines 1-3: Delete in entirety.

Respectfully,

Thomas H. Kean
Governor

CHAPTER 34

AN ACT concerning regulated medical waste, amending P.L.1970, c.39, P.L.1970, c.40, P.L.1971, c.461 and P.L.1983, c.392, supplementing Title 13 of the Revised Statutes, and making appropriations.

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

C.13:1E-48.1 Short title.

1. Sections 1 through 25 of this act shall be known and may be cited as the "Comprehensive Regulated Medical Waste Management Act."

C.13:1E-48.2 Findings, declarations.

2. The Legislature finds that various human and animal health care centers and clinics, hospitals, laboratories, and other facilities generate substantial volumes of medical waste that must be transported and disposed in a sanitary and environmentally sound manner; that this waste poses both a potential threat to the health of those persons who handle, transport, dispose, or otherwise come into contact with it and to the public health; that, in addition to the actual and perceived risks associated with the management of medical waste, there are important aesthetic concerns that must be addressed; that the present regulatory scheme for medical waste is confusing and inadequate, and the enforcement thereof has been lacking and the penalties assessed for violations insufficient; and that the citizens of the State generally lack confidence that medical waste in the State is being managed in a proper and safe manner.

The Legislature therefore declares that it is appropriate to establish a comprehensive management system that provides for the proper and safe tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal of regulated medical

waste; that monitoring of the regulated medical waste stream is best accomplished through the creation of a manifest tracking system for regulated medical waste; and that it is appropriate to provide for strict enforcement of the law concerning regulated medical waste and to establish substantial civil and criminal penalties for violations thereof.

C.13:1E-48.3 Definitions.

3. As used in sections 1 through 25 of this act:

“Board” means the Board of Public Utilities.

“Collection” means the activity related to pick-up and transportation of regulated medical waste from a generator, or from an intermediate location, to a facility, or to a site outside the State, for disposal.

“Commissioners” means the Commissioner of Environmental Protection and the Commissioner of Health.

“Departments” means the Department of Environmental Protection and the Department of Health.

“Dispose” or “disposal” means the storage, treatment, utilization, processing, resource recovery of, or the discharge, deposit, injection, dumping, spilling, leaking, or placing of any regulated medical waste into or on any land or water so that the regulated medical waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Facility” means a solid waste facility as defined in section 3 of P.L.1970, c.39 (C.13:1E-3); or any other incinerator or commercial or noncommercial regulated medical waste disposal facility in this State that accepts regulated medical waste for disposal.

“Federal Act” means the “Medical Waste Tracking Act of 1988” (42 U.S.C. § 6903 et seq.), or any rule or regulation adopted pursuant thereto.

“Generator” means an ambulatory surgical or care facility, community health center, medical doctor’s office, dentist’s office, podiatrist’s office, home health care agency, health care facility, hospital, medical clinic, morgue, nursing home, urgent care center, veterinary office or clinic, animal, biological, clinical, medical, microbiological, or pathological diagnostic or research laboratory, any of which generates regulated medical waste, or any other facility identified by the departments that generates regulated medical waste.

“Generator” shall not include individual households utilizing home self-care.

“Regulated medical waste” means blood vials; cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; pathological wastes, including tissues, organs, and body parts that are removed during surgery or autopsy; waste human blood and products of blood, including serum, plasma, and other blood components; sharps that have been used in patient care or in medical, research, or industrial laboratories engaged in medical research, testing, or analysis of diseases affecting the human body, including hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades; contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals; any other substance or material related to the transmission of disease as may be deemed appropriate by the departments; and any other substance or material as may be required to be regulated by, or permitted to be exempted from, the Federal Act. The departments may adopt, by rule or regulation and pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), a more specific definition of regulated medical waste upon the expiration of the demonstration program established under the Federal Act.

“Noncommercial facility” means a facility or on-site generator, as the case may be, which accepts regulated medical waste from other generators for on-site disposal for a cost-based fee not in excess of the costs actually incurred by the facility or on-site generator for the treatment or disposal of the regulated medical waste.

“Transporter” means a person engaged in the collection or transportation of regulated medical waste.

C.13:1E-48.4 Regulated medical waste management system.

4. a. The Department of Environmental Protection, in consultation with the Department of Health, shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), a regulated medical waste management system that shall provide for the proper and safe manifesting, tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal of regulated medical waste. The regulated medical waste

management system shall include a manifest system that includes, but need not be limited to, a requirement that every shipment of regulated medical waste released by any generator to a transporter for delivery to a facility for disposal, be accompanied by a manifest as prescribed by the Department of Environmental Protection and as may be required by the Federal Act.

b. The departments may, by rule or regulation, adopt an exemption from all or a portion of the regulated medical waste management system requirements of this section for regulated medical waste, or portions of regulated medical waste, that have been properly treated by the generator pursuant to subsection b. of section 6 of this act.

C.13:1E-48.5 Interim regulation.

5. a. Prior to the adoption of any rules or regulations pursuant to section 4 of this act, or the implementation of the comprehensive State regulated medical waste management plan prepared by the departments pursuant to section 13 of this act, or the implementation of any other provisions of this act, the manifesting, tracking, identification, packaging, storage, control, monitoring, handling, collection, management and disposal of regulated medical waste in this State shall be governed in all respects by the rules and regulations heretofore adopted by the Department of Environmental Protection pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.). All rules and regulations heretofore adopted by the department relating to regulated medical waste shall continue in full force and effect and be enforceable by the department, subject to its power as provided by this act to amend or repeal the same, except that on and after the effective date of this act all generators, without regard to the quantity of regulated medical waste generated per month, shall be subject to the manifesting requirements of these rules and regulations.

b. Within 30 days of the adoption by the United States Environmental Protection Agency of rules and regulations to implement the Federal Act, the Department of Environmental Protection, in consultation with the Department of Health, shall adopt, without regard to the provisions of the "Administrative Procedure Act," rules and regulations identical to, and as required by, the rules and regulations adopted by the United States Environmental Protection Agency under the Federal Act. The rules and regulations adopted by the departments pursuant to this subsection shall require all generators, without regard to the quantity of regulated medical waste generated per month, to comply with the regulated medical waste manifesting requirements included in these rules and regulations.

C.13:1E-48.6 Requirements; certification.

6. a. The regulated medical waste management system adopted by the departments pursuant to subsection a. of section 4 of this act shall require all regulated medical waste to be:

(1) securely stored, packaged for safe handling, and distinctively identified by a generator as regulated medical waste and with the name and address of the generator on the outside of the package in a manner approved by the departments; and

(2) securely stored and transported by a transporter separately from all other solid waste, and not stored by a generator, transporter, or any other person longer than a period prescribed by the departments; and

(3) incinerated in a facility approved therefor, or otherwise destroyed or disposed in a manner approved by law or the departments, except that no regulated medical waste may be disposed in a sanitary landfill facility unless it has been properly treated in accordance with subsection b. of this section and so identified.

b. The Department of Health shall prescribe which types of regulated medical waste shall be treated by a generator and, in the case of regulated medical waste autoclaved, and wherever else appropriate, the proper time and temperature exposures, volume, load, and density configurations, packaging, and labeling to be utilized.

c. A generator shall certify to the transporter for each collection of regulated medical waste that the generator has complied with paragraphs (1) and (2) of subsection a. and with all requirements prescribed pursuant to subsection b. of this section. No transporter may collect regulated medical waste from a generator unless the generator has supplied this certification. A facility operator may require a transporter to produce all such pertinent certifications as a condition of accepting regulated medical waste for disposal.

d. A transporter shall certify to the Department of Environmental Protection that the transporter will comply with the provisions of this act, and any rule or regulation adopted pursuant thereto, and shall disclose to the department the number and types of vehicles utilized by that transporter for the collection of regulated medical waste and the equipment or methods utilized to ensure secure segregation of regulated medical waste.

C.13:1E-48.7 Generator registration, fees.

7. Every generator shall register with the Department of Environmental Protection on a form prescribed by the department, and

pay an annual fee therefor in an amount set by the department pursuant to a rule or regulation adopted in accordance with the "Administrative Procedure Act." The department shall set annual fees in accordance with a sliding scale based upon the volume of the regulated medical waste produced by the generator. The generator shall indicate on the registration form the name of every transporter retained by the generator to collect the generator's regulated medical waste.

C.13:1E-48.8 Transporter requirements.

8. a. No person may transport regulated medical waste unless the person has:

(1) satisfied all requirements prescribed by the Department of Environmental Protection, and filed a registration statement and obtained approval thereof from the department on a form provided, and containing all information requested by the department;

(2) paid an annual registration fee in an amount set by the Department of Environmental Protection pursuant to a rule or regulation adopted in accordance with the "Administrative Procedure Act;"

(3) received written instruction from the departments on the proper and safe tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal of regulated medical waste;

(4) obtained a registration statement required by section 5 of P.L.1970, c.39 (C.13:1E-5);

(5) obtained a certificate of public convenience and necessity required by section 7 of P.L.1970, c.40 (C.48:13A-6);

(6) complied with the requirements of P.L.1983, c.392 (C.13:1E-126 et seq.); and

(7) paid an annual fee to, and in an amount set by, the Board of Public Utilities pursuant to section 9 of this act.

b. The provisions of subsection a. of this section shall not apply to a generator who generates less than three cubic feet of regulated medical waste per month and who transports that regulated medical waste to another generator for storage or disposal.

C.13:1E-48.9 Transporter application, fees.

9. Every transporter shall submit an application for a certificate of public convenience and necessity to the Board of Public Utilities

on a form prescribed by the board, and pay an initial and annual renewal fee in an amount set by the board as may be necessary to cover the costs of reviewing the qualifications of applicants, including background investigations, and the costs of compliance monitoring and administration.

C.13:1E-48.10 Acceptance for disposal.

10. No person, including generators, may accept regulated medical waste for disposal within the State or for transfer to an in-State or out-of-State disposal site except upon authorization of the Department of Environmental Protection and payment of an annual registration fee in an amount set by the Department of Environmental Protection pursuant to a rule or regulation adopted in accordance with the "Administrative Procedure Act."

C.13:1E-48.11 Instruction.

11. The departments shall provide at least written instruction on the proper and safe tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal of regulated medical waste to every transporter, facility or organization that may come into contact with regulated medical waste. Every transporter, facility and organization shall disseminate such information to all employees. The departments shall also jointly and regularly conduct a course thereon, which all supervisory personnel of a transporter, facility or organization shall be required to attend.

C.13:1E-48.12 Regulation of flow.

12. a. The Department of Environmental Protection, in conjunction with the Board of Public Utilities, shall adopt appropriate rules or regulations or issue administrative orders providing for the inter-district or intradistrict flow of regulated medical waste. The rules, regulations, or administrative orders shall establish the manner in which the department and the board jointly will direct the flow of regulated medical waste in this State pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et seq.) and the provisions of this act, and determine where regulated medical waste may be disposed.

b. The Board of Public Utilities shall have jurisdiction over rates or charges for the disposal of regulated medical waste received by any commercial incinerator or commercial facility in this State that accepts regulated medical waste for disposal. The department, in conjunction with the board, may require any solid waste facility to accept for disposal regulated medical waste prepared for that purpose in accordance with the provisions of this act, and any rule or regu-

lation adopted pursuant thereto, on the same terms and under the same conditions as ordinary solid waste.

c. The Board of Public Utilities shall not have jurisdiction over rates or charges for the disposal of regulated medical waste imposed by any noncommercial facility in this State that accepts regulated medical waste for disposal, without regard to whether the regulated medical waste was generated on-site or otherwise.

d. The Commissioner of Health shall recommend to the Hospital Rate Setting Commission adjustments to the reimbursement rates for affected generators for activities that are required under this act, but that are not currently reimbursed under the rate setting system established by P.L.1978, c.83 (C.26:2H-4.1). The Division of Medical Assistance and Health Services shall recommend to the Commissioner of Human Services adjustments to the reimbursement rates under Medicaid for affected generators for activities that are required under this act, but that are not currently reimbursed under the Medicaid rate setting system.

C.13:1E-48.13 State regulated medical waste management plan.

13. a. The departments shall study the issue of regulated medical waste in the State and prepare a comprehensive State regulated medical waste management plan addressing the immediate, interim, and long-term needs of the State with respect to the disposal of regulated medical waste in a manner that will protect the public health and the environment. The departments, within one year of the effective date of this act, shall transmit to the Governor and the Legislature the comprehensive State regulated medical waste management plan.

b. The comprehensive State regulated medical waste management plan shall include:

(1) an inventory of the number and types of generators of regulated medical waste within the State, and of the composition and quantities of regulated medical waste generated thereby, together with a recommendation with respect to the advisability, practicability and feasibility of exempting certain small quantity generators from the manifest requirements imposed by this act;

(2) a projection of the number and types of generators of regulated medical waste within the State for the next 30 years following enactment of this act, and the composition and quantities of regulated medical waste to be generated thereby;

(3) an evaluation of the impact of out-of-State generators upon the present and future regulated medical waste disposal capacity within the State;

(4) an evaluation, to be undertaken in conjunction with the Board of Public Utilities, of the status of the regulated medical waste collection and disposal industries, and whether they are of sufficient size and competitiveness to meet the needs of the State, and, if not, recommendations of ways to increase the size and competitiveness thereof;

(5) an inventory and appraisal, including the identity, location, and life expectancy, of all existing and approved incineration or non-incineration disposal capacity which is anticipated to be available to each county in this State for its regulated medical waste disposal needs, including all commercial and noncommercial regulated medical waste disposal facilities, and solid waste facilities within the State and in nearby states permitted to accept regulated medical waste for disposal;

(6) an updated projection of the anticipated regulated medical waste disposal capacity shortfall in each county in this State in the next five years from the date of enactment of this act;

(7) a recommendation of the regulated medical waste disposal strategy to be applied in the State, which strategy shall include the maximum practicable use of existing and approved incineration capacity for regulated medical waste, particularly pathology specimens, resource recovery procedures, recycling, and consideration of the establishment of regional regulated medical waste disposal facilities;

(8) recommendations of any statutory and regulatory changes deemed necessary to implement the comprehensive State regulated medical waste management plan and assure utilization of the most sanitary, efficient, and economical methods for the tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal of regulated medical waste; and

(9) an evaluation of the environmental and public health impacts of all reasonably available regulated medical waste treatment and disposal technologies, and a recommendation concerning the extent to which non-incineration technologies may be utilized as an alternative to incineration technologies.

C.13:1E-48.14 Commercial facilities.

14. a. Every existing incinerator or facility in operation as of the

effective date of this act that accepts regulated medical waste for disposal shall be incorporated within the relevant district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), without regard to the provisions of sections 11, 14 and 15 of P.L.1975, c.326 (C.13:1E-20, 13:1E-23 and 13:1E-24).

b. No proposed new commercial regulated medical waste disposal facility shall be included within a district solid waste management plan prior to the submission to the Governor and the Legislature of the comprehensive State regulated medical waste management plan prepared by the departments pursuant to section 13 of this act.

c. Any county may, consistent with the provisions of subsections a. and b. of this section and pursuant to the provisions of sections 11, 14 and 15 of P.L.1975, c.326 (C.13:1E-20, 13:1E-23 and 13:1E-24), prepare and adopt an amendment to the district solid waste management plan to provide for the proper and safe disposal of regulated medical waste generated within the district prior to the submission to the Governor and the Legislature of the comprehensive State regulated medical waste management plan prepared by the departments pursuant to section 13 of this act.

d. Prior to submission to the Governor and the Legislature of the comprehensive State regulated medical waste management plan prepared by the departments pursuant to section 13 of this act, the Department of Environmental Protection shall not consider any application for, or approve any registration statement or engineering design application required by section 5 of P.L.1970, c.39 (C.13:1E-5) for, a proposed new commercial regulated medical waste disposal facility.

e. Prior to submission to the Governor and the Legislature of the comprehensive State regulated medical waste management plan prepared by the departments pursuant to section 13 of this act, the provisions of any other law, ordinance, resolution, rule or regulation to the contrary notwithstanding, no State department, division, commission, authority, council, agency, board, or any other political subdivision of the State, or any county or municipality, shall consider any application for, or grant any approval, certificate, license, consent, permit or other authorization for, a proposed new commercial regulated medical waste disposal facility.

f. Nothing in this section shall prohibit the granting of any State, county or municipal approval, certificate, license, consent, permit or

other authorization for any proposed noncommercial incinerator or other noncommercial facility in this State that accepts regulated medical waste for disposal.

C.13:1E-48.15 County shortfall determination.

15. a. Upon the submission to the Governor and the Legislature of the comprehensive State regulated medical waste management plan prepared by the departments pursuant to section 13 of this act, the Department of Environmental Protection shall:

(1) transmit, by certified mail, a written determination of need to the governing body of each county in this State in which the department has determined that there exists or impends an anticipated regulated medical waste disposal capacity shortfall; and

(2) issue, in conjunction with the Board of Public Utilities, appropriate administrative orders providing for the interdistrict or intradistrict flow of regulated medical waste. The administrative orders shall direct the flow of regulated medical waste generated within each county in this State to designated commercial regulated medical waste disposal facilities and, subject to the prior approval of the owner or operator thereof, to designated noncommercial facilities for disposal.

b. In the event that appropriate rules and regulations to implement the Federal Act have not been adopted by the United States Environmental Protection Agency prior to the submission to the Governor and the Legislature of the comprehensive State regulated medical waste management plan, the departments may adopt, by rule or regulation, regulated medical waste management requirements to provide for the proper and safe segregation, identification, packaging, storage, labeling, control, monitoring, handling, collection, and disposal of regulated medical waste consistent with those set forth in this act.

C.13:1E-48.16 County options.

16. a. Within 12 months of the receipt of a written determination of need and notification of a regulated medical waste disposal capacity shortfall pursuant to section 15 of this act, the governing body of the affected county shall provide for the regulated medical waste disposal requirements of the county as determined by the department.

b. A county may provide for its regulated medical waste disposal requirements in accordance with any of the following arrangements:

(1) the development of one or more new commercial regulated medical waste disposal facilities, which facilities may utilize incineration or non-incineration technologies, within the county;

(2) the development of one or more new noncommercial regulated medical waste disposal facilities within the county;

(3) the more efficient utilization of existing operational incinerators or facilities, which incinerators and facilities accept regulated medical waste for disposal and are located within the county; or

(4) the negotiation of an interdistrict agreement providing for the disposal of regulated medical waste generated within the county at an out-of-district incinerator, facility or proposed new commercial regulated medical waste disposal facility, as the case may be.

c. In the event that a county has negotiated an interdistrict agreement pursuant to subsection b. of this section, the governing body of the county that is the designated recipient of out-of-district regulated medical waste shall transmit to the department, by certified mail, a copy of the negotiated or proposed interdistrict agreement and any other agreements therefor, including evidence of the intent of the parties to adopt the agreement, and the terms and conditions thereof.

d. Each affected county shall prepare and adopt an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) to incorporate the regulated medical waste disposal arrangement selected pursuant to subsection b. of this section.

C.13:1E-48.17 Noncompliance determination.

17. a. On or after the first day of the 25th month following the effective date of this act, the department shall make a written determination as to whether each county required to provide for its regulated medical waste disposal requirements has selected and implemented an appropriate disposal arrangement. In the event that a county has failed to provide for its regulated medical waste disposal requirements pursuant to section 16 of this act, the commissioner shall certify the failure of that county.

b. In the event that the department determines that a county has failed to fulfill its regulated medical waste disposal responsibilities, as certified by the commissioner pursuant to subsection a. of this section, the department shall hold a public hearing thereon within

30 days of making the determination. At the public hearing, the relevant county shall have the burden to show that the county has taken timely and significant action toward providing for its regulated medical waste disposal requirements and that the determination of the department is unwarranted. Within 45 days of the conclusion of the hearing, the department shall make a final determination, which action shall be considered to be final agency action thereon for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be subject only to judicial review as provided in the Rules of Court.

c. In the event that the department makes a final determination after the public hearing that a county has failed to fulfill its regulated medical waste disposal responsibilities, the department shall have the power to designate and develop in that county one or more appropriate regulated medical waste disposal facilities, which facilities may utilize incineration or non-incineration technologies, to be utilized by the county or several counties on a regional basis.

C.13:1E-48.18 Payments to county; surcharges.

18. a. Any county within which a solid waste facility is located pursuant to an adopted and approved district solid waste management plan, which facility is a designated recipient of regulated medical waste pursuant to an interdistrict or intradistrict waste flow order issued by the Board of Public Utilities, in conjunction with the Department of Environmental Protection, may be entitled to an annual economic benefit in an amount established by agreement with the owner or operator of the solid waste facility. The governing body of the relevant county may negotiate with the owner or operator of the solid waste facility for the payment of an annual economic benefit.

b. If the parties reach an agreement on the amount of an annual economic benefit, the owner or operator of the solid waste facility shall petition the board for an adjustment in its disposal tariff. The petition shall be accompanied by a copy of the agreement which reflects the proposed annual payments and shall be filed with the board prior to its implementation. The board, within 60 days of the receipt of the petition, shall issue an appropriate order that these payments shall be paid by the users of the facility as an automatic surcharge on any tariff filed with, and recorded by, the board for the regulated medical waste disposal operations of the facility. The surcharge shall be calculated and itemized in all appropriate tariffs on a per ton basis. In the event that any regulated medical waste

is measured, upon acceptance for disposal, by other than tons, the surcharge shall be calculated and itemized by using the equivalents thereof as shall be determined by the board.

c. In issuing any order required by this section, the Board of Public Utilities shall be exempt from the provisions of R.S.48:2-21.

C.13:1E-48.19 Regional procedures.

19. The departments shall seek the cooperation of their counterparts in the states of New York and Pennsylvania in developing regional regulated medical waste tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal procedures consistent with those set forth in this act. The departments shall prepare, and transmit annually to the Governor and the Legislature, a report summarizing these discussions, including recommendations for appropriate executive and legislative action.

C.13:1E-48.20 Enforcement.

20. a. This act, and any rule or regulation adopted pursuant thereto, shall be enforced by the departments and by every local board of health, or county health department, as the case may be.

The departments and the local board of health, or the county health department, as the case may be, shall have the right to enter the premises of a generator, transporter, or facility at any time in order to determine compliance with this act.

The municipal attorney or an attorney retained by a municipality in which a violation of this act is alleged to have occurred shall act as counsel to a local board of health.

The county counsel or an attorney retained by a county in which a violation of this act is alleged to have occurred shall act as counsel to the county health department.

All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-28).

b. Whenever the Commissioner of Environmental Protection or the Commissioner of Health finds that a person has violated this act, or any rule or regulation adopted pursuant thereto, that commissioner shall:

(1) issue an order requiring the person found to be in violation to comply in accordance with subsection c. of this section;

(2) bring a civil action in accordance with subsection d. of this section;

(3) levy a civil administrative penalty in accordance with subsection e. of this section;

(4) bring an action for a civil penalty in accordance with subsection f. of this section; or

(5) petition the Attorney General to bring a criminal action in accordance with subsections g. through l. of this section.

Pursuit of any of the remedies specified under this section shall not preclude the seeking of any other remedy specified.

c. Whenever the Commissioner of Environmental Protection or the Commissioner of Health finds that a person has violated this act, or any rule or regulation adopted pursuant thereto, that commissioner may issue an order specifying the provision or provisions of this act, or the rule or regulation adopted pursuant thereto, of which the person is in violation, citing the action that constituted the violation, ordering abatement of the violation, and giving notice to the person of the person's right to a hearing on the matters contained in the order. The ordered party shall have 20 days from receipt of the order within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order. If no hearing is requested, the order shall become final after the expiration of the 20-day period. A request for hearing shall not automatically stay the effect of the order.

d. The Commissioner of Environmental Protection, the Commissioner of Health, a local board of health, or a county health department may institute an action or proceeding in the Superior Court for injunctive and other relief, including the appointment of a receiver for any violation of this act, or of any rule or regulation adopted pursuant thereto, and the court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief.

Such relief may include, singly or in combination:

(1) a temporary or permanent injunction;

(2) assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;

(3) assessment of the violator for any cost incurred by the State in removing, correcting, or terminating the adverse effects upon environmental quality or public health resulting from any violation of this act, or any rule or regulation adopted pursuant thereto, for which the action under this subsection may have been brought;

(4) assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by any violation of this act, or any rule or regulation adopted pursuant thereto, for which the action under this subsection may have been brought.

Assessments under this subsection shall be paid to the State Treasurer, or to the local board of health, or to the county health department, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation.

If a proceeding is instituted by a local board of health or county health department, notice thereof shall be served upon the commissioners in the same manner as if the commissioners were named parties to the action or proceeding. Either of the departments may intervene as a matter of right in any proceeding brought by a local board of health or county health department.

e. Either of the commissioners, as the case may be, may assess a civil administrative penalty of not more than \$50,000 for each violation. Each day that a violation continues shall constitute an additional, separate, and distinct offense. A commissioner may not assess a civil administrative penalty in excess of \$25,000 for a single violation, or in excess of \$2,500 for each day during which a violation continues, until the departments have respectively adopted, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations requiring the appropriate commissioner, in assessing a civil administrative penalty, to consider the operational history of the violator, the severity of the violation, the measures taken to mitigate or prevent further violations, and whether the penalty will maintain an appropriate deterrent. No assessment may be levied pursuant to this section until after the violator has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, rule, regulation, or order violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of the civil administrative penalties to be imposed, and a statement of the party's right to a hearing. The ordered party shall have 20 calendar days from receipt

of the notice within which to deliver to the appropriate commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, that commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in this act, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. Each department may compromise any civil administrative penalty assessed under this section in an amount the department determines appropriate.

f. A person who violates this act, or any rule or regulation adopted pursuant thereto, shall be liable for a penalty of not more than \$50,000 per day, to be collected in a civil action commenced by the Commissioner of Environmental Protection, the Commissioner of Health, a local board of health, or a county health department.

A person who violates an administrative order issued pursuant to subsection c. of this section, or a court order issued pursuant to subsection d. of this section, or who fails to pay an administrative assessment in full pursuant to subsection e. of this section is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of each violation.

Of the penalty imposed pursuant to this subsection, 10% or \$250, whichever is greater, shall be paid to the appropriate department from the General Fund if the Attorney General determines that a person is entitled to a reward pursuant to section 24 of this act.

Any penalty imposed pursuant to this subsection 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 and the municipal court shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with this act.

g. A person who purposely or knowingly:

(1) disposes or stores regulated medical waste without authorization from either the Department of Environmental Protection or the Department of Health, as appropriate, or in violation of this act, or any rule or regulation adopted pursuant thereto;

(2) makes any false or misleading statement to any person who prepares any regulated medical waste application, registration, form, label, certification, manifest, record, report, or other document required by this act, or any rule or regulation adopted pursuant thereto;

(3) makes any false or misleading statement on any regulated medical waste application, registration, form, label, certification, manifest, record, report, or other document required by this act, or any rule or regulation adopted pursuant thereto; or

(4) fails to properly treat certain types of regulated medical waste designated by the Department of Health in a prescribed manner; shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N.J.S.2C:43-3, shall be subject to a fine of not more than \$50,000 for the first offense, and not more than \$100,000 for each subsequent offense, and restitution, in addition to any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

h. A person who recklessly or negligently:

(1) disposes or stores regulated medical waste without authorization from either the Department of Environmental Protection or the Department of Health, as appropriate, or in violation of this act, or any rule or regulation adopted pursuant thereto;

(2) makes any false or misleading statement to any person who prepares any regulated medical waste application, registration, form, label, certification, manifest, record, report, or other document required by this act, or any rule or regulation adopted pursuant thereto;

(3) makes any false or misleading statement on any regulated medical waste application, registration, form, label, certification, manifest, record, report, or other document required by this act, or any rule or regulation adopted pursuant thereto; or

(4) fails to properly treat certain types of regulated medical waste designated by the Department of Health in a manner prescribed thereby; shall, upon conviction, be guilty of a crime of the fourth degree.

i. A person who, regardless of intent:

(1) transports any regulated medical waste to a facility or any other place in the State that does not have authorization from the Department of Environmental Protection and the Board of Public

Utilities to accept such waste, or in violation of this act, or any rule or regulation adopted pursuant thereto; or

(2) transports, or receives transported, regulated medical waste without completing and submitting a manifest in accordance with this act, or any rule or regulation adopted pursuant thereto; shall, upon conviction, be guilty of a crime of the fourth degree.

j. A person who purposely, knowingly, or recklessly:

(1) generates and causes or permits to be transported any regulated medical waste to a facility or any other place in the State that does not have authorization from the Department of Environmental Protection and the Board of Public Utilities to accept such waste, or in violation of this act, or any rule or regulation adopted pursuant thereto; or

(2) violates any other provision of this act, or any rule or regulation adopted pursuant thereto, for which no other criminal penalty has been specifically provided for; shall, upon conviction, be guilty of a crime of the fourth degree.

k. All conveyances used or intended for use in the willful discharge, in violation of this act, or any rule or regulation adopted pursuant thereto, of regulated medical waste are subject to forfeiture to the State pursuant to P.L.1981, c.387 (C.13:1K-1 et seq.).

l. The provisions of N.J.S.2C:1-6 to the contrary notwithstanding, a prosecution for violation of subsection g., subsection h., subsection i., or subsection j. of this section shall be commenced within five years of the date of discovery of the violation.

m. No prosecution for a violation under this act shall be deemed to preclude a prosecution for the violation of any other applicable statute.

C.13:1E-48.21 Strict liability.

21. Any person who violates any provision of this act, which violation proximately results in the discharge of regulated medical waste into the waters or onto the land of this State, shall be strictly liable, jointly and severally, without regard to fault, for all costs, no matter by whom sustained, associated with the cleanup and removal of the regulated medical waste.

C.13:1E-48.22 Temporary approval.

22. During the first registration year of each applicant, or the year

following any violation of this act resulting in a revocation of registration, the departments may give temporary approval of registrations conditioned upon the applicant's effecting specified additions, changes, or improvements in methods of operation and equipment within the time and manner as may be required by the departments. The fee for the temporary approval shall be the same as that established pursuant to this act for the corresponding regular registration, notwithstanding the length of time for which it is given.

C.13:1E-48.23 Revocation, suspension of registration.

23. The departments, after hearing, may revoke or suspend the registration issued to any transporter or facility upon a finding that the transporter or facility has:

- a. violated this act, or any rule, regulation, or administrative order adopted or issued pursuant thereto;
- b. violated any law, or any rule, regulation, or administrative order adopted or issued pursuant thereto, related to pollution of the environment or endangerment of the public health; or
- c. refused or failed to comply with any lawful order of either of the departments.

C.13:1E-48.24 Reward to informant.

24. A member of the public who supplies information to an enforcing authority that proximately results in the imposition and collection of a civil penalty as the result of a civil action brought pursuant to subsection f. of section 20 of this act, or any rule or regulation adopted, administrative order issued, or assessment imposed pursuant thereto, or the imposition and collection of a criminal penalty as a result of a criminal action brought pursuant to subsection g., h., i., or j. of section 20 of this act, shall be entitled to a reward of 10% of the penalty collected, or \$250, whichever amount is greater. The reward shall be paid by the appropriate department from any money received by the department pursuant to section 20 of this act. The Attorney General shall adopt, pursuant to the "Administrative Procedure Act," rules and regulations necessary to implement this section, including procedures to provide for the protection of the identity of persons providing information to an enforcing authority concerning a violation of this act in appropriate circumstances.

C.13:1E-48.25 State agencies included.

25. The State and any of its political subdivisions, public agencies, and public authorities shall be deemed a person within the meaning of this act.

26. Section 7 of P.L.1970, c.39 (C.13:1E-7) is amended to read as follows:

C.13:1E-7 Advisory council.

7. a. There is hereby created in the department an Advisory Council on Solid Waste Management which shall consist of 13 members, four of whom shall be the President of the Board of Public Utilities, the Commissioner of Community Affairs, the Secretary of Agriculture and the Commissioner of Health, or their designees, who shall serve ex officio, and nine citizens of the State, three of whom shall be actively engaged in the management of either solid waste collection or solid waste disposal, or both, two health professionals of whom one shall be a representative of the New Jersey Hospital Association and the other a licensed practitioner selected from the medical or dental communities in the State who shall represent the regulated medical waste generators in the State, and four of whom shall be representing the general public to be appointed by the Governor, with the advice and consent of the Senate. The Governor shall designate a chairman and vice chairman of the council from the public members who shall serve at the will of the Governor.

b. All public members shall be appointed for terms of four years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

c. Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in performance of their duties as members thereof.

27. Section 8 of P.L.1970, c.39 (C.13:1E-8) is amended to read as follows:

C.13:1E-8 Council powers.

8. The Advisory Council on Solid Waste Management is empowered to:

a. Request from the commissioner such information concerning the Statewide solid waste management plan or district solid waste management plans as it may deem necessary;

b. Consider any matter relating to the improvement of the State-wide solid waste management plan or district solid waste management plans, and advise the commissioner thereon;

c. From time to time submit to the commissioner any recommendations which it deems necessary for the improvement of the State-wide solid waste management plan or district solid waste management plans;

d. From time to time submit to the commissioner recommendations of any statutory and regulatory changes deemed necessary to implement the comprehensive State regulated medical waste management plan prepared by the Department of Environmental Protection and the Department of Health pursuant to section 13 of P.L.1989, c.34 (C.13:1E-48.13);

e. Study any regulations adopted by the department and the Department of Health concerning the management of regulated medical waste and make its recommendations for their improvement to the commissioner;

f. Study and investigate the state of the art and the technical capabilities and limitations of regulations concerning solid waste and report their findings and recommendations thereon to the commissioner;

g. Study and investigate the need for programs for the long-range technical support of solid waste programs and solid waste management plans, and report their findings and recommendations thereon to the commissioner;

h. Hold public hearings annually or more frequently in regard to existing solid waste statutes and regulations and upon the state of the art and technical capabilities and limitations in solid waste and report its recommendations thereon to the commissioner.

28. Section 3 of P.L.1971, c.461 (C.13:1E-18) is amended to read as follows:

C.13:1E-18 Fee schedule.

3. a. The department may in accordance with a fee schedule adopted as a rule or regulation establish and charge annual or periodic fees for any of the services it performs in connection with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.).

b. The fee schedule shall reasonably reflect the duration or complexity of the specific service rendered, permit application reviewed,

or registration statement or engineering design application approval sought.

29. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read as follows:

C.13:1E-127 Terms defined.

2. As used in this act:

- a. "Applicant" means any person seeking a license.
- b. "Application" means the forms and accompanying documents filed in connection with the applicant's request for a license.
- c. "Business concern" means any corporation, association, firm, partnership, trust or other form of commercial organization.
- d. "Department" means the Department of Environmental Protection.

e. "Disclosure statement" means a statement submitted to the department by an applicant, which statement shall include:

(1) The full name, business address and social security number of the applicant, or, if the applicant is a business concern, of any officers, directors, partners, or key employees thereof and all persons or business concerns holding any equity in or debt liability of that business concern, or, if the business concern is a publicly traded corporation, all persons or business concerns holding more than 5% of the equity in or debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant need only supply the name and business address of the lending institution;

(2) The full name, business address and social security number of all officers, directors, or partners of any business concern disclosed in the statement and the names and addresses of all persons holding any equity in or the debt liability of any business concern so disclosed, or, if the business concern is a publicly traded corporation, all persons or business concerns holding more than 5% of the equity in or debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant need only supply the name and business address of the lending institution;

(3) The full name and business address of any company which collects, transports, treats, stores or disposes of solid waste or hazardous waste in which the applicant holds an equity interest;

(4) A description of the experience and credentials in, including any past or present licenses for, the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste possessed by the applicant, or, if the applicant is a business concern, by the key employees, officers, directors, or partners thereof;

(5) A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by any State or federal authority, in the 10 years immediately preceding the filing of the application, which are pending or have resulted in a finding or a settlement of a violation of any law or rule and regulation relating to the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste by the applicant, or if the applicant is a business concern, by any key employee, officer, director, or partner thereof;

(6) A listing and explanation of any judgment of liability or conviction which was rendered, pursuant to any State or federal statute or local ordinance, against the applicant, or, if the applicant is a business concern, against any key employee, officer, director, or partner thereof, except for any violation of Title 39 of the Revised Statutes;

(7) A listing of all labor unions and trade and business associations in which the applicant was a member or with which the applicant had a collective bargaining agreement during the 10 years preceding the date of the filing of the application;

(8) A listing of any agencies outside of New Jersey which had regulatory responsibility over the applicant in connection with his collection, transportation, treatment, storage or disposal of solid waste or hazardous waste;

(9) Any other information the Attorney General or the department may require that relates to the competency, reliability or good character of the applicant.

f. "Key employee" means any person employed by the applicant or the licensee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the business concern but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage or disposal of solid or hazardous waste.

g. "License" means the initial approval and first renewal by the

department of any registration statement or engineering design pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.), for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste in this State, except that "license" shall not include any registration statement or engineering design approved for:

(1) Any State department, division, agency, commission or authority, or county, municipality or agency thereof;

(2) Any person solely for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste generated by that person;

(3) Any person for the operation of a hazardous waste facility, if at least 75% of the total design capacity of that facility is utilized to treat, store or dispose of hazardous waste generated by that person; or

(4) Any person for the operation of a hazardous waste facility which is considered as such solely as the result of the recycling or refining of hazardous wastes which are or contain gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium, or copper;

(5) Any person solely for the collection, transportation, treatment, storage or disposal of granular activated carbon used in the adsorption of hazardous waste; or

(6) Any regulated medical waste generator for the treatment or disposal of regulated medical waste at any noncommercial incinerator or noncommercial facility in this State that accepts regulated medical waste for disposal.

h. "Licensee" means any person who has received a license.

30. Section 7 of P.L.1970, c.40 (C.48:13A-6) is amended to read as follows:

C.48:13A-6 Qualification.

7. a. No person shall engage, or be permitted to engage, in the business of solid waste collection or solid waste disposal until found by the board to be qualified by experience, training or education to engage in such business, is able to furnish proof of financial responsibility, and holds a certificate of public convenience and necessity issued by the Board of Public Utilities. No certificate shall be issued for solid waste collection or solid waste disposal until the proposed

collection or disposal system has been registered with and approved by the State Department of Environmental Protection as provided by section 5 of P.L.1970, c.39 (C.13:1E-5).

b. No person shall transport regulated medical waste until found by the Board of Public Utilities to be qualified by experience, training or education to engage in such business, is able to furnish proof of financial responsibility, and holds a certificate of public convenience and necessity issued by the board. No certificate shall be issued for the transportation of regulated medical waste until the proposed transporter has obtained a registration statement required by section 5 of P.L.1970, c.39 (C.13:1E-5) and paid the fee imposed under section 9 of P.L.1989, c.34 (C.13:1E-48.9).

c. Notwithstanding the provisions of subsection b. of this section, the board shall not have jurisdiction over rates or charges for the transportation of regulated medical waste.

C.13:1E-48.26 Allocation of fees.

31. The monies collected from the fees imposed pursuant to sections 7, 8, and 10 of this act shall be utilized by the departments to administer and enforce this act, and shall be allocated as follows: 75% to the Department of Environmental Protection and 25% to the Department of Health.

C.13:1E-48.27 Rules, regulations.

32. The departments shall, pursuant to the "Administrative Procedure Act," adopt rules and regulations necessary to implement this act.

C.13:1E-48.28 Local regulation superseded.

33. The provisions of this act and any rule or regulation promulgated thereunder shall supersede any local ordinance, rule or regulation concerning the proper and safe tracking, identification, packaging, storage, control, monitoring, handling, collection, and disposal of regulated medical waste.

34. To effectuate the purposes of this act, there is appropriated from the General Fund the sum of \$750,000 to the Department of Environmental Protection, and the sum of \$250,000 to the Department of Health. There is appropriated from the General Fund to the departments the sum of \$250,000 to implement the provisions of section 13 of this act.

35. This act shall take effect immediately.

Approved March 6, 1989.

CHAPTER 35

AN ACT concerning the fighting or baiting of living animals or creatures and amending R.S.4:22-24, R.S.4:22-26, R.S.4:22-28, R.S.4:22-47, and R.S.4:22-48, and supplementing chapter 22 of Title 4 of the Revised Statutes.

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

1. R.S.4:22-24 is amended to read as follows:

Animal fighting crimes.

4:22-24. A person who shall:

a. Keep, use, be connected with or interested in the management of, or receive money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

b. Be present and witness, pay admission to, encourage or assist therein;

c. Permit or suffer a place owned or controlled by him to be so used;

d. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

e. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature; or

f. Gamble on the outcome of a fight involving a living animal or creature—

Shall be guilty of a crime of the third degree.

2. R.S.4:22-26 is amended to read as follows:

SPCA fine recovery.

4:22-26. A person who shall:

a. Overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature;

b. Cause or procure to be done by his agent, servant, employee or otherwise an act enumerated in subsection "a." of this section;

- c. Inflict unnecessary cruelty upon a living animal or creature of which he has charge or custody either as owner or otherwise, or unnecessarily fail to provide it with proper food, drink, shelter or protection from the weather;
- d. Receive or offer for sale a horse which by reason of disability, disease or lameness, or any other cause, could not be worked without violating the provisions of this article;
- e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;
- f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection "e." of this section;
- g. Permit or suffer a place owned or controlled by him to be used as provided in subsection "e." of this section;
- h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhuman manner;
- i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;
- j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;
- k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;
- l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;
- m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed

pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in his possession sheep or cattle, which he claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a dog or cat;

u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

v. Own, possess, keep, train, promote, purchase, or knowingly sell

a living animal or creature for the purpose of fighting or baiting that animal or creature; or

w. Gamble on the outcome of a fight involving a living animal or creature—

Shall forfeit and pay a sum not to exceed \$250.00 to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

3. R.S.4:22-28 is amended to read as follows:

Criminal, civil actions separate.

4:22-28. The indictment of a person under the provisions of this article, or the holding of a person to bail to await the action of a grand jury or court, shall not in any way relieve him from his liability to be sued for the penalty in paragraphs "e," "f," "g," "u," "v," or "w" of section 4:22-26 of this Title.

4. R.S.4:22-47 is amended to read as follows:

Warrantless arrest.

4:22-47. A sheriff, undersheriff, constable, police officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, may enter any building or place where there is an exhibition of the fighting or baiting of a living animal or creature, where preparations are being made for such an exhibition, or where a violation otherwise of R.S.4:22-24 is occurring, arrest without warrant all persons there present, and take possession of all living animals or creatures engaged in fighting or there found and all implements or appliances used or to be used in such exhibition.

5. R.S.4:22-48 is amended to read as follows:

Forfeiture, sale of seized animals.

4:22-48. The person seizing animals, creatures, implements or appliances as authorized in section 4:22-47 of this Title, shall, within 24 hours thereafter, apply to a court of competent jurisdiction to have the same forfeited and sold.

If, upon the hearing of the application, it is found and adjudged that at the time of the seizure the animals, creatures, implements or appliances were engaged or used in violation of section 4:22-47 or paragraphs "e," "f," "g," "u," "v," or "w" of section 4:22-26 of this Title, or were owned, possessed or kept with the intent that they should be so engaged or used, they shall be adjudged forfeited, and the court shall order the same sold in such manner as it shall deem

proper, and after deducting the costs and expenses, shall dispose of the proceeds as provided in section 4:22-55 of this Title.

A bird or animal found or adjudged to be of no use or value may be liberated or disposed of as directed by the court.

The costs of sheltering, caring for, treating, and if necessary, destroying an animal or creature, including veterinary expenses therefor, until the animal or creature is adjudged forfeited and sold, liberated, or disposed of pursuant to this section shall be borne by the owner of the animal or creature.

A creature or property which is adjudged not forfeited shall be returned to the owner, and the person making the seizure shall pay all costs and expenses thereof.

C.4:22-48.1 Owner to bear expenses.

6. a. A person authorized to take possession of a living animal or creature pursuant to R.S.4:22-47 may provide such shelter, care, and treatment therefor, including veterinary care and treatment, that is reasonably necessary, the costs of which shall be borne by the owner of the seized animal or creature.

b. Notwithstanding the provisions of R.S.4:22-48 to the contrary, a person seizing a living animal or creature pursuant to R.S.4:22-47 may destroy it before it is adjudged forfeited if the animal or creature is thought to be beyond reasonable hope of recovery, the cost of which destruction shall be borne by the owner of the seized animal or creature. A person destroying an animal or creature pursuant to the authority of this subsection shall not be liable therefor to the owner of the animal or creature.

7. This act shall take effect immediately.

Approved March 7, 1989.

CHAPTER 36

AN ACT concerning certain signs on school buses and repealing section 2 of P.L.1949, c.102.

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

Repealer.

1. Section 2 of P.L.1949, c.102 (C.39:4-128.2) is repealed.

2. This act shall take effect immediately.

Approved March 9, 1989.

CHAPTER 37

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the "Notice to Persons Desiring Civilian Absentee Ballots" and the "Notice to Military Service Voters and to Their Relatives and Friends" that were published pursuant to section 7 of P.L.1953, c.211 (C.19:57-7) were defective, and notwithstanding that notice of the election was not timely published in a newspaper as required by the provisions of N.J.S.18A:14-19; and notwithstanding that the Statements of the Results of the school district election were not properly completed by the election officers in accordance with N.J.S.18A:14-57; provided, however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 9, 1989.

CHAPTER 38

AN ACT concerning small loan companies and amending R.S.17:10-1, R.S.17:10-2, R.S.17:10-3, R.S.17:10-5, R.S.17:10-7, R.S.17:10-11, R.S.17:10-13, R.S.17:10-14, R.S.17:10-15, R.S.17:10-16, R.S.17:10-17, R.S.17:10-19, R.S.17:10-20 and P.L.1979, c.493.

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

1. R.S.17:10-1 is amended to read as follows:

Short title.

·17:10-1. Short title. This chapter shall be known and may be cited as the "Consumer Loan Act."

2. R.S.17:10-2 is amended to read as follows:

Loan business to be licensed; scope of chapter.

17:10-2. Loan Business to be Licensed; Scope of Chapter. No person, copartnership, association or corporation shall engage in the business of making loans of money, credit, goods or things in action in the amount of or the value of \$15,000.00 or less and charge, contract for, or receive a greater rate of interest, discount, or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder, except as authorized by this chapter and without first obtaining a license from the commissioner.

Any person, copartnership, association or corporation directly or indirectly engaging in the business of soliciting or taking applications for such loans of \$15,000.00 or less, or in the business of negotiating or arranging or aiding the borrower or lender in procuring or making such loans of \$15,000.00 or less, or in the business of buying, discounting or indorsing notes or of furnishing, or procuring guarantee or security for compensation in amounts of \$15,000.00 or less shall be deemed to be engaging in the business of making loans subject to the provisions of this chapter.

3. R.S.17:10-3 is amended to read as follows:

Applications; fees.

17:10-3. Application for the license shall be in writing, under oath or affirmation, and in the form prescribed by the commissioner. It shall state the name and address both of the residence and place of business of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each

officer and director thereof. It shall also state the county and municipality with street and number if any, where the business is to be conducted and any other information the commissioner requires. The applicant, at the time of making the application, shall pay to the commissioner, in an amount to be prescribed by rule or regulation of the commissioner, an application fee, not to exceed \$500.00 at the time of initial application, an initial investigation fee, not to exceed \$1,000.00, for investigating the application, a fee, not to exceed \$1,000.00, for investigating additional locations of licensees, and a biennial license fee, not to exceed \$1,000.00. The license shall run from the date of issuance to the end of the biennial period. When the initial license is issued in the second year of the biennial licensing period, the license fee shall be an amount equal to one-half of the licensing fee for the biennial licensing period.

In addition to the biennial license fee every licensee hereunder will pay to the commissioner the actual cost of each examination of his business as provided for in R.S.17:10-11.

Every applicant shall, in writing, and in due form to be prescribed by the commissioner, file with the application a duly executed instrument constituting the commissioner and his successors in office the true and lawful agent and attorney of the applicant in this State, upon whom all original process in any action or legal proceeding, caused by the operation of a small loan business under this chapter, against the applicant or licensee may be served, except the notices prescribed in R.S.17:10-7 and R.S.17:10-10. The applicant shall agree therein that any original process or legal proceeding, except as above stated, against the applicant or licensee shall be of the same force and effect as if served on the applicant or licensee personally. The commissioner shall keep a record of such process, showing the date and hour of service.

Every applicant shall also prove in form satisfactory to the commissioner, that the applicant has a net worth of at least \$100,000.00, and has available for the purpose of making loans under this chapter, at the location specified in the application, liquid assets of at least \$100,000.00, except that an applicant who holds a license pursuant to this chapter on the effective date of this 1989 amendatory act, shall not be required to prove and maintain at all times a net worth of at least \$100,000.00 and have available liquid assets of at least \$100,000.00 for the purpose of making loans under this chapter at the location specified in the application until five years after the effective date of this 1989 amendatory act.

4. R.S.17:10-5 is amended to read as follows:

Investigation; issuance of license.

17:10-5. (a) Investigation of application. Upon the filing of such application and the payment of such fees, the commissioner shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. Within 20 days after the filing of such application, he shall mail a notice of the receipt of the application to each licensee having a place of business in the county where the applicant proposes to do business. Every applicant shall within 10 days from the filing of the application cause to be published a notice of the application in a newspaper, designated by the commissioner, which has general circulation in the county in which the applicant proposes to do business and in the form prescribed by the commissioner. If objections to the issuance of the license are filed with the commissioner within 10 days after notice of the application has been mailed by the commissioner, he may designate a time and place for a hearing, which time shall not be less than 30 days nor more than 90 days after the 10-day limitation for filing objections has expired.

(b) Issuance of license. If the commissioner, upon the filing of the application and payment of the fees, finds that the financial responsibility, experience, character and general fitness of the applicant and members thereof if the applicant is a copartnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of this chapter and that the applicant has a net worth of at least \$100,000.00 and has available for the purpose of making loans under this chapter at the specified location liquid assets of at least \$100,000.00, except that an applicant who holds a license pursuant to this chapter on the effective date of this 1989 amendatory act shall not be required to have a net worth of at least \$100,000.00 and have available liquid assets of at least \$100,000.00 for the purpose of making loans under this chapter at the location specified in the application until five years after the effective date of this 1989 amendatory act, then he shall thereupon issue and deliver a license to the applicant to make loans in accordance with this chapter at the location specified in the application. The license shall remain in full force and effect until it is surrendered by the licensee or revoked or suspended as hereinafter provided.

If the commissioner shall not so find he shall not issue the license and he shall notify the applicant of the denial and return to the applicant the appointment for service of process and the sum paid by the applicant as a license fee, retaining the investigation and application fees to cover the costs of investigating and processing the application. The commissioner shall approve or deny every application for license hereunder within 180 days from the hearing, if any, but if there shall be no hearing then within 90 days after the 10-day limitation for filing objections has expired.

5. R.S.17:10-7 is amended to read as follows:

Net worth, asset requirements.

17:10-7. Every licensee shall have at all times a net worth of at least \$100,000.00 and shall maintain at all times assets of at least \$100,000.00 either in liquid form available for or actually used in the making of loans under this chapter at the location specified in the license, except that a licensee who holds a license pursuant to this chapter on the effective date of this 1989 amendatory act shall not be required to have at all times a net worth of at least \$100,000.00 and maintain at all times assets of at least \$100,000.00 either in liquid form available for or actually used in the making of loans under this chapter at the location specified in the license until five years after the effective date of this 1989 amendatory act.

6. R.S.17:10-11 is amended to read as follows:

Investigation by commissioner; annual examination.

17:10-11. Investigation by commissioner; annual examination. For the purpose of discovering violations of this chapter or securing information lawfully required by him hereunder, the commissioner may, at any time, either personally or by a person or persons duly designated by him, investigate the loans and business and examine the books, accounts, records, and files used therein, of every licensee and of every person, copartnership, association, and corporation who or which shall be engaged in the business described in R.S.17:10-2, whether such person, copartnership, association or corporation acts or claims to act as principal or agent, or under or without the authority of this chapter. For that purpose the commissioner and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons, copartnerships, associations, and corporations. The commissioner and all persons duly designated by him may require the attendance of and examine under oath or af-

firmation any person whose testimony he may require relative to such loans or such business.

The commissioner shall make an examination of the affairs, business, office, and records of each licensee as often as he deems necessary. The actual cost of every examination shall be paid to the commissioner by the licensee so examined.

7. R.S.17:10-13 is amended to read as follows:

Restrictions upon licensee; contract provisions for payments in installments.

17:10-13. Restrictions Upon Licensee; Contract Provisions for Payments in Installments. No licensee shall advertise, print, display, publish, distribute, telecast or broadcast, or permit to be advertised, printed, displayed, published, distributed, telecast or broadcast, any statement or representation which refers to the supervision by the State of the business licensed hereunder. No licensee or any other person shall knowingly in any such manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of \$15,000.00 or less, which is false, misleading, or deceptive.

No licensee shall make any loan upon security of any assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned, or to be earned, nor shall any such assignment or order be taken by a licensee at any time in connection with any loan, or for the enforcement of repayment thereof, and any such assignment or order hereafter so taken or given to secure any loan made by any licensee under this chapter shall be void and of no effect.

No licensee shall take a lien upon real estate as security for any loan under the provisions of this chapter, except such lien as is created by law upon the recording of a judgment.

No licensee shall conduct the business of making loans under the provisions of this chapter within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as may be authorized in writing by the commissioner.

No licensee shall transact such business or make any loan provided for by this chapter under any other name or at any other place of business than that named in the license.

No licensee which is a corporation shall publicly sell or offer for sale within this State any of its capital stock without the written approval of the commissioner first obtained.

Every loan contract, other than an open-end loan contract, shall provide for repayment of principal and interest combined in installments which shall be payable at approximately equal periodic intervals of time and which shall be so arranged that no installment is substantially greater in amount than any preceding installment, except that the repayment schedule may reduce or omit such installments when necessary because of the seasonal nature of the borrower's income.

8. R.S.17:10-14 is amended to read as follows:

Interest rate; increases, decreases.

17:10-14. Notwithstanding the provisions of R.S.31:1-1 or any other law to the contrary, every licensee hereunder may loan any sum of money not exceeding \$15,000.00 repayable in installments, and may charge, contract for and receive thereon interest at an annual percentage rate or rates agreed to by the licensee and the borrower.

A closed-end loan contract may provide for a variation in the rate of interest in which adjustments to the interest rate shall correspond directly to the movement of an interest rate index which is readily available to and verifiable by the borrower and is beyond the control of the lender. No increase during the entire loan term shall result in an interest rate of more than 6% per annum over the rate applicable initially, nor shall the rate be raised more than 3% per annum during any 12-month period. The lender shall not be obligated to decrease the interest rate more than 6% over the term of the loan, nor more than 3% per annum during any 12-month period. If a rate increase is applied to the loan, the lender shall also be obligated to adopt and implement uniform standards for decreasing the rate. If the contract provides for the possibility of an increase or decrease, or both in the rate, that fact shall be clearly described in plain language, in at least 8-point bold face type on the face of the contract. No rate increase shall take effect during the first three years of the term of the loan, or thereafter, (a) unless at least 90 days prior to the effective date of the first such increase, or 30 days prior to the effective date of any subsequent increase, a written notice has been mailed or delivered to the borrower that clearly and conspicuously describes such increase, and (b) unless at least 365 days have elapsed without any increase in the rate. No increase during the entire loan shall result in an interest rate of more than 6% per annum over the rate applicable initially, nor shall the rate be raised more than 3% per annum during any 12-month period. Where the loan contract so provides for an increase or decrease in the rate of interest, the provision of R.S.17:10-13 requiring that no installment be substan-

tially greater in amount than any preceding installment shall not apply.

An open-end loan agreement may provide that the lender may at any time, or from time to time, change the terms of the agreement, including the terms governing the periodic interest rate, calculation of interest or the method of computing the required amount of periodic installment payments, provided however, that:

a. the periodic interest rate shall not be changed more than once in each billing cycle;

b. any change in the periodic interest rate shall correspond to the movement of a market interest rate index specified in the agreement which is readily verifiable by the borrower and beyond the control of the lender;

c. a change in any term of the agreement including the periodic interest rate may be permitted to apply to any then-outstanding unpaid indebtedness in the borrower's account including any indebtedness which shall have arisen from advances obtained prior to the effective date of the change, provided that fact is clearly and conspicuously disclosed in the agreement;

d. if the agreement provides for the possibility of change in any term of the agreement including the rate, that fact shall be clearly described in plain language, in at least 8-point bold face type on the face of the written notice; and

e. no change in any term of the agreement or of the index specified in the agreement shall be effective unless: (1) at least 30 days prior to the effective date of the change, a written notice has been mailed or delivered to the borrower that clearly and conspicuously describes the change and the indebtedness to which it applies and states that the incurrence by the borrower or another person authorized by him of any further indebtedness under the law to which the agreement relates on or after the effective date of the change specified in the notice shall constitute acceptance of the change; and (2) either the borrower agrees in writing to the change or the borrower or another person authorized by him incurs such further indebtedness on or after the effective date of the change stated in such notice, which indebtedness may include outstanding balances.

The lender shall notify each affected borrower of any change in the manner set forth in the closed-end and open-end agreement governing the plan and in compliance with the requirements of the

federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and regulations promulgated thereunder, as in effect from time to time, if applicable.

The interest and periodic payments for loans at these rates shall be computed from standard tables based on the actuarial or annuity method which conforms to the so-called "United States Rule of Partial Payments," which provides that interest shall be calculated whenever a payment is made and the payment shall be first applied to the payment of interest and if it exceeds the interest due, the balance is to be applied to diminish principal. If the payment is insufficient to pay the entire amount of interest the balance of interest due shall not be added to principal, so as to produce interest thereon.

No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. For the purpose of computing interest, all installment payments shall be applied on the date of receipt, and interest shall be charged for the actual number of days elapsed at the daily rate of $1/365$ of the yearly rate.

No licensee shall induce or permit any person nor any husband and wife, jointly or severally, to become obligated, directly or contingently or both, under more than one contract of loan at the same time for the purpose of obtaining a higher rate of interest than would otherwise be permitted by this section. This prohibition shall not apply to any loan made pursuant to any other law of this State.

In addition to the interest herein provided for no further or other charge, or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or other thing or otherwise shall be directly or indirectly charged, contracted for, or received, except (1) amounts for insurance obtained or provided by the licensee in accordance with the provisions of this chapter; and (2) on actual sale of the security in foreclosure proceedings or upon the entry of judgment. If any interest, consideration or charges in excess of those permitted by this chapter are charged, contracted for or received, except as the result of a good faith error, the contract of loan shall be void and the licensee shall have no right to collect or receive any principal, interest, or charges whatsoever, and the borrower shall be entitled to recover from the lender any such sums paid or returned to the lender by the borrower on account of or in connection with the loan.*

9. R.S.17:10-15 is amended to read as follows:

Obligations of licensee.

17:10-15. Every licensee shall:

a. Deliver to the borrower at the time a loan is made a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, the payment schedule, the amount of interest charges, and the annual percentage rate of interest;

b. Give to any borrower who makes a payment in cash a plain and complete receipt for all payments made on account of the loan at the time payments are made, specifying the amount applied to interest and the amount, if any, applied to principal, and stating the unpaid balance, if any, of the loan;

c. Permit payment to be made in advance in any amount on any contract of loan at any time, but the licensee may apply the payment first to all interest in full at the agreed rate up to the date of payment;

d. Upon repayment of the loan in full, mark indelibly every obligation and security signed by the borrower with the word "paid" or "canceled," and release, or give the borrower evidence to release any mortgage, or security interest which no longer secures an obligation to the licensee, restore any pledge, cancel and return any note, and cancel and return any assignment given to the licensee by the borrower.

No licensee shall take any confession of judgment or any power of attorney. No licensee shall take any note, promise to pay, or security that does not accurately disclose the amount of the loan, the date of the loan, the payment schedule, the amount of interest charges, and the annual percentage rate of interest, nor any instrument in which blanks are left to be filled in after the loan is made.

10. R.S.17:10-16 is amended to read as follows:

Amount of charges limited.

17:10-16. Amount of Charges Limited. No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than he would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than \$15,000.00. The foregoing prohibition shall also apply to any licensee who permits any

person, as borrower or as indorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently or both under one or more loan contracts to the licensee at any time the sum of more than \$15,000.00 for principal.

11. R.S.17:10-17 is amended to read as follows:

Payment in consideration of assignment.

17:10-17. Payment in Consideration of Assignment. The payment of \$15,000.00 or less in money, credit, goods or things in action, as consideration for any sale, assignment or order for the payment of wages, salary, commissions or other compensation for services, whether earned or to be earned, shall, for the purposes of this chapter, be deemed a loan secured by the assignment. The transaction shall be governed by and subject to the provisions of this chapter and any such sale, assignment or order hereafter made shall, for the purposes of this chapter, be void and of no effect.

12. R.S.17:10-19 is amended to read as follows:

Payment in certain cases deemed a loan.

17:10-19. Payment in Certain Cases Deemed a Loan. The payment of \$15,000.00 or less in money, credit, goods or things in action as consideration for any sale of personal property which is made on condition that the property be sold back at a greater price shall, for the purposes of this chapter, be deemed to be a loan secured by the property and the amount by which the repurchase price exceeds the original payment actually paid shall be deemed interest or charges upon the loan from the date the original payment is made until the date the repurchase price is paid. The transaction shall be governed by and be subject to the provisions of this chapter.

13. R.S.17:10-20 is amended to read as follows:

Prohibited acts.

17:10-20. Prohibited Acts. No person, copartnership, association, or corporation, except as authorized by this chapter, shall directly or indirectly charge, contract for, or receive any interest, discount or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of \$15,000.00 or less.

The foregoing prohibition shall apply to any person, copartnership, association, or corporation who or which, by any device, subterfuge, or pretense, shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for the

loan, use, or forbearance of money, goods, or things in action or for the loan, use, or sale of credit.

No loans of the amount or value of \$15,000.00 or less for which a greater rate of interest, consideration, or charge than is permitted by this chapter has been charged, contracted for, or received, whenever made, shall be enforced in this State and any person, copartnership, association or corporation in anywise participating therein in this State shall be subject to the provisions of this chapter. The foregoing shall not apply to loans legally made in any state which then has in effect a regulatory small loan law similar in principle to this chapter, but an action to enforce any loan made in any such state to a person then residing in this State may be maintained in this State only if the amount of interest, discount, consideration or other charge for such loan, demanded to be paid in such action, does not exceed that permitted to a licensee by this chapter for a loan of the same amount repayable in the same manner.

14. This act shall take effect on the 120th day after enactment.

Approved March 9, 1989.

*Language inserted by line-item veto of Governor. See statement following.

STATEMENT TO CHAPTER 38
(Assembly Bill No. 557 (First Reprint))

Pursuant to Article V, Section I, paragraph 14 of the Constitution, I am returning Assembly Bill No. 557 (First Reprint) with my objections for reconsideration.

Assembly Bill No. 557 (First Reprint) would amend the "Small Loan Law" (R.S.17:10-1 et seq.) and change the name of the law to the "Consumer Loan Act." The bill includes many salutary provisions such as increasing the maximum amount that may be loaned from \$5,000 to \$15,000, requiring lenders to have net worth and available liquid assets of \$100,000, rather than the current requirement of \$25,000, and providing that any increases in interest rates be tied directly to an interest rate index which is readily available to and verifiable by the borrower and which is beyond the control of the lender.

However, the bill does contain one problem. Present law permits the lender to increase the interest rate subject to various safeguards granted to the borrower. The bill, in its present form, continues to allow for interest rate increases subject to increased safeguards for

the borrower; however, it permits the lender to change other terms in the contract without providing any safeguard to the borrower. While I believe the omission to be inadvertent, I cannot sign the bill in its present form.

There are other terms of a loan contract, besides the interest rate, which, if changed by a lender, could impact to the detriment of a borrower. One such change would be the minimum monthly payment. A small loan contract of this type would generally require a minimum monthly payment based upon a percentage of the outstanding balance. Under the terms of the present bill, a lender could unilaterally raise that percentage figure thereby substantially increasing the borrower's monthly liability. While the federal Truth in Lending Act (15 U.S.C. § 1601 et seq.) and the regulations promulgated thereunder would require the lender to notify the borrower of the change in terms, the borrower would be entitled to no more than that notice and would be left without any protection against the change. While I am mindful that competition and market conditions are likely to militate against changes in terms of the contract of such a nature, the possibility of such changes (without protection, of any kind, to the borrower) exists in the bill presently before me.

Therefore, I recommend that the bill be amended to provide protection to the borrower when the lender seeks to change any term in the agreement. In the bill before me, when the lender seeks to change the index to which the interest rate is tied, the borrower must accept the change either explicitly, in writing, or implicitly, by incurring further indebtedness. Under my proposal, the lender must obtain acceptance in a similar fashion before a change in any term of the contract ultimately becomes effective. Therefore, I herewith return Assembly Bill No. 557 (First Reprint) and recommend that it be amended as follows:

<u>Page 9, Section 8, Line 6:</u>	After "in" insert "any term of the agreement including"
<u>Page 9, Section 8, Line 12:</u>	After "in" insert "any term of the agreement including"
<u>Page 9, Section 8, Line 16:</u>	After "change" insert "in any term of the agreement or"

Respectfully,
Thomas H. Kean
Governor

CHAPTER 39

AN ACT concerning municipal appropriations for fire protection in certain cases and amending N.J.S.40A:14-35.

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

1. N.J.S.40A:14-35 is amended to read as follows:

Fire protection from adjoining municipality.

40A:14-35. The governing body of a municipality may appropriate such sums of money as shall be deemed necessary to aid a municipal paid or part-paid fire department and force in an adjoining municipality, or to aid a board of fire commissioners in a fire district or an independent or a volunteer fire company in an adjoining municipality if such department and force, or fire district or company own and maintain their own apparatus and equipment and habitually respond to fires in the first named municipality.

In any instance wherein any of the members of such a fire department and force, fire district or fire company are either answering or returning from a call for the purpose of aiding an adjoining municipality they shall not be liable for personal injuries or property damages caused by them in rendering such aid.

2. This act shall take effect immediately.

Approved March 9, 1989.

CHAPTER 40

AN ACT concerning certain costs incurred in the training and hiring of police officers by educational institutions, amending P.L.1987, c.47 and supplementing chapter 6 of Title 18A 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.1987, c.47 (C.40A:14-178) is amended to read as follows:

C.40A:14-178 Liability for training costs.

1. Whenever a person who resigned as a member of a county or municipal police department is appointed to the police department

of another county or municipality or the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) within 120 days of resignation, and that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the county or municipality or educational institution appointing the person is liable to the former county or municipal employer, as appropriate, for the total certified costs incurred by the former employer in the examination, hiring, and training of the person.

Whenever a person who resigned as a member of a county or municipal police department is appointed to the police department of another county or municipality or the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) within 120 days of resignation, and that person, at the time of resignation held a permanent appointment for more than 30 days but less than two years, the county or municipality or educational institution appointing the person is liable to the former county or municipal employer, as appropriate, for one-half of the total certified costs incurred by the former employer in the examination, hiring and training of that person.

The appointing county or municipality or educational institution shall notify the former employer immediately upon the appointment of a former employee and shall reimburse the former employer within 120 days of the receipt of the certified costs.

For the purposes of this act, "examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and the public advertisements for these examinations, and "training costs" means the police training course fees and the base salary received while attending the police training course, as required by P.L.1961, c.56 (C.52:17B-66 et seq.).

C.18A:6-4.12 Educational institution reimbursement.

2. a. If a person who was appointed as a police officer of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal police department within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the educational institution or county or municipal department appointing the person shall be liable to the former educational institution for the total certified costs incurred by that former educational institution in the examination, hiring, and training of the person.

b. If a person who was appointed as a police officer of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal police department within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the educational institution or county or municipal department appointing the person shall be liable to the former educational institution for one-half of the total certified costs incurred by that former institution in the examination, hiring, and training of the person.

c. The appointing educational institution or county or municipal police department shall notify the former educational institution immediately upon the appointment of a police officer formerly with that institution and shall reimburse the institution within 120 days of the receipt of the certified costs.

d. As used in this section, "examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations. "Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).

3. This act shall take effect immediately.

Approved March 9, 1989.

CHAPTER 41

AN ACT concerning municipal contributions to volunteer fire companies, and amending N.J.S.40A:14-34.

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

1. N.J.S.40A:14-34 is amended to read as follows:

Municipal appropriations to fire companies.

40A:14-34. The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of any fire district or volunteer fire companies located therein, up to a total appropriation of \$90,000.00 annually. In any municipality

in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional \$30,000.00 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality. In the case of a joint purchase made by the governing bodies of two or more municipalities pursuant to the provisions of the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

2. This act shall take effect January 1 next following enactment.

Approved March 9, 1989.

CHAPTER 42

AN ACT concerning the reporting of school fires and supplementing chapter 41 of Title 18A of the New Jersey Statutes.

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

C.52:27D-25d1 Public school fire data.

1. The bureau of fire safety in the Department of Community Affairs, in consultation with the Department of Education, shall maintain a system for gathering data on all fires that occur in any public school building or on public school property.

C.18A:41-5 Notification.

2. Each school district shall immediately notify the appropriate local fire department of any fire which occurs in a school building or on school property. The local fire department shall forward the data to the bureau of fire safety in the Department of Community Affairs.

C.52:27D-25d2 Annual report.

3. Annually the bureau of fire safety shall prepare a report summarizing the data collected on school fires and provide the report to the Commissioner of Education.

4. This act shall take effect on the 60th day following its enactment.

Approved March 9, 1989.

CHAPTER 43

AN ACT exempting boards of education from payment of fees for municipal development and construction permits and amending P.L.1975, c.291 and P.L.1985, c.409.

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

1. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to read as follows:

C.40:55D-8 Municipal fees; exemptions.

4. a. Every municipal agency shall adopt and may amend reasonable rules and regulations, not inconsistent with this act or with any applicable ordinance, for the administration of its functions, powers and duties, and shall furnish a copy thereof to any person upon request and may charge a reasonable fee for such copy. Copies of all such rules and regulations and amendments thereto shall be maintained in the office of the administrative officer.

b. Fees to be charged (1) an applicant for review of an application for development by a municipal agency, and (2) an appellant pursuant to section 8 of this act shall be reasonable and shall be established by ordinance.

c. A municipality may by ordinance exempt, according to uniform standards, charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. § 501(c) or (d)) from the payment of any fee charged under this act.

d. A municipality shall exempt a board of education from the payment of any fee charged under this act.

2. Section 1 of P.L.1985, c.409 (C.52:27D-126c) is amended to read as follows:

C.52:27D-126c Public building fee ban.

1. No county, municipality, or any agency or instrumentality thereof shall be required to pay any municipal fee or charge in order to secure a construction permit for the erection or alteration of any public building or part thereof from the municipality wherein the building may be located. No erection or alteration of any public building or part thereof by a county, municipality, school board, or any agency or instrumentality thereof shall be subject to any fee, including any surcharge or training fee, imposed by any department or agency of State government pursuant to any law, or rule or regulation, except that nothing contained in this section shall be interpreted as preventing the imposition of a fee upon a board of education by the Department of Education for plan review.

3. This act shall take effect immediately.

Approved March 9, 1989.

CHAPTER 44

AN ACT appropriating moneys from the Farmland Preservation Fund for the purchase of fee simple absolute titles to farmland for resale with agricultural deed restrictions and development easements on farmland, and to provide State matching funds for soil and water conservation projects.

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

1. There is appropriated to the Department of Agriculture from the Farmland Preservation Fund created by the "Farmland Preservation Bond Act of 1981" (P.L.1981, c.276), as amended by P.L.1987, c.240, the sum of \$40,000,000 for the purchase of fee simple absolute titles to farmland for resale with agricultural deed restrictions and the purchase of development easements on farmland, and to provide State matching funds for soil and water conservation projects.

2. The Director of the Division of Budget and Accounting in the Department of the Treasury shall make those corrections in the title or text of any appropriation item authorized under this act necessary

to make the appropriation available for the purposes for which it was intended. The corrections shall be made by a written ruling, which shall set forth an explanation of the need for the corrections and which shall be signed by the Director of the Division of Budget and Accounting and filed by the director in his office as an official record. Any action pursuant to that ruling, including disbursement and the audit thereof, shall be legally binding and of full effect. An official copy of each written ruling shall be transmitted to the Legislative Budget and Finance Officer upon the effective date of the ruling.

3. In order to provide flexibility in administering the provisions of this act, the Secretary of Agriculture may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item of appropriation to any other item of appropriation within the respective department accounts. The transfer shall be made upon the written approval of the director and of the Joint Budget Oversight Committee or its successor.

4. This act shall take effect immediately.

Approved March 13, 1989.

CHAPTER 45

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS	
66 DEPARTMENT OF LAW AND PUBLIC SAFETY	
10 Public Safety and Criminal Justice	
12 Law Enforcement	
06-1200 Patrol Activities and	
Crime Control	\$2,500,000

Special Purpose:

Middle Atlantic Great Lakes
Organized Crime Law
Enforcement Network (\$2,500,000)

2. There is created in the Department of Law and Public Safety a special account for the receipt of annual dues from law enforcement agencies which are members of the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network. Moneys deposited in this account are to be expended solely to defray the operating costs of the network.

3. This act shall take effect immediately.

Approved March 14, 1989.

CHAPTER 46

AN ACT concerning school district budgets and amending and supplementing N.J.S.18A:22-8.

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

1. N.J.S.18A:22-8 is amended to read as follows:

School budget itemization.

18A:22-8. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. In tabular form there shall be set forth the following:

(1) The amount of appropriation for the preceding school year, the amount transferred into or out of the item of appropriation for the preceding school year, the total expenditure for such item for the preceding school year, the amount appropriated for the current school year, the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for at least the following items:

- (a) Salaries—administration
- (b) Salaries—teaching

- (c) Salaries—custodial and maintenance
- (d) Categorical programs
 - (i) Salaries
 - (ii) Other
- (e) Utilities—including fuel
- (f) Textbooks
- (g) School supplies—educational
- (h) School supplies—maintenance and other
- (i) Libraries
- (j) Transportation of pupils
- (k) Insurance
- (l) Legal fees
- (m) Consulting fees, including negotiating fees
- (n) Contracts for maintenance
- (o) Furniture and equipment
- (p) Repairs and renewals
- (q) Evening schools
- (r) Classes for the foreign born
- (s) Vocational evening schools and courses
- (t) Tuition paid to other districts
- (u) Interest and debt redemption charges, in type II districts
- (v) Any other major purposes including any capital project which it is desired to include in the annual budget;
- (2) The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the ensuing school year;
- (3) The amount of revenue available for budget purposes for the preceding school year, the amount available for the current school

year and the amount anticipated to be available for the ensuing school year in the following categories:

- (a) Total to be raised by local property taxes
 - (b) Total State aid
 - (i) Equalization aid
 - (ii) Categorical aid
 - (iii) Transportation aid
 - (iv) Other
 - (c) Total Federal aid
 - (i) E.S.E.A. (P.L. 89-10)
 - (ii) Manpower development
 - (iii) Other
 - (iv) Other sources
- b. In addition, the commissioner may provide for a program budget system.

C.18A:19-15 Listing of payments.

2. Each board of education shall maintain a current and updated listing of payments made for: a. legal fees; b. consulting fees, including negotiating fees; and c. contracts for maintenance. Each list shall specify payees and amounts received during the previous and current school years.

Each of these lists shall be available for public inspection during normal business hours. Copies of the lists shall be made available to the public at a reasonable cost.

3. This act shall take effect immediately and shall be applicable to the 1989-90 school year and thereafter.

Approved March 14, 1989.

CHAPTER 47

AN ACT concerning the operation of recycling vehicles, 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:

Maximum dimensional limits.

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, 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 35 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 48 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 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.

(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 oper-

ation 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 105½ 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.

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. § 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. § 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

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
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

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
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 March 14, 1989.

CHAPTER 48

AN ACT concerning major medical expense benefits for retired employees in the State Health Benefits Program and amending P.L.1961, c.49.

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

1. Section 5 of P.L.1961, c.49 (C.52:14-17.29) is amended to read as follows:

C.52:14-17.29 State health benefits program.

5. (A) The contract or contracts purchased by the commission pursuant to section 4 shall provide separate coverages or policies as follows:

(1) Basic benefits which shall include:

(a) Hospital benefits, including outpatient;

(b) Surgical benefits;

(c) Inpatient medical benefits;

(d) Obstetrical benefits; and

(e) Services rendered by an extended care facility or by a home health agency and for specified medical care visits by a physician during an eligible period of such services, without regard to whether the patient has been hospitalized, to the extent and subject to the conditions and limitations agreed to by the commission and the carrier or carriers.

Basic benefits shall be substantially equivalent to those available on a group remittance basis to employees of the State and their dependents under the subscription contracts of the New Jersey "Blue Cross" and "Blue Shield" Plans. Such basic benefits shall include benefits for:

- (i) Additional days of inpatient medical service;
- (ii) Surgery elsewhere than in a hospital;
- (iii) X-ray, radioactive isotope therapy and pathology services;
- (iv) Physical therapy services;
- (v) Radium or radon therapy services;

and the extended basic benefits shall be subject to the same conditions and limitations, applicable to such benefits, as are set forth in "Extended Outpatient Hospital Benefits Rider," Form 1500, 71(9-66), and in "Extended Benefit Rider" (as amended), Form MS 7050J(9-66) issued by the New Jersey "Blue Cross" and "Blue Shield" Plans, respectively, and as the same may be amended or superseded, subject to filing by the Commissioner of Insurance; and

(2) Major medical expense benefits which shall provide benefit payments for reasonable and necessary eligible medical expenses for hospitalization, surgery, medical treatment and other related services and supplies to the extent they are not covered by basic benefits. The commission may, by regulation, determine what types of services and supplies shall be included as "eligible medical services" under the major medical expense benefits coverage as well as those which shall be excluded from or limited under such coverage. Benefit payments for major medical expense benefits shall be equal to a percentage of the reasonable charges for eligible medical services incurred by a covered employee or an employee's covered dependent, during a calendar year as exceed a deductible for such calendar year of \$100.00 subject to the maximums hereinafter provided and to the other terms and conditions authorized by this act. The percentage shall be 80% of the first \$2,000.00 of charges for eligible medical services incurred subsequent to satisfaction of the deductible and 100% thereafter. There shall be a separate deductible for each calendar year for (a) each enrolled employee and (b) all enrolled dependents of such employee. Not more than \$1,000,000.00 shall be paid for major medical expense benefits with respect to any one person for the entire period of such person's coverage under the plan, whether continuous or interrupted except that this maximum may

be reapplied to a covered person in amounts not to exceed \$2,000.00 a year. Maximums of \$10,000.00 per calendar year and \$20,000.00 for the entire period of the person's coverage under the plan shall apply to eligible expenses incurred because of mental illness or functional nervous disorders, and such may be reapplied to a covered person. The same provisions shall apply for retired employees and their dependents. Under the conditions agreed upon by the commission and the carriers as set forth in the contract, the deductible for a calendar year may be satisfied in whole or in part by eligible charges incurred during the last three months of the prior calendar year.

Any service determined by regulation of the commission to be an "eligible medical service" under the major medical expense benefits coverage which is performed by a duly licensed practicing psychologist within the lawful scope of his practice shall be recognized for reimbursement under the same conditions as would apply were such service performed by a physician.

(B) Benefits under the contract or contracts purchased as authorized by this act may be subject to such limitations, exclusions, or waiting periods as the commission finds to be necessary or desirable to avoid inequity, unnecessary utilization, duplication of services or benefits otherwise available, including coverage afforded under the laws of the United States, such as the federal medicare program, or for other reasons.

Benefits under the contract or contracts purchased as authorized by this act shall include those for the treatment of alcoholism where such treatment is prescribed by a physician and shall also include treatment while confined in or as an outpatient of a licensed hospital or residential treatment program which meets minimum standards of care equivalent to those prescribed by the Joint Commission on Hospital Accreditation. No benefits shall be provided beyond those stipulated in the contracts held by the State Health Benefits Commission.

(C) The rates charged for any contract purchased under the authority of this act shall reasonably and equitably reflect the cost of the benefits provided based on principles which in the judgment of the commission are actuarially sound. The rates charged shall be determined by the carrier on accepted group rating principles with due regard to the experience, both past and contemplated, under the contract. The commission shall have the right to particularize sub-

groups for experience purposes and rates. No increase in rates shall be retroactive.

(D) The initial term of any contract purchased by the commission under the authority of this act shall be for such period to which the commission and the carrier may agree, but permission may be made for automatic renewal in the absence of notice of termination by the commission. Subsequent terms for which any contract may be renewed as herein provided shall each be limited to a period not to exceed one year.

(E) The contract shall contain a provision that if basic benefits or major medical expense benefits of an employee or of an eligible dependent under the contract, after having been in effect for at least one month in the case of basic benefits or at least three months in the case of major medical expense benefits, is terminated, other than by voluntary cancellation of enrollment, there shall be a 31-day period following the effective date of termination during which such employee or dependent may exercise the option to convert, without evidence of good health, to converted coverage issued by the carriers on a direct payment basis. Such converted coverage shall include benefits of the type classified as "basic benefits" or "major medical expense benefits" in subsection (A) hereof and shall be equivalent to the benefits which had been provided when the person was covered as an employee. The provision shall further stipulate that the employee or dependent exercising the option to convert shall pay the full periodic charges for the converted coverage which shall be subject to such terms and conditions as are normally prescribed by the carrier for this type of coverage.

(F) The commission may purchase a contract or contracts to provide drug prescription and other health care benefits or authorize the purchase of a contract or contracts to provide drug prescription and other health care benefits as may be required to implement a duly executed collective negotiations agreement or as may be required to implement a determination by a public employer to provide such benefit or benefits to employees not included in collective negotiations units.

2. This act shall take effect immediately.

Approved March 14, 1989.

CHAPTER 49

AN ACT concerning special motor vehicle registration plates for certain service organizations and amending P.L.1987, c.374.

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

1. Section 1 of P.L.1987, c.374 (C.39:3-27.35) is amended to read as follows:

C.39:3-27.35 Organization vehicle registration plates.

1. A person who is a member in good standing of a nonprofit community, alumni or service organization in the State approved by the director pursuant to the provisions of this act may be issued special organization vehicle registration plates to be displayed on motor vehicles owned or leased by that person in place of standard registration plates.

2. Section 2 of P.L.1987, c.374 (C.39:3-27.36) is amended to read as follows:

C.39:3-27.36 Conditions for issuance.

2. Special organization vehicle registration plates shall be issued subject to the following conditions:

a. Each organization shall appoint an organization representative who will act as a liaison between the organization and the division.

b. The representative shall, upon application on behalf of any member, provide a copy of the charter of the organization to the division which shall indicate the organization's lawful purpose and shall also provide proof of its nonprofit status.

c. The representative shall submit an organization Certification of Membership when requested by the division and, once the organization and a registration plate arrangement under subsection d. are approved, forward a fee of no more than \$75.00 as determined by the director for each set of special organization vehicle registration plates, in addition to fees otherwise prescribed by law, for these plates. The Certification of Membership shall be printed at the organization's expense and contain the organization's official letterhead, the signature of the organization's representative, the names and addresses of organization members requesting special organization vehicle registration plates, and the present registration plate numbers of the vehicles of the members.

d. The representative also shall submit to the division the name or initials the organization wishes to be placed at the bottom of the plate and a logotype. The use and arrangement of the name, initials, or logotype of the organization on the registration plates shall be in the sole discretion of the director.

e. Special organization vehicle registration plates shall not be provided to any commercially registered vehicle or any motorcycle.

f. The initial order for plates shall be for no less than 500 members of the organization in good standing and shall be accompanied by the fees prescribed by the director, except that the initial order for plates submitted by a service organization shall be for no less than 175 members.

3. This act shall take effect immediately.

Approved March 14, 1989.

CHAPTER 50

AN ACT concerning relocation assistance to persons displaced by certain activities of the Department of Transportation or other entities, amending P.L.1971, c.361, and amending and supplementing P.L.1972, c.47.

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

1. Section 2 of P.L.1972, c.47 (C.27:7-73) is amended to read as follows:

C.27:7-73 Relocation assistance program.

2. The purpose of this act is to establish a uniform program for the fair and equitable treatment of persons displaced by the acquisition of real property by the Department of Transportation and by local governmental units utilizing funds of the Department of Transportation, State of New Jersey. This program shall comply with the rules and regulations of the Federal Highway Administration and the United States Department of Transportation relating to relocation assistance so as to fully qualify the New Jersey Department of Transportation for federal aid reimbursement under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,

as amended, including the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub.L.100-17 (23 U.S.C. § 101 et al.), and any successor or supplementary federal law. This program shall be uniform as to (a) relocation payments, (b) advisory assistance, (c) assurance of availability of standard housing and (d) State reimbursement for local relocation payments under State assisted and local programs.

2. Section 3 of P.L.1972, c.47 (C.27:7-74) is amended to read as follows:

C.27:7-74 Definitions.

3. As used in this act:

a. "Agency" means the entity public or private, including the State of New Jersey, Department of Transportation, counties, municipalities, and other public entities utilizing State or federal funds under an aid program administered by the State of New Jersey, Department of Transportation, which is condemning private property for a public purpose under the power of eminent domain. The Department of Transportation may exercise, on behalf of any county, municipality, or other public entity, as the case may be, the powers granted to these entities under P.L.1972, c.47 (C.27:7-72 et seq.) or this 1989 amendatory and supplementary act.

b. "Person" means any individual, partnership, corporation, or association.

c. "Displaced person" means, except as otherwise provided in this section, the following:

(1) A person who moves from real property, or moves his personal property from real property:

(a) as a direct result of a written notice of intent to acquire, or the acquisition of, the real property, in whole or part, for a program or project undertaken by an agency; or

(b) on which the person is a residential tenant or conducts a small business, a farm operation, or a business, as defined in paragraph (4) of subsection d. of this section, as a direct result of rehabilitation, demolition, or such other displacing activity as the agency may prescribe, under a program or project undertaken by the agency after determining that the displacement is permanent; and

(2) Solely for the purposes of subsections a. and b. of section 4 and section 7 of P.L.1972, c.47 (C.27:7-75 and C.27:7-78), any person

who moves from real property or moves his personal property from real property:

(a) as a direct result of a written notice of intent to acquire, or the acquisition of, other real property, in whole or in part, on which the person conducts a business or farm operation, for a program or project undertaken by an agency; or

(b) as a direct result of rehabilitation, demolition, or such other displacing activity as the agency may prescribe, or other real property on which the person conducts a business or a farm operation, under a program undertaken by an agency where the agency determines that such displacement is permanent.

The term “displaced person” does not mean: a person who has been determined, according to criteria established by the commissioner, to be either in unlawful occupancy of the displacement property or to have occupied the property for the purpose of obtaining assistance under this chapter; or in any case in which the agency acquires property for a program or project, any person, other than a person who was an occupant of the property at the time it was acquired, who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

d. “Business” means any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization;

(4) For the purposes of section 4 of this act for assisting in the purchase, sale, resale, manufacturing, processing or marketing of products, commodities, personal property or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

e. “Farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily

producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

f. "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property under the laws of the State in which the real property is located, together with credit instruments, if any, secured thereby.

g. "Commissioner" means the Commissioner of Transportation of the State of New Jersey.

h. "Department" means the New Jersey Department of Transportation.

i. "Comparable replacement dwelling" means any dwelling that meets the criteria established by the commissioner in accordance with federal standards with respect to safety, sanitation, size, affordability, functionality, environmental conditions, and location.

j. "Dwelling" means a structure, or portion thereof, which serves primarily as a residence for one or more persons.

3. Section 4 of P.L.1972, c.47 (C.27:7-75) is amended to read as follows:

C.27:7-75 Payments to displaced persons.

4. a. Whenever a program or project to be undertaken by an agency will result in the displacement of any person, the agency shall provide for the payment to the displaced person of:

(1) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency;

(3) Actual reasonable expenses in searching for a replacement business or farm; and

(4) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in an amount to be determined according to criteria and limits as established by the commissioner in accordance with federal standards.

b. Any displaced person eligible for payments under subsection

a. of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of payments authorized by subsection a. of this section may receive an expense and dislocation allowance, which shall be determined according to a schedule established by the commissioner.

c. Any displaced person eligible for payments under subsection a. of this section who is displaced from his place of business or farm operation and who is eligible under criteria established by the commissioner may elect to accept a payment authorized by this subsection in lieu of the payment authorized by subsection a. of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria and limits established by the commissioner. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection. All criteria and determinations made pursuant to this section shall be in accordance with applicable federal standards.

4. Section 5 of P.L.1972, c.47 (C.27:7-76) is amended to read as follows:

C.27:7-76 Additional payments to homeowners.

5. a. In addition to payments otherwise authorized by this act, the agency shall make an additional payment, within limits as established by regulations of the commissioner, in accordance with federal standards, to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for a period as established by regulations of the commissioner, in accordance with federal standards. Such additional payment shall include the following elements:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the agency, equals the reasonable cost of a comparable replacement dwelling. Determinations required to carry out this paragraph shall be made pursuant to regulations of the commissioner, in accordance with federal standards.

(2) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for a period as established by regulations of the commissioner, in accordance with federal standards.

(3) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

b. The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary, within one year after the date on which the person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 8 of P.L.1972, c.47 (C.27:7-79) is met, whichever is later, except that the displacing agency may extend the period for good cause. If the period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of the extended date.

5. Section 6 of P.L.1972, c.47 (C.27:7-77) is amended to read as follows:

C.27:7-77 Other displaced occupants.

6. a. In addition to amounts otherwise authorized by this act, an agency shall make a payment to or for any person displaced from any dwelling not eligible to receive a payment under section 5 of P.L.1972, c.47 (C.27:7-76), which dwelling was actually lawfully occupied by such displaced person for a period of time and under such circumstances as prescribed by regulations of the commissioner, in accordance with federal standards. Such payment shall be consistent with the computation of amounts, periods of time, and accommodation of income as set forth in those regulations. At the discretion of the agency, a payment under this subsection may be made in periodic installments.

b. Any person eligible for a payment under subsection a. of this section may elect to apply the payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. This person may, at the discretion of the agency, be eligible under this subsection for maximum amounts established, and under conditions specified, by regulations of the commissioner, in accordance with federal standards.

6. Section 7 of P.L.1972, c.47 (C.27:7-78) is amended to read as follows:

C.27:7-78 Relocation assistance advisory program.

7. a. Whenever the acquisition of real property for a program or

project undertaken by the agency will result in displacement, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed herein. If the agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer such person relocation advisory services under such program.

b. Each relocation assistance program required by subsection a. shall include such measures, facilities, or services that are consistent with regulations of the commissioner, in accordance with federal standards.

c. The agency shall coordinate its relocation activities with other federal, State or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

d. Notwithstanding subsection c. of section 3 of P.L.1972, c.47 (C.27:7-74), in any case in which an agency acquires property for a program or project, any person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the agency.

7. Section 8 of P.L.1972, c.47 (C.27:7-79) is amended to read as follows:

C.27:7-79 Comparable replacement dwelling assurance.

8. Whenever the acquisition of a dwelling for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this section, the agency shall assure that, within a reasonable amount of time, prior to displacement there will be available a comparable replacement dwelling, except that the commissioner may prescribe by regulation situations where such assurances may be waived.

8. Section 9 of P.L.1972, c.47 (C.27:7-80) is amended to read as follows:

C.27:7-80 Funding for replacement dwellings.

9. a. If a project cannot proceed on a timely basis because comparable replacement dwellings are not available, and the agency determines that such dwellings cannot otherwise be made available, the agency may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project. This

shall be done on a case-by-case basis for good cause as determined in accordance with such regulations as the commissioner may issue. The regulations shall be consistent with applicable federal program requirements.

b. No person shall be required to move from his dwelling on account of any program or project undertaken by any agency, unless the agency is satisfied that a comparable replacement dwelling is available to such person.

9. Section 10 of P.L.1972, c.47 (C.27:7-81) is amended to read as follows:

C.27:7-81 Payment deemed not income, resources.

10. No payment received by a displaced person under this act shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any State law or for the purposes of the State's corporation tax law, State income tax or other tax laws. Such payment shall not be considered as income or resources of any recipient of public assistance and such payment shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

10. Section 11 of P.L.1972, c.47 (C.27:7-82) is amended to read as follows:

C.27:7-82 Coordination with other programs.

11. The payments authorized in this act shall not be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this act and such payments are to be in addition to the just compensation established in the condemnation proceedings but only to the extent that they are not otherwise included within the condemnation award. No payment or assistance shall be required to be made to any person or included as a program or project cost under P.L.1972, c.47 (C.27:7-72 et seq.) if the person receives a payment required by federal or State law, or local ordinance, which is determined to have substantially the same purpose and effect as the payments authorized under this act.

11. Section 13 of P.L.1972, c.47 (C.27:7-84) is amended to read as follows:

C.27:7-84 Rules, regulations.

13. a. To carry into effect the provisions of this act and to fully qualify the Department of Transportation for federal aid reimburse-

ment under the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, including the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub.L.100-17 (23 U.S.C. § 101 et al.), and any successor or supplementary federal law, the commissioner is authorized to make such rules and regulations as he may determine to be necessary to assure (1) that the payments and assistance authorized by this act shall be fair and reasonable and as uniform as practicable; (2) a displaced person who makes proper application for a payment authorized for such person by this act shall be paid promptly after a move or in hardship cases, be paid in advance; and (3) that any person aggrieved by a determination as to eligibility for a payment authorized by this act, or the amount of the payment, may have his application reviewed by the commissioner or his designated appointee.

b. The commissioner may make such other rules and regulations consistent with the provisions of this act as he deems necessary or appropriate to carry out this act.

c. The commissioner, to achieve a uniform administration of related federal and State laws, may adopt all or any part of applicable federal law, rules and regulations.

d. Insofar as is consistent with other provisions of this act, the commissioner shall adopt the same standards, rules and regulations with regard to relocation assistance and relocation payments for all transportation projects whether or not such transportation projects are subject to standards, rules and regulations of relocation assistance and relocation payments required by the Federal Highway Administration or the United States Department of Transportation as a condition of receiving federal aid funds.

12. The regulations of the commissioner adopted prior to the effective date of this 1989 amendatory and supplementary act shall continue in effect until new regulations are adopted by the commissioner pursuant to this 1989 amendatory and supplementary act.

13. Section 26 of P.L.1971, c.361 (C.20:3-26) is amended to read as follows:

C.20:3-26 Owner reimbursement by condemnor.

26. a. The condemnor, as soon as practicable after the date of payment of the acquisition price or the date of deposit in court of funds to satisfy the award of compensation, whichever is earlier, shall reimburse the owner for actual expenses he necessarily incurred for

(1) recording fees, transfer taxes and similar expenses incidental to conveying such real property to the condemnor; and

(2) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the condemnor, or the effective date of possession of such real property by the condemnor, whichever is earlier; and

(3) Penalty costs for prepayment of any mortgage entered into in good faith encumbering real property if the mortgage is on record or has been filed for record as provided by law on the date of approval by the taking agency of the location of the project. As used in this subsection "taking agency" means an "agency" as defined under section 3 of P.L.1972, c.47 (C.27:7-74).

b. If the court renders final judgment that the condemnor cannot acquire the real property by condemnation or, if the condemnation action is abandoned by the condemnor, then the court shall award the owner of any right, or title to, or interest in such real property, such sum as will reimburse such owner for his reasonable costs, disbursements and expenses actually incurred, including reasonable attorney, appraisal, and engineering fees.

c. When a plaintiff shall have brought an action to compel condemnation against a defendant having the power to condemn, the court or representative of the defendant in case of settlement shall, in its discretion, award such plaintiff his reasonable costs, disbursements, and expenses, including reasonable appraisal, attorney and engineering fees actually incurred regardless of whether the action is terminated by judgment or amicable agreement of the parties.

14. This act shall take effect immediately.

Approved March 14, 1989.

CHAPTER 51

AN ACT establishing a Governor's Council on Alcoholism and Drug Abuse, supplementing Title 26 of the Revised Statutes, amending P.L.1983, c.531 and N.J.S.2C:35-15, repealing P.L.1983, c.304 and section 4 of P.L.1975, c.305, and making an appropriation therefor.

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

C.26:2BB-1 Findings, declarations.

1. The Legislature finds and declares that: alcoholism and drug abuse are major health problems facing the residents of this State; aspects of these problems extend into many areas under various State departments; placement in, but not of, the State Department of the Treasury is the most appropriate and logical location for focusing a coordinated planning and review effort to ameliorate these problems and for establishing a Governor's Council on Alcoholism and Drug Abuse as an independent coordinating, planning, research and review body regarding all aspects of alcoholism and drug abuse; and a merger of the Division of Alcoholism and the Division of Narcotic and Drug Abuse Control within the State Department of Health will enhance the effectiveness of the State's role in formulating comprehensive and integrated public policy and providing effective treatment, prevention and public awareness efforts against alcoholism and drug abuse.

The Legislature further finds and declares that: as the cooperation and active participation of all communities in the State is necessary to achieve the goal of reducing alcoholism and drug abuse, there should be established within the Governor's Council on Alcoholism and Drug Abuse, an Alliance to Prevent Alcoholism and Drug Abuse, to unite the communities of this State in a coordinated and comprehensive effort; and that the full resources of this State including counties, municipalities and residents of the State must be mobilized in a persistent and sustained manner in order to achieve a response capable of meaningfully addressing not only the symptoms but the root causes of this pervasive problem.

C.26:2BB-2 Governor's Council on Alcoholism and Drug Abuse.

2. There is created a 24-member council in, but not of, the Department of the Treasury which shall be designated as the Governor's Council on Alcoholism and Drug Abuse. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Governor's Council on Alcoholism and Drug Abuse is allocated to the Department of the Treasury, but, notwithstanding the allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

The council shall consist of 10 ex officio members and 14 public members.

a. The ex officio members of the council shall be: the Attorney General, the Commissioners of the Departments of Labor, Education, Human Services, Health, Community Affairs, Personnel and Corrections, the Chancellor of Higher Education, and the Administrative Director of the Administrative Office of the Courts. An ex officio member may designate an officer or employee of the department or office which he heads to serve as his alternate and exercise his functions and duties as a member of the Governor's Council on Alcoholism and Drug Abuse.

b. The 14 public members shall be residents of the State who are selected for their knowledge, competence, experience or interest in connection with alcoholism or drug abuse. They shall be appointed as follows: two shall be appointed by the President of the Senate, two shall be appointed by the Speaker of the General Assembly and 10 shall be appointed by the Governor, with the advice and consent of the Senate. At least two of the public members appointed by the Governor shall be rehabilitated alcoholics and at least two of the public members appointed by the Governor shall be rehabilitated drug abusers.

c. The term of office of each public member shall be three years; except that of the first members appointed, four shall be appointed for a term of one year, five shall be appointed for a term of two years and five shall be appointed for a term of three years. Each member shall serve until his successor has been appointed and qualified, and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. A public member is eligible for reappointment to the council.

d. The chairman of the council shall be appointed by the Governor from among the public members of the council and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chairman's successor. The members of the council shall elect a vice-chairman from among the members of the council. The Governor may remove any public member for cause, upon notice and opportunity to be heard.

e. The council shall meet at least monthly and at such other times as designated by the chairman. Thirteen members of the council shall constitute a quorum. The council may establish any advisory committees it deems advisable and feasible.

f. The chairman shall be the request officer for the council within the meaning of such term as defined in section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15).

g. The public members of the council shall receive no compensation for their services, but shall be reimbursed for their expenses incurred in the discharge of their duties within the limits of funds appropriated or otherwise made available for this purpose.

C.26:2BB-3 Appointment of executive director, staff.

3. a. The Governor's Council on Alcoholism and Drug Abuse shall be administered by an executive director who shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the executive director's successor.

b. The executive director shall be a person qualified by training and experience to perform the duties of the council.

c. The executive director shall have the authority to employ a deputy executive director, who shall be in the unclassified service of the Civil Service, and such staff as are necessary to accomplish the work of the council within the limits of available appropriations. The executive director may delegate to subordinate officers or employees of the council any of his powers which he deems desirable to be exercised under his supervision and control. All employees of the council except the executive director and the deputy executive director shall be in the career service of the Civil Service.

d. The executive director shall attend all meetings of the Governor's Council on Alcoholism and Drug Abuse.

C.26:2BB-4 Authority, powers of council.

4. The Governor's Council on Alcoholism and Drug Abuse is authorized and empowered to:

a. Review and coordinate all State departments' efforts in regard to the planning and provision of treatment, prevention, research, evaluation, and education services for, and public awareness of, alcoholism and drug abuse;

b. Prepare by July 1 of each year, the State government component of the Comprehensive Statewide Alcoholism and Drug Abuse Master Plan for the treatment, prevention, research, evaluation, education and public awareness of alcoholism and drug abuse in this State, which plan shall include an emphasis on prevention, community awareness, and family and youth services;

c. Review each County Annual Alliance Plan and the recommendations of the Division of Alcoholism and Drug Abuse in the Depart-

ment of Health for awarding the Alliance grants and, by October 1 of each year, return the plan to the Local Advisory Committee on Alcoholism and Drug Abuse with the council's proposed recommendations for awarding Alliance grants;

d. Submit to the Governor and the Legislature by December 1 of each year the Comprehensive Statewide Alcoholism and Drug Abuse Master Plan which shall include recommended appropriate allocations to State departments, local governments and local agencies and service providers of all State and federal funds for the treatment, prevention, research, evaluation, education and public awareness of alcoholism and drug abuse in accordance with the regular budget cycle, and shall incorporate and unify all State, county, local and private alcohol and drug abuse initiatives;

e. Distribute grants, upon the recommendation of the executive director of the council, by August 1 of each year to counties and municipalities for alcohol and drug abuse programs established under the Alliance to Prevent Alcoholism and Drug Abuse;

f. Evaluate the existing funding mechanisms for alcoholism and drug abuse services and recommend to the Governor and the Legislature any changes which may improve the coordination of services to citizens in this State;

g. Encourage the development or expansion of employee assistance programs for employees in both government and the private sector;

h. Evaluate the need for, and feasibility of, including other addictions, such as smoking and gambling, within the scope and responsibility of the council;

i. Collect from any State, county, local governmental entity or any other appropriate source data, reports, statistics or other materials which are necessary to carry out the council's functions; and

j. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to carry out the purposes of this act.

The council shall not accept or receive moneys from any source other than moneys deposited in, and appropriated from, the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15 and any moneys appropriated by law for operating expenses of the council or appropriated pursuant to section 19 of P.L.1989, c.51.

C.26:2BB-5 Division of Alcoholism and Drug Abuse.

5. There is established in the Department of Health a Division of Alcoholism and Drug Abuse.

The division shall be administered by a Deputy Commissioner of Health. The deputy commissioner shall be a person qualified by training and experience to perform the duties of his office. The deputy commissioner shall be appointed by the commissioner with the approval of the Governor and shall serve at the pleasure of the commissioner during the commissioner's term of office and until the appointment and qualification of the deputy commissioner's successor. The deputy commissioner shall receive a salary which shall be provided by law.

The Commissioner of Health shall report annually to the Governor and the Legislature on the activities of the division and include in that annual report an assessment of the adequacy of the current delivery of treatment services in the State and of the need for additional treatment services.

C.26:2BB-6 Transfer of functions, powers, duties.

6. All the functions, powers and duties of the Director of the Division of Alcoholism and the Director of the Division of Narcotic and Drug Abuse Control are transferred to and vested in the Deputy Commissioner of Health for the Division of Alcoholism and Drug Abuse, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

C.26:2BB-7 Alliance to Prevent Alcoholism and Drug Abuse.

7. a. There is created an Alliance to Prevent Alcoholism and Drug Abuse, hereinafter referred to as the "Alliance," in the Governor's Council on Alcoholism and Drug Abuse. The purpose of the Alliance is to create a network comprised of all the communities in New Jersey which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse. The Alliance shall be a mechanism both for implementing policies to reduce alcoholism and drug abuse at the municipal level, and for providing funds, including moneys from mandatory penalties on drug offenders, to member communities to support appropriate county and municipal-based alcohol and drug abuse education and public awareness activities.

b. The Governor's Council on Alcoholism and Drug Abuse shall adopt rules and regulations for participation in, and the operation of, the Alliance and for the awarding of grants to municipalities and counties from funds appropriated for such purposes pursuant to P.L.1989, c.51 (C.26:2BB-1 et al.) and funds derived from the "Drug

Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15, for the purpose of developing:

(1) Organized and coordinated efforts involving schools, law enforcement, business groups and other community organizations for the purpose of reducing alcoholism and drug abuse;

(2) In cooperation with local school districts, comprehensive and effective alcoholism and drug abuse education programs in grades kindergarten through 12;

(3) In cooperation with local school districts, procedures for the intervention, treatment and discipline of students abusing alcohol or drugs;

(4) Comprehensive alcoholism and drug abuse education, support and outreach efforts for parents in the community; and

(5) Comprehensive alcoholism and drug abuse community awareness programs.

c. Funds disbursed under this section shall not supplant local funds that would have otherwise been made available for alcoholism and drug abuse initiatives. Communities shall provide matching funds when and to the extent required by the regulations adopted pursuant to this section.

d. The county agency or individual designated by the governing body of each county pursuant to subsection a. of section 4 of P.L.1983, c.531 (C.26:2B-33), is authorized to receive from the Governor's Council on Alcoholism and Drug Abuse moneys made available pursuant to this section. The designated county agency or individual shall establish a separate fund for the receipt and disbursement of these moneys.

C.26:2BB-8 County Alliance Steering Subcommittee; functions and powers; review and revision of plan.

8. a. Each Local Advisory Committee on Alcoholism and Drug Abuse, established pursuant to section 4 of P.L.1983, c.531 (C.26:2B-33), shall establish a County Alliance Steering Subcommittee in conjunction with regulations adopted by the Governor's Council on Alcoholism and Drug Abuse. The members of the subcommittee shall include, but not be limited to, private citizens and representatives of the:

(1) Local Advisory Committee on Alcoholism and Drug Abuse;

(2) County Human Services Advisory Council;

- (3) County Superintendent of Schools;
 - (4) Existing county council on alcoholism, if any;
 - (5) County Prosecutor's office;
 - (6) Family part of the Chancery Division of the Superior Court;
 - (7) Youth Services Commission;
 - (8) County School Board Association;
 - (9) County health agency;
 - (10) County mental health agency;
 - (11) Local businesses;
 - (12) County affiliate of the New Jersey Education Association;
- and
- (13) Other service providers.

b. The functions of the County Alliance Steering Subcommittee shall include:

- (1) Development and submission of a County Annual Alliance Plan for the expenditure of funds derived from the "Drug Enforcement and Demand Reduction Fund," N.J.S.2C:35-15;
- (2) Development of programs and fiscal guidelines consistent with directives of the Governor's Council on Alcoholism and Drug Abuse for the awarding of funds to counties and municipalities for drug and alcohol Alliance activities;
- (3) Identification of a network of community leadership for the expansion, replication and development of successful community model programs throughout the county; and
- (4) Coordination of projects among and within municipalities to assure cost effectiveness and avoid fragmentation and duplication.

c. The County Alliance Steering Subcommittee shall ensure that the funds dedicated to education pursuant to section 2 of P.L.1983, c.531 (C.54:32C-3.1) do not duplicate the Alliance effort.

d. The Local Advisory Committee on Alcoholism and Drug Abuse shall review and approve the County Annual Alliance Plan and submit this plan by July 1 of each year to the Division of Alcoholism and Drug Abuse in the Department of Health and to the Governor's Council on Alcoholism and Drug Abuse.

e. After the County Annual Alliance Plan is returned by the Governor's Council on Alcoholism and Drug Abuse to the Local Advisory Committee on Alcoholism and Drug Abuse with the council's proposed recommendations for awarding the Alliance grants, pursuant to subsection c. of section 4 of this amendatory and supplementary act, the committee, in conjunction with the council, may revise its plan in accordance with the council's proposed recommendations.

The revised plan shall be completed in such time that it can be included in the council's recommendations to the Governor and the Legislature that are due on December 1 of each year.

C.26:2BB-9 Municipal Alliance Committee.

9. The governing body of each municipality may appoint a Municipal Alliance Committee, or join with one or more municipalities to appoint a Municipal Alliance Committee. Membership on the Municipal Alliance Committee may include the chief of police; the president of the school board; the superintendent of schools; a student assistance coordinator; a representative of the parent-teacher association; a representative of the local bargaining unit for teachers; a representative of the Chamber of Commerce; a municipal court judge; representatives of local civic associations; representatives of local religious groups; and private citizens.

The Municipal Alliance Committee, in consultation with the Local Advisory Committee on Alcoholism and Drug Abuse, shall identify alcoholism and drug prevention, education and community needs. The committee also shall implement the Alliance programs formulated pursuant to section 8 of P.L.1989, c.51 (C.26:2BB-8). The governing body of a municipality may match any funds it receives from the Alliance.

C.26:2BB-10 Rules, regulations.

10. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt rules and regulations necessary to establish the Division of Alcoholism and Drug Abuse pursuant to this act.

C.26:2BB-11 Advisory commission abolished.

11. The advisory commission to the Alcohol Education, Rehabilitation and Enforcement Fund, established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32), is abolished.

C.26:2BB-12 Supersedure, repeal of inconsistent acts.

12. All acts and parts of acts inconsistent with any of the

provisions of this amendatory and supplementary act are, to the extent of such inconsistency, superseded and repealed.

13. Section 3 of P.L.1983, c.531 (C.26:2B-32) is amended to read as follows:

C.26:2B-32 Fund established.

3. An Alcohol Education, Rehabilitation and Enforcement Fund is established as a nonlapsing, revolving fund in a separate account in the Department of Health. The fund shall be credited with 10.75% of the tax revenues collected pursuant to section 3 of P.L.1980, c.62 (C.54:32C-3). Interest received on moneys in the fund shall be credited to the fund. Pursuant to the formula set forth in section 5 of this act, moneys appropriated pursuant to law shall only be distributed to the counties by the Department of Health, without the assessment of administrative costs, to develop and implement an annual comprehensive plan for the treatment of alcoholics and drug abusers and for the expenditures established in section 2 of this act.

14. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to read as follows:

C.26:2B-33 Plan for community services.

4. a. The governing body of each county, in conjunction with the county agency, or individual, designated by the county with the responsibility for planning services and programs for the care or rehabilitation of alcoholics and drug abusers, shall submit to the Deputy Commissioner for the Division of Alcoholism and Drug Abuse and the Governor's Council on Alcoholism and Drug Abuse an annual comprehensive plan for the provision of community services to meet the needs of alcoholics and drug abusers.

b. The annual comprehensive plan shall address the needs of urban areas with a population of 100,000 or over and shall demonstrate linkage with existing resources which serve alcoholics and drug abusers and their families. Special attention in the plan shall be given to alcoholism and drug abuse and youth; drinking and drug abusing drivers; women and alcoholism and drug abuse; the disabled and alcoholism and drug abuse; alcoholism and drug abuse on the job; alcoholism and drug abuse and crime; public information; and educational programs as defined in subsection c. of this section. Each county shall identify, within its annual comprehensive plan, the Intoxicated Driver Resource Center which shall service its population, as is required under subsection (f) of R.S.39:4-50. The plan may involve the provision of programs and services by the county, by an agreement with a State agency, by private organizations,

including volunteer groups, or by some specified combination of the above.

If the State in any year fails to deposit a minimum of 10.75% of the receipts derived from the tax under section 3 of P.L.1980, c.62 (C.54:32C-3), a county may reduce or eliminate, or both, the operation of existing programs currently being funded from the proceeds deposited in the Alcohol Education, Rehabilitation and Enforcement Fund.

c. Programs established with the funding for education as provided in section 2 of this act shall include all courses in the public schools required pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for students included in the annual comprehensive plan for each county, and in-service training programs for teachers and administrative support staff including nurses, guidance counselors, child study team members, and librarians. All moneys dedicated in section 2 of this act for education shall be allocated through the designated county alcoholism and drug abuse agency and all programs shall be consistent with the annual comprehensive county plan submitted to the Deputy Commissioner for the Division of Alcoholism and Drug Abuse and the Governor's Council on Alcoholism and Drug Abuse pursuant to this section. Moneys dedicated to education from the fund shall be first allocated in an amount not to exceed 20% of the annual education allotment for the in-service training programs, which shall be conducted in each county through the office of the county alcoholism and drug abuse coordinator in consultation with the county superintendent of schools, local boards of education, local councils on alcoholism and drug abuse and institutions of higher learning, including the Rutgers University Center of Alcohol Studies. The remaining money in the education allotment shall be assigned to offset the costs of programs such as those which assist employees, provide intervention for staff members, assist and provide intervention for students and focus on research and educate about youth and drinking and using drugs. These funds shall not replace any funds being currently spent on education and training by the county.

d. The governing body of each county, in conjunction with the county agency, or individual, designated by the county with responsibility for services and programs for the care or rehabilitation of alcoholics and drug abusers, shall establish a Local Advisory Committee on Alcoholism and Drug Abuse to assist the governing body in development of the annual comprehensive plan. The advisory committee shall consist of no less than 10 nor more than 16 members

and shall be appointed by the governing body. At least two of the members shall be recovering alcoholics and at least two of the members shall be recovering drug abusers. The committee shall include the county prosecutor or his designee, a wide range of public and private organizations involved in the treatment of alcohol and drug-related problems and other individuals with interest or experience in issues concerning alcohol and drug abuse. Each committee shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the county in which it serves.

Within 60 days of the effective date of P.L.1989, c.51 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcoholism and Drug Abuse shall organize and elect a chairman from among its members.

e. The Deputy Commissioner for the Division of Alcoholism and Drug Abuse shall review the county plan pursuant to a procedure developed by the deputy commissioner. In determining whether to approve an annual comprehensive plan under this act, the deputy commissioner shall consider whether the plan is designed to meet the goals and objectives of the "Alcoholism Treatment and Rehabilitation Act," P.L.1975, c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug Abuse Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.) and whether implementation of the plan is feasible. Each county plan submitted to the deputy commissioner shall be presumed valid; provided it is in substantial compliance with the provisions of this act. Where the department fails to approve a county plan, the county may request a court hearing on that determination.

15. Section 5 of P.L.1983, c.531 (C.26:2B-34) is amended to read as follows:

C.26:2B-34 Allotment formula.

5. a. Allotments to each county whose annual comprehensive plan is approved pursuant to the provisions of section 4 of this act shall be made on the basis of the following formula:

$$\begin{aligned} \text{County Allotment} = & \frac{\text{Population of County} \times \text{Total Funds Appropriated}}{\text{Population of State}} \\ & \times .5 \times \frac{\text{Per Capita Income of State (3 yr. average)}}{\text{Per Capita Income of County (3 yr. average)}} \\ & + .5 \times \frac{\text{Need in County}}{\text{Need in State}} \end{aligned}$$

in which Need in County and Need in State are estimates of the

prevalence of alcoholism according to the current New Jersey Behavioral Health Services Plan. The funds dedicated for the provision of educational programs pursuant to section 2 of this act shall be allocated to the counties on the basis of this formula.

b. As a condition for receiving the allotment calculated in subsection a. of this section, a county shall contribute a sum not less than 25% of that county's allotment to fund community services for alcoholics pursuant to the county's annual comprehensive plan. Those alcoholism education, prevention and treatment programs already existing in a county may be combined under the county plan which establishes the annual comprehensive plan to be approved by the Deputy Commissioner for the Division of Alcoholism and Drug Abuse in the Department of Health. In determining the sum of money to be contributed by each county, the required 25% minimum county contribution may include any moneys currently appropriated by the county to meet the needs of the alcoholism programs.

16. N.J.S.2C:35-15 is amended to read as follows:

Mandatory drug enforcement and demand reduction penalties; collection; disposition; suspension.

2C:35-15. Mandatory Drug Enforcement and Demand Reduction Penalties; Collection; Disposition; Suspension.

a. In addition to any 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 can be ordered for an adjudication of delinquency, every person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall be assessed for each such offense a penalty fixed at:

- (1) \$3,000.00 in the case of a crime of the first degree;
- (2) \$2,000.00 in the case of a crime of the second degree;
- (3) \$1,000.00 in the case of a crime of the third degree;
- (4) \$750.00 in the case of a crime of the fourth degree;
- (5) \$500.00 in the case of a disorderly persons or petty disorderly persons offense.

Every person placed in supervisory treatment pursuant to the provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of any offense defined in this chapter or chapter 36 of this title shall be assessed the penalty prescribed herein and applicable to the degree

of the offense charged, except that the court shall not impose more than one such penalty regardless of the number of offenses charged. If the person is charged with more than one offense, the court shall impose as a condition of supervisory treatment the penalty applicable to the highest degree offense for which the person is charged.

All penalties provided for in this section shall be in addition to and not in lieu of any fine authorized by law or required to be imposed pursuant to the provisions of N.J.S.2C:35-12.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L. 1979, c.396 (C.2C:46-4), and shall be forwarded to the Department of the Treasury as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Drug Enforcement and Demand Reduction Fund." Monies in the fund shall be appropriated by the Legislature on an annual basis for the purposes of funding the Alliance to Prevent Alcoholism and Drug Abuse and other alcohol and drug abuse programs and shall not be used to fund administrative costs.

d. All moneys, including fines and restitution, collected from a person convicted of or adjudicated delinquent for an offense or placed in supervisory treatment pursuant to N.J.S.2C:43-12 shall be applied first to any Violent Crimes Compensation Board penalty imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), and shall next be applied to any forensic laboratory fee assessed pursuant to N.J.S.2C:35-20, and shall next be applied to any penalty imposed pursuant to this section.

e. The court may suspend the collection of a penalty imposed pursuant to this section; provided the defendant agrees to enter a residential drug rehabilitation program approved by the court; and further provided that the defendant agrees to pay for all or some portion of the costs associated with the rehabilitation program. In this case, the collection of a penalty imposed pursuant to this section shall be suspended during the defendant's participation in the approved rehabilitation program. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty imposed pursuant to this section by any amount actually paid by the defendant for his participation in the program. The court shall not reduce the penalty pursuant to this subsection unless the defendant establishes to the satisfaction of the court that he has success-

fully completed the rehabilitation program. If the defendant's participation is for any reason terminated before his successful completion of the rehabilitation program, collection of the entire penalty imposed pursuant to this section shall be enforced. Nothing in this section shall be deemed to affect or suspend any other criminal sanctions imposed pursuant to this chapter or chapter 36 of this title.

C.26:2BB-13 Evaluation.

17. Two years after the date of enactment of this amendatory and supplementary act, the Governor shall contract with an independent evaluator who shall review and evaluate the effectiveness of the Governor's Council on Alcoholism and Drug Abuse in, but not of, the Department of the Treasury and the Division on Alcoholism and Drug Abuse in the Department of Health. Within one year after being appointed, the evaluator shall make recommendations to the Governor and the Legislature regarding the continuation of the council and the organization of the division as they are structured pursuant to P.L.1989, c.51 (C.26:2BB-1 et al.).

C.26:2BB-14 Continuation of funding.

18. The funding mechanisms, including the awarding of grants for drug abuse services by the Department of Health, that are in effect on the date of enactment of P.L.1989, c.51 (C.26:2BB-1 et al.) for alcoholism services and drug abuse services, exclusively, shall continue until such time as recommendations of the Governor's Council on Alcoholism and Drug Abuse pursuant to P.L.1989, c.51 (C.26:2BB-1 et al.) are approved by the Commissioner of Health and enacted into law.

19. There is appropriated to the Governor's Council on Alcoholism and Drug Abuse \$300,000 from the General Fund for administrative costs.

20. There is appropriated to the Department of Health \$2,000,000 from the General Fund for State licensed or approved drug abuse prevention and treatment programs. The department shall distribute the moneys appropriated herein within 90 days of the effective date of this section.

Repealer.

21. Section 4 of P.L.1975, c.305 (C.26:2B-10) and P.L.1983, c.304 (C.26:2G-4.1 et seq.) are repealed.

22. This act shall take effect on the 120th day after enactment, except that sections 20 and 22 shall take effect immediately.

Approved March 27, 1989.

CHAPTER 52

AN ACT concerning identification cards and amending P.L.1980, c.47.

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

1. Section 1 of P.L.1980, c.47 (C.39:3-29.2) is amended to read as follows:

C.39:3-29.2 Short title.

1. This act shall be known and may be cited as the "Identification Cards for Nondrivers' Act."

2. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification card; issuance; content.

2. The Division of Motor Vehicles shall issue an identification card to any resident of the State who is 17 years of age or older and who is not the holder of a valid learner's permit or a valid driver's license. The identification card shall attest to the true name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be supported by such documentary evidence of the age and identity of such person as the division may require.

3. Section 3 of P.L.1980, c.47 (C.39:3-29.4) is amended to read as follows:

C.39:3-29.4 Color photograph.

3. Every identification card authorized by section 2 of this act shall bear a color photograph 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 photograph drivers' licenses, except that the card shall be blue, and shall prominently contain the words "For Identification Only."

4. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as follows:

C.39:3-29.5 48-month validity; renewal.

4. Each original identification card authorized by section 2 of this act shall, unless canceled earlier, be valid for 48 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 estab-

lished by the Division of Motor Vehicles, and upon payment of a fee as established in section 6 of this act.

5. 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 it deems appropriate for the issuance of original and duplicate identification cards and for the renewal of identification cards.

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

Approved April 14, 1989.

CHAPTER 53

AN ACT providing for reduction in the term of imprisonment in certain circumstances, and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:43-6.2 Probation; reduction of mandatory minimum term.

1. On a motion by the prosecutor made to the assignment judge that the imposition of a mandatory minimum term of imprisonment under subsection c. of N.J.S.2C:43-6 for a defendant who has not previously been convicted of an offense under that subsection does not serve the interests of justice, the assignment judge shall place the defendant on probation pursuant to paragraph (2) of subsection b. of N.J.S.2C:43-2 or reduce to one year the mandatory minimum term of imprisonment during which the defendant will be ineligible for parole. The sentencing court may also refer a case of a defendant who has not previously been convicted of an offense under that subsection to the assignment judge, with the approval of the prosecutor, if the sentencing court believes that the interests of justice would not be served by the imposition of a mandatory minimum term.

C.2C:43-6.3 Review of sentence.

2. Any person who, on the effective date of this act, is serving a mandatory minimum sentence as provided for by subsection c. of N.J.S.2C:43-6, who has not been previously convicted under that

subsection, and has not had his sentence suspended or been paroled or discharged, may move to have his sentence reviewed by the assignment judge for the sentencing court. If the prosecutor agrees that the sentence under review does not serve the interests of justice, the judge shall reduce the mandatory minimum term of imprisonment without parole eligibility to one year or place the person on probation pursuant to paragraph (2) of subsection b. of N.J.S.2C:43-2.

3. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 54

AN ACT concerning the promotion of obscene materials and amending N.J.S.2C:34-2 and N.J.S.2C:34-3.

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

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

Obscenity for persons 18 years of age or older.

2C:34-2. Obscenity for Persons 18 Years of Age or Older. a. Definitions for purpose of this section:

(1) "Obscene material" means any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format or animated sensual details:

(a) Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals,

(b) Lacks serious literary, artistic, political, or scientific value, when taken as a whole, and

(c) Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

(2) "Exhibit" means the sale of admission to view obscene material.

b. A person who sells, distributes, rents or exhibits obscene material to a person 18 years of age or older commits a crime of the fourth degree. Sale of obscene material shall be deemed to include any form of transaction which results in the admission to a display or depiction of obscene material or temporary or permanent access to any obscene material.

Nothing contained herein shall be construed to prohibit a municipality from adopting as a part of its zoning ordinances an ordinance permitting the sale, distribution, rental or exhibition of obscene material in which event such sale, distribution, rental or exhibition shall be deemed legal.

2. N.J.S.2C:34-3 is amended to read as follows:

Obscenity for persons under 18.

2C:34-3. Obscenity for Persons Under 18. a. Definitions for purposes of this section:

(1) "Obscene material" means any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

(2) "Obscene film" means any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself:

(a) Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and

(b) Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest.

(3) "Specified anatomical area" means:

(a) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if covered.

(4) "Specified sexual activity" means:

(a) Human genitals in a state of sexual stimulation or arousal;
or

(b) Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or

(c) Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

(5) "Knowingly" means:

(a) Having knowledge of the character and content of the material or film described herein; or

(b) Having failed to exercise reasonable inspection which would disclose its character and content.

(6) "Exhibit" means the sale or admission to view obscene material.

b. Promoting obscene material.

A person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the fourth degree.

c. Admitting to exhibition of obscene film.

Any person who knowingly admits a person under 18 years of age to a theatre then exhibiting an obscene film is guilty of a crime of the fourth degree.

d. Presumption of knowledge and age.

The requisite knowledge with regard to the character and content of the film or material and of the age of the person is presumed in the case of an actor who sells, distributes, rents or exhibits obscene material to a person under 18 years of age or admits to a film obscene for a person under 18 years of age a person who is under 18 years of age.

e. Defenses.

(1) It is an affirmative defense to a prosecution under subsections b. and c. which the defendant must prove by a preponderance of evidence that:

(a) The person under age 18 falsely represented in or by writing that he was age 18 or over;

(b) The person's appearance was such that an individual of ordinary prudence would believe him to be age 18 or over; and

(c) The sale, distribution, rental or exhibition to or admission of the person was made in good faith relying upon such written representation and appearance and in the reasonable belief that he was actually age 18 or over.

(2) It is an affirmative defense to a prosecution under subsection c. that the defendant is an employee in a motion picture theatre who has no financial interest in that motion picture theatre other than his wages and has no decision-making authority or responsibility with respect to the selection of the motion picture show which is exhibited.

3. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 55

AN ACT appropriating funds from the Human Services Facilities Construction Fund for the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipping of human services facilities.

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

1. There is appropriated to the Department of Human Services from the "Human Services Facilities Construction Fund" created by the "New Jersey Human Services Facilities Construction Bond Act of 1984," P.L.1984, c.157, the sum of \$3,480,000 for the following construction project:

Division of Mental Health and Hospitals	
Construction of community and institutional	
facilities for mentally ill children and	
adolescents	\$3,480,000

2. There is also appropriated from the proceeds of the sale of the above mentioned bonds, such amounts as may be necessary to meet any expense incurred by the issuing officials under P.L.1984, c.157 for advertising, engraving, printing, clerical, legal or other services

necessary to carry out the duties imposed upon them by the provisions of that act.

3. The Director of the Division of Budget and Accounting in the Department of the Treasury shall make those corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make the appropriation available for the purposes for which it was intended. The corrections shall be made by a written ruling which shall set forth an explanation of the need for correction and which shall be signed by the Director of the Division of Budget and Accounting and shall be filed by the director in his office as an official record. Any action pursuant to that ruling, including disbursement and the audit thereof, shall be legally binding and of full effect. 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.

4. The Director of the Division of Budget and Accounting may approve expenditures for predesign program planning and other related costs for capital projects authorized under this act.

5. In order to provide flexibility in administering the provisions of this act, the Commissioner of Human Services may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item or appropriation to any other item or appropriation within the respective department accounts. The transfer shall be made upon the written approval of the director and of the Joint Budget Oversight Committee or its successor.

6. The Commissioner of Human Services shall report to the Senate Institutions, Health and Welfare Committee and General Assembly Health and Human Resources Committee, or their successors, on the status of the appropriation provided in this act six months from the effective date of this act and annually thereafter until all of the funds have been expended. The status report shall specify the projects that are funded and the amounts of funds appropriated, obligated and expended for each project.

7. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 56

AN ACT concerning the promulgation of an official State list of endangered plant species, supplementing Title 13 of the Revised Statutes.

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

C.13:1B-15.151 Short title.

1. This act shall be known and may be cited as the "Endangered Plant Species List Act."

C.13:1B-15.152 Findings, declarations.

2. The Legislature finds and declares that plant species have medicinal, genetic, ecological, educational and aesthetic value to the citizens of New Jersey; that the perpetuation of many plant species native to New Jersey or the United States is in jeopardy; and that a definitive, officially recognized State list of endangered plant species is needed to eliminate the confusion resulting from various existing unofficial lists which are inconsistent and is a necessary precondition to more effectively and efficiently incorporate the preservation of our State's natural diversity into government planning functions.

C.13:1B-15.153 Definitions.

3. As used in this act:

"Commissioner" means the Commissioner of the Department of Environmental Protection;

"Department" means the Department of Environmental Protection;

"Endangered species" means any native plant species whose survival in the State or the nation is in jeopardy, including, but not limited to, plant species designated as listed, proposed, or under review by the federal government as endangered or threatened throughout its range in the United States pursuant to the "Endangered Species Act of 1973," Pub.L.93-205 (16 U.S.C. § 1533), any additional species known or believed to be rare throughout its worldwide range, and any species having five or fewer extant populations within the State;

"Plant" means any member of the Plant Kingdom, including all roots, stems, leaves, flowers, fruits, seeds, spores, gametophytes and other parts thereof;

"Species" means any species, subspecies, or variety of plant.

C.13:1B-15.154 Endangered plant species list.

4. Within one year of the effective date of this act, the Division of Parks and Forestry in the Department of Environmental Protection shall, on the basis of research and investigations and other available scientific data on plant species, and with the benefit of public comment, develop and adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a list of plant species occurring in the State which are endangered, either by the destruction, drastic modification, or severe curtailment of their habitat; their over-collection for aesthetic, commercial, educational, recreational, or scientific purposes; the effect on them of disease, pollution, or predation; or any other factor or combination of factors, natural or man-made.

C.13:1B-15.155 Research to determine eligibility.

5. Within the limits of funds appropriated or otherwise made available to the department for this purpose, the commissioner shall direct research and investigations relating to historical records, populations, distribution, critical habitat needs, limiting factors, and other biological and ecological data that will aid in determining the eligibility of a plant species for inclusion on the endangered plant species list.

C.13:1B-15.156 Moneys.

6. The commissioner may cooperate with, and accept moneys from, the federal government, or any county or municipal government, or from any other State or private source to carry out this act. The commissioner may establish a separate fund from these contributions for the support of endangered plant species.

C.13:1B-15.157 Educational, informational programs.

7. Within the limits of funds appropriated or otherwise made available to the department for this purpose, the commissioner shall develop and implement any educational or informational programs deemed necessary to inform the public as to the status and significance of endangered plant species in the State.

C.13:1B-15.158 Rules, regulations.

8. The department shall, within 90 days of the effective date of this act and pursuant to the "Administrative Procedure Act," propose rules and regulation governing the formulation, and any revision, of the endangered plant species list to be adopted pursuant to section 4 of this act.

9. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 57

AN ACT concerning organ donations and amending P.L.1987, c.244.

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

1. Section 1 of P.L.1987, c.244 (C.26:6-58.1) is amended to read as follows:

C.26:6-58.1 Anatomical gift consent by relative.

1. a. When the decision has been made in a hospital to pronounce the death of a person who, based on accepted medical standards, is a suitable candidate for organ donation, the person in charge of the hospital, or that person's designated representative, other than a person connected with the determination of death, shall make known to any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class specified in paragraph (1), (2), (3), (4), (5) or (6) of this subsection, or when there is any other reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, that the person has the option to consent to the gift of all or any part of the decedent's body for any purpose specified in section 3 of P.L.1969, c.161 (C.26:6-59):

- (1) the spouse,
- (2) an adult son or daughter,
- (3) either parent,
- (4) an adult brother or sister,
- (5) a guardian of the person of the decedent at the time of the decedent's death, or
- (6) any other person authorized or under the obligation to dispose of the body.

Consent or refusal need only be obtained from a person in the highest priority class available.

b. The person in charge of the hospital or that person's designated representative shall complete a certificate of organ donation option for an anatomical gift, on a form supplied by the Commissioner of Health. The certificate shall include a statement that the option for consent to an anatomical gift has been made known, and shall further

indicate thereupon whether or not consent was granted, the name of the person granting or refusing the consent, and that person's relationship to the decedent. The death certificate required by R.S.26:6-5.1 shall not be deemed complete unless a completed organ donation option certificate is attached thereto; except that, if the person who presents the death certificate to the registrar attests in writing on a form provided by the Department of Health, that a good faith effort has been made to obtain the organ donation certificate from the hospital, the registrar shall accept that form, if it is properly completed, in lieu of the completed organ donation option certificate, and shall forward a copy of the form to the Department of Health. The information on the form shall not be available for public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), but may be used by the Department of Health to carry out the purposes of P.L.1987, c.244 (C.26:6-58.1 et seq.).

c. A gift made pursuant to the request required by this act shall be executed pursuant to the applicable provisions of P.L.1969, c.161 (C.26:6-57 et seq.).

d. A person who acts in good faith in accordance with the provisions of this act is not liable for any damages in any civil action or subject to prosecution in any criminal proceeding for any act or omission of the person.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 58

AN ACT concerning unclaimed personal property, revising parts of the statutory law, and enacting Chapter 30B of Title 46 of the Revised Statutes.

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

1.

TITLE 46
CHAPTER 30B
UNCLAIMED PERSONAL PROPERTY

Article 1. In General

- 46:30B-1. Short title.
- 46:30B-2. Construction.
- 46:30B-3. Foreign transactions.
- 46:30B-4. Effect of chapter on duty of holder to report, pay or deliver property under prior law.
- 46:30B-5. Contents of initial report.
- 46:30B-6. Definitions.

Article 2. Presumption of Abandonment Generally

- 46:30B-7. When property presumed abandoned generally.
- 46:30B-7.1. Communication between holder and apparent owner.
- 46:30B-8. When property payable or distributable.

Article 3. Taking Custody of Property Generally

- 46:30B-9. When property subject to custody.
- 46:30B-10. Further conditions to be satisfied to subject property to custody.
- 46:30B-10.1. Presumption of location.

Article 4. Travelers Checks and Money Orders

- 46:30B-11. Presumption of abandonment of travelers check.
- 46:30B-12. Presumption of abandonment of money order.
- 46:30B-13. Limitation on holder's power to impose service charges.
- 46:30B-14. Conditions subjecting property to custody of State.
- 46:30B-15. Application of R.S.46:30B-14 in certain cases.

Article 5. Checks, Drafts and Similar Instruments

Issued or Certified by Banking and Financial Organizations

- 46:30B-16. Presumption of abandonment.
- 46:30B-17. Limitation on holder's power to impose charges.

Article 6. Bank Deposits and Funds in Financial Organizations

- 46:30B-18. Presumption of abandonment.
- 46:30B-19. Includable in "property."
- 46:30B-20. Limitation on holder's power to impose charges.
- 46:30B-21. When automatically renewable property is matured.

Article 7. Funds Owning Under Life or Endowment**Insurance Policies or Annuity Contracts**

- 46:30B-22. Presumption of abandonment.
- 46:30B-23. Presumed address of person entitled to funds other than insured or annuitant if address unknown.
- 46:30B-24. Determining maturity of insurance policy or annuity contract.
- 46:30B-25. Effect of automatic premium loan provision or nonforfeiture provision upon maturity or termination of insurance policy.
- 46:30B-26. Notice to insured or owner of policy of exercise of automatic premium loan or other nonforfeiture provision.
- 46:30B-27. Duty imposed upon company to pay proceeds of insurance or annuity to beneficiary.
- 46:30B-28. Information to be requested in change of beneficiary form.

Article 8. Deposits Held by Utilities

- 46:30B-29. Presumption of abandonment.

Article 9. Refunds Held by Business Associations

- 46:30B-30. Presumption of abandonment.

Article 10. Stock and Other Intangible**Interests in Business Associations**

- 46:30B-31. Presumption of abandonment.
- 46:30B-32. Presumption of abandonment for failure to claim dividend or distribution.
- 46:30B-33. When period of abandonment ceases.
- 46:30B-34. Items presumed abandoned when interest presumed abandoned.
- 46:30B-35. Stock or other intangible interests excluded; exception.

Article 11. Property of Business Associations**Held in Course of Dissolution**

- 46:30B-36. Presumption of abandonment.

Article 12. Property Held by Agents and Fiduciaries

- 46:30B-37. Presumption of abandonment.
- 46:30B-37.1. Presumption of abandonment: unclaimed estate assets.
- 46:30B-38. Funds in retirement account or plan.
- 46:30B-39. When agent deemed to hold property in fiduciary capacity.
- 46:30B-40. Fiduciary for business association deemed holder of property.

Article 13. Property Held by Courts and Public Agencies

- 46:30B-41. Presumption of abandonment: Superior Court and surrogate.
- 46:30B-41.1. Presumption of abandonment: minor's fund.
- 46:30B-41.2. Presumption of abandonment: governmental entity.

Article 14. Credit Memos

- 46:30B-42. Presumption of abandonment.
- 46:30B-43. Amounts presumed abandoned.

Article 15. Wages

- 46:30B-44. Presumption of abandonment.

Article 16. Contents of Safe Deposit Box or Other Safekeeping Repository

- 46:30B-45. Presumption of abandonment.

Article 17. Report of Abandoned Property

- 46:30B-46. Duty of holder to report property presumed abandoned.
- 46:30B-47. Form and contents of report.
- 46:30B-47.1. Contents of report: Superior Court Clerk and surrogate.
- 46:30B-48. Report by successor holder of property.
- 46:30B-49. Time to file report; postponement.
- 46:30B-50. Notice to apparent owner.
- 46:30B-50.1. Posting of notice by Superior Court Clerk and surrogate.

Article 18. Notice and Publication by Administrator of Lists of Abandoned Property

- 46:30B-51. Publication of notice by administrator.
- 46:30B-52. Form and contents of notice to be published.
- 46:30B-53. Items which need not be included in published notice.
- 46:30B-54. Blank.

- 46:30B-55. Blank.
- 46:30B-56. Article not applicable to travelers checks or money orders or court deposits.

Article 19. Payment or Delivery of Abandoned Property

- 46:30B-57. Payment or delivery with report.
- 46:30B-58. Establishment by owner of right to property before payment or delivery; erroneous presumption of abandonment.
- 46:30B-59. Payment or delivery of property not included in report.
- 46:30B-60. Delivery of duplicate certificates or other evidence of ownership by holder; holder, etc., relieved of liability.
- 46:30B-60.1. Transfer of ownership after delivery with report.

Article 20. Custody by State; Holder Relieved from Liability; Reimbursement of Holder Paying Claim; Reclaiming for Owner; Defense of Holder; Payment of Safe Deposit Box or Repository Charges

- 46:30B-61. Custody by State; holder relieved from liability.
- 46:30B-62. Reimbursement of holder paying claim.
- 46:30B-63. Holder reclaiming property for owner.
- 46:30B-64. Proof by holder to recover money or property.
- 46:30B-65. Defending and indemnifying holder against claims for property paid or delivered.
- 46:30B-66. "Good faith" defined.
- 46:30B-67. Payment of safe deposit box or repository charges.

Article 21. Crediting of Dividends, Interest or Increments to Owner's Account

- 46:30B-68. Crediting dividends, interest or other increments to owner's account.

Article 22. Sale of Abandoned Property

- 46:30B-69. Sale of abandoned property.
- 46:30B-70. Sale price of securities.
- 46:30B-71. Securities to be held one year before sale; exception.
- 46:30B-72. Securities to be held three years before sale; rights of claimant if securities sold before or after end of three-year period.
- 46:30B-72.1. Sale of tangible property.
- 46:30B-73. Rights of purchaser of property.

Article 23. Deposit of Funds

- 46:30B-74. Deposit of funds by administrator.

- 46:30B-75. Investment and reinvestment of moneys in fund.
- 46:30B-76. Record to be maintained by administrator.
- 46:30B-76.1. Confidentiality of certain records.
- 46:30B-76.2. Disclosure of confidential information.
- 46:30B-76.3. Access to confidential information.

Article 24. Filing Claim with Administrator

- 46:30B-77. Filing claim; another state excluded.
- 46:30B-78. Time to consider claim; notice of denial.
- 46:30B-79. Payment of claim.
- 46:30B-80. Holder paying claim; interest.

Article 25. Claim of Another State to Recover Property

- 46:30B-81. Grounds for recovery of property by another state.
- 46:30B-82. Form of claim; allowance.
- 46:30B-83. Indemnification.

Article 26. Action to Establish Claim

- 46:30B-84. Action to establish claim.

Article 27. Election to Take Payment or Delivery

- 46:30B-85. Administrator may decline to receive property.
- 46:30B-86. Authorization of administrator to assume custody of property prior to presumption of abandonment.

Article 28. Destruction or Disposition of Property
by Administrator

- 46:30B-87. Authority of administrator to destroy or otherwise dispose of property.

Article 29. Periods of Limitation

- 46:30B-88. Periods of limitation no bar to presuming property abandoned or duty to report and deliver property.
- 46:30B-89. Time within which administrator may bring action against holder.

Article 30. Requests for Reports and Examination of Records

- 46:30B-90. Administrator may require filing of reports.
- 46:30B-91. Examination of records by administrator; generally.
- 46:30B-92. Examination of records by administrator; agents and fiduciaries for business association.
- 46:30B-93. Assessment of costs for examination.
- 46:30B-94. Assessing estimated costs for examination when records are insufficient.

Article 31. Retention of Records

- 46:30B-95. Maintaining records; generally.

46:30B-96. Maintaining records; travelers checks, money orders, etc.

46:30B-96.1. Continuity of records.

Article 32. Enforcement

46:30B-97. Enforcement. Actions in Superior Court.

46:30B-97.1. Enforcement. Actions in federal court or courts of other states by administrator.

46:30B-97.2. Enforcement. Right of administrator to intervene in judicial or administrative proceedings.

46:30B-97.3. Enforcement. Administrator deemed an indispensable party in judicial or administrative proceedings.

Article 33. Interstate Cooperation

46:30B-98. Interstate agreements.

46:30B-99. Consultation by administrator with other states to avoid conflicts as to procedures.

46:30B-100. Joint enforcement.

46:30B-101. Attorney General may bring action in behalf of another state.

46:30B-102. Action by administrator in another state.

Article 34. Interest and Penalties

46:30B-103. Interest payable for failure to pay or deliver property in time.

46:30B-104. Penalty for willful failure to render report or perform other duties.

46:30B-105. Penalty for willful failure to pay or deliver property.

46:30B-105.1. Waiver of penalty and interest.

46:30B-105.2. Calculation of penalty and interest after examination.

Article 35. Miscellaneous

46:30B-106. Unenforceable agreements.

46:30B-107. Adoption of rules by administrator.

46:30B-108. Transfer of funds and assets.

46:30B-109. Statutes repealed.

ARTICLE 1. IN GENERAL

46:30B-1. Short title. This chapter shall be known and may be cited as the "Uniform Unclaimed Property Act (1981)."

Source: New.

46:30B-2. Construction. Except for the provisions of this chapter

which apply solely to this jurisdiction, this chapter shall be applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this law among states enacting it.

Source: New.

46:30B-3. Foreign transactions. This chapter does not apply to any property held, due and owing in a foreign country and arising out of a foreign transaction.

Source: New.

46:30B-4. Effect of chapter on duty of holder to report, pay or deliver property under prior law. This chapter does not relieve a holder of a duty that arose before the effective date of this chapter to report, pay, or deliver property. A holder who did not comply with the law in effect before the effective date of this chapter is subject to the applicable enforcement and penalty provisions that then existed and they are continued in effect for the purpose of this section, subject to R.S.46:30B-89; however, after the effective date of this chapter, the interest and penalties set forth in Article 34 of this chapter shall be assessed against the holder for failure to report, pay and deliver the property presumed abandoned in accordance with the prior statutory provisions.

Source: New.

46:30B-5. Contents of initial report. The initial report filed under this chapter for property that was not required to be reported before the effective date of this chapter but which is subject to this chapter shall include all items of property that would have been presumed abandoned during the 10-year period preceding the effective date of this chapter as if this chapter had been in effect during that period. The initial report shall also identify any property that was not required to be reported before the effective date of this chapter but which is subject to this chapter which has been paid or delivered to any other state or otherwise disposed of in any manner by the holder during the preceding 10 years.

Source: New.

46:30B-6. Definitions.

As used in this chapter:

a. "Administrator" means the Treasurer of the State of New Jersey, any individual serving as the Acting Treasurer in the absence

of the appointed Treasurer, and any State employee to whom the Treasurer has delegated authority to administer the provisions of this chapter and to execute any pertinent documents;

b. "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder;

c. "Banking organization" means any bank, trust company, savings bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization;

d. "Business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility;

e. "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person;

f. "Financial organization" means a savings and loan association, building and loan association, or credit union;

g. "Holder" means a person, wherever organized or domiciled, who is:

- (1) In possession of property belonging to another,
- (2) A trustee, or
- (3) Indebted to another on an obligation;

h. "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance;

i. "Intangible property" includes:

- (1) Moneys, checks, drafts, deposits, interest, dividends, and income;
- (2) Credit balances, customer overpayments, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances;

(3) Stocks and other intangible ownership interests in business associations;

(4) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;

(5) Amounts due and payable under the terms of insurance policies; and

(6) Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits;

j. "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail;

k. "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his legal representative;

l. "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity;

m. "State" means any state in the United States, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States;

n. "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Source: New.

ARTICLE 2. PRESUMPTION OF ABANDONMENT GENERALLY

46:30B-7. When property presumed abandoned generally. Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, owing in the ordinary course of a holder's business and has remained unclaimed by the owner for more than

five years after it became payable or distributable is presumed abandoned.

Source: New.

46:30B-7.1. Communication between holder and apparent owner. Property shall not be presumed abandoned if within the period that the property remains unclaimed there has been a communication between the holder and the apparent owner. The communication shall be a writing initiated or generated by or from the apparent owner to the holder or issuer concerning the unclaimed property, or a memorandum or other record on file with the holder or issuer prepared by an employee of the holder or issuer and evidencing that the apparent owner has indicated an interest in the property. This provision shall apply to all property notwithstanding any specific provisions of this chapter which do not expressly address the issue of communication between the holder or issuer and the apparent owner during the period that the property remains unclaimed.

Source: New.

46:30B-8. When property payable or distributable. Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

Source: New.

ARTICLE 3. TAKING CUSTODY OF PROPERTY GENERALLY

46:30B-9. When property subject to custody. Unless otherwise provided in this chapter or by other statute of this State, intangible property is subject to the custody of this State as unclaimed property if the conditions raising a presumption of abandonment under Articles 2 and 5 through 16 of this chapter are satisfied and the conditions under R.S.46:30B-10 are satisfied. The common law doctrine of bona vacantia shall remain viable with respect to unclaimed property not covered by this chapter or another statute of this State.

Source: New.

46:30B-10. Further conditions to be satisfied to subject property to custody. To subject intangible personal property to the custody of this State as unclaimed property, the following conditions shall be also satisfied:

a. The last known address, as shown on the records of the holder, of the apparent owner is in this State;

b. The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this State;

c. The records of the holder do not reflect the last known address of the apparent owner, and it is established that:

(1) The last known address of the person entitled to the property is in this State, or

(2) The holder is a domiciliary or a government or governmental subdivision or agency of this State and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;

d. The last known address, as shown on the records of the holder, of the apparent owner is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property and the holder is a domiciliary or a government or governmental subdivision or agency of this State;

e. The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is a domiciliary or a government or governmental subdivision or agency of this State; or

f. The transaction out of which the property arose occurred in this State, and

(1) The last known address of the apparent owner or other person entitled to the property is unknown, or

(2) The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property, and

(3) The holder is a domiciliary of a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

Source: New.

46:30B-10.1. Presumption of location. If the records of a holder

show that the property is payable or distributable to a person other than the owner, but the records do not show the last known address of the other person, it shall be presumed that the last known address of the other person is the same as that of the owner.

Source: New.

ARTICLE 4. TRAVELERS CHECKS AND MONEY ORDERS

46:30B-11. Presumption of abandonment of travelers check. Subject to R.S.46:30B-14, any sum payable on a travelers check that has been outstanding for more than 15 years after its issuance is presumed abandoned unless the owner, within 15 years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer.

Source: New.

46:30B-12. Presumption of abandonment of money order. Subject to R.S.46:30B-14, any sum payable on a money order or similar written instrument, other than a third-party bank check, that has been outstanding for more than seven years after its issuance is presumed abandoned unless the owner, within seven years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer.

Source: New.

46:30B-13. Limitation on holder's power to impose service charges. A holder may not deduct from the amount of a travelers check or money order any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the issuer and the owner of the instrument pursuant to which the issuer may impose a charge and the issuer regularly imposes the charges and does not regularly reverse or otherwise cancel them.

Source: New.

46:30B-14. Conditions subjecting property to custody of State. A sum payable on a travelers check, money order, or similar written instrument, other than a third-party bank check, described in R.S.46:30B-11 and R.S.46:30B-12 may not be subjected to the custody of this State as unclaimed property unless:

- a. The records of the issuer show that the travelers check, money order, or similar written instrument was purchased in this State;
- b. The issuer has its principal place of business in this State and the records of the issuer do not show the state in which the travelers check, money order, or similar written instrument was purchased; or
- c. The issuer has its principal place of business in this State, the records of the issuer show the state in which the travelers check, money order, or similar written instrument was purchased and the laws of the state of purchase do not provide for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

Source: New.

46:30B-15. Application of R.S.46:30B-14 in certain cases. Notwithstanding any other provisions of this chapter, R.S.46:30B-14 applies to sums payable on travelers checks, money orders, and similar written instruments presumed abandoned on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

Source: New.

ARTICLE 5. CHECKS, DRAFTS AND SIMILAR INSTRUMENTS ISSUED OR CERTIFIED BY BANKING AND FINANCIAL ORGANIZATIONS

46:30B-16. Presumption of abandonment. Any sum payable on a check, draft, or similar instrument, except those subject to R.S.46:30B-11 and R.S.46:30B-12, on which a banking or financial organization is directly liable, including a cashier's check and a certified check, which has been outstanding for more than five years after it was payable on demand, is presumed abandoned, unless the owner, within five years, has communicated in writing with the banking or financial organization concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee thereof.

Source: New.

46:30B-17. Limitation on holder's power to impose charges. A holder may not deduct from the amount of any instrument subject to R.S.46:30B-16 any charge imposed by reason of the failure to

present the instrument for payment unless there is a valid and enforceable written contract between the holder and the owner of the instrument pursuant to which the holder may impose a charge, and the holder regularly imposes the charges and does not regularly reverse or otherwise cancel them.

Source: New.

ARTICLE 6. BANK DEPOSITS AND FUNDS IN FINANCIAL ORGANIZATIONS

46:30B-18. Presumption of abandonment. Any demand, savings, or matured time deposit with a banking or financial organization including a deposit that is automatically renewable, and any funds paid toward the purchase of a share, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned unless the owner, within 10 years, has:

a. In the case of a deposit, increased or decreased its amount or presented the passbook or other similar evidence of the deposit for the crediting of interest;

b. Communicated in writing with the banking or financial organization concerning the property;

c. Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization;

d. Owned other property to which subsection a., b., or c. applies and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned under this section at the address to which communications regarding the other property regularly are sent; or

e. Had another relationship with the banking or financial organization concerning which the owner has:

(1) Communicated in writing with the banking or financial organization, or

(2) Otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be abandoned under this section at the address to which communications regarding the other relationship regularly are sent.

Source: New.

46:30B-19. Includable in "property." For purposes of R.S.46:30B-18 property includes interest and dividends.

Source: New.

46:30B-20. Limitation on holder's power to impose charges. A holder may not impose with respect to property described in R.S.46:30B-18 any charge due to dormancy or inactivity or cease payment of interest unless:

a. There is an enforceable written contract between the holder and the owner of the property pursuant to which the holder may impose a charge or cease payment of interest;

b. For property in excess of \$2.00, the holder, no more than three months before the initial imposition of those charges or cessation of interest, has given written notice to the owner of the amount of those charges at the last known address of the owner stating that those charges will be imposed or that interest will cease, but the notice provided in this subsection need not be given with respect to charges imposed or interest ceased before the effective date of this chapter; and

c. The holder regularly imposes the charges or ceases payment of interest and does not regularly reverse or otherwise cancel them or retroactively credit interest with respect to the property.

Source: New.

46:30B-21. When automatically renewable property is matured. Any property described in R.S.46:30B-18 that is automatically renewable is matured for purposes of R.S.46:30B-18 upon the expiration of its initial time period, but in the case of any renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in Article 19 of this chapter, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when a penalty or forfeiture would not result.

Source: New.

ARTICLE 7. FUNDS OWING LIFE OR ENDOWMENT
INSURANCE POLICIES OR ANNUITY CONTRACTS

46:30B-22. Presumption of abandonment. Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than five years after the funds became due and payable as established from the records of the insurance company holding or owing the funds, but property described in subsection b. of R.S.46:30B-24 is presumed abandoned if unclaimed for more than two years.

Source: New.

46:30B-23. Presumed address of person entitled to funds other than insured or annuitant if address unknown. If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the company.

Source: New.

46:30B-24. Determining maturity of insurance policy or annuity contract. For purposes of this article, a life or endowment insurance policy or annuity contract not matured by actual proof of death of the insured or annuitant according to the records of the company is matured and the proceeds due and payable if:

- a. The company knows that the insured or annuitant has died;
or
- b. The insured has attained, or would have attained if he were living, the limiting age under the mortality table on which the reserve is based;
- c. The policy was in force at the time the insured attained, or would have attained, the limiting age specified in subsection b.; and
- d. Neither the insured nor any other person appearing to have an interest in the policy within the preceding two years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, corresponded in writing with the company concerning the policy, or otherwise

indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.

Source: New.

46:30B-25. Effect of automatic premium loan provision or nonforfeiture provision upon maturity or termination of insurance policy. For purposes of this article, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from being matured or terminated under R.S.46:30B-24 if the insured has died or the insured or the beneficiary of the policy otherwise has become entitled to the proceeds thereof before the depletion of the cash surrender value of a policy by the application of those provisions.

Source: New.

46:30B-26. Notice to insured or owner of policy of exercise of automatic premium loan or other nonforfeiture provision. If the laws of this State or the terms of the life insurance policy require the company to give notice to the insured or owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last known address according to the records of the company is in this State, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice shall be mailed.

Source: New.

46:30B-27. Duty imposed upon company to pay proceeds of insurance or annuity to beneficiary. Notwithstanding any other provision of law, if the company learns of the death of the insured or annuitant and the beneficiary has not communicated with the insurer within four months after the death, the company shall take reasonable steps to pay the proceeds to the beneficiary.

Source: New.

46:30B-28. Information to be requested in change of beneficiary form. Commencing two years after the effective date of this chapter, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of this State shall request the following information:

- a. The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;
- b. The address of each beneficiary; and
- c. The relationship of each beneficiary to the insured.

Source: New.

ARTICLE 8. DEPOSITS HELD BY UTILITIES

46:30B-29. Presumption of abandonment. A deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful deductions, that remains unclaimed by the owner for more than one year after termination of the services for which the deposit or advance payment was made is presumed abandoned.

Source: New.

ARTICLE 9. REFUNDS HELD BY BUSINESS ASSOCIATIONS

46:30B-30. Presumption of abandonment. Except to the extent otherwise ordered by a court or an administrative agency, any sum that a business association has been ordered to refund by the court or administrative agency which has remained unclaimed by the owner for more than one year after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned.

Source: New.

ARTICLE 10. STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS

46:30B-31. Presumption of abandonment. Except as provided in R.S.46:30B-32 and R.S.46:30B-35, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest has remained unclaimed by the owner for seven years and the owner within seven years has not:

- a. Communicated in writing with the association regarding the

interest or a dividend, distribution, or other sum payable as a result of the interest; or

b. Otherwise communicated with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association prepared by an employee of the association.

Source: New.

46:30B-32. Presumption of abandonment for failure to claim dividend or distribution. At the expiration of a seven-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least seven dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If seven dividends, distributions, or other sums are paid during the seven-year period, the period leading to a presumption of abandonment commences on the date payment of the first unclaimed dividend, distribution, or other sum became due and payable. If seven dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been seven dividends, distributions, or other sums that have not been claimed by the owner.

Source: New.

46:30B-33. When period of abandonment ceases. The running of the seven-year period of abandonment ceases immediately upon the occurrence of a communication referred to in R.S.46:30B-31. If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution, or other sum became due and payable.

Source: New.

46:30B-34. Items presumed abandoned when interest presumed abandoned. At the time an interest is presumed abandoned under this article, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

Source: New.

46:30B-35. Stock or other intangible interests excluded; excep-

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tion. This chapter does not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest unless the records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within seven years communicated in any manner described in R.S.46:30B-31.

Source: New.

ARTICLE 11. PROPERTY OF BUSINESS ASSOCIATIONS HELD IN COURSE OF DISSOLUTION

46:30B-36. Presumption of abandonment. Intangible property distributable in the course of a dissolution of a business association which remains unclaimed by the owner for more than one year after the date specified for final distribution is presumed abandoned.

Source: New.

ARTICLE 12. PROPERTY HELD BY AGENTS AND FIDUCIARIES

46:30B-37. Presumption of abandonment. Intangible property and any income or increment derived therefrom held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner, within five years after it has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by the fiduciary.

Source: New.

46:30B-37.1. Presumption of abandonment: unclaimed estate assets. Property held by a fiduciary as defined in N.J.S.3B:1-1 or an assignee under N.J.S.2A:19-1 et seq. and remaining unclaimed for three months after the account of that fiduciary or assignee is allowed or settled informally is presumed abandoned.

Source: N.J.S.2A:19-42; N.J.S.3B:23-21.

46:30B-38. Funds in retirement account or plan. Funds in an individual retirement account or a retirement plan for self-employed individuals or similar account or plan established pursuant to the Internal Revenue laws of the United States are not payable or dis-

tributable within the meaning of R.S.46:30B-37 unless, under the terms of the account or plan, distribution of all or part of the funds would then be mandatory.

Source: New.

46:30B-39. When agent deemed to hold property in fiduciary capacity. For the purpose of this article, a person who holds property as an agent for a business association is deemed to hold the property in a fiduciary capacity for that business association alone, unless the agreement between him and the business association provides otherwise.

Source: New.

46:30B-40. Fiduciary for business association deemed holder of property. For the purposes of this article, a person who is deemed to hold property in a fiduciary capacity for a business association alone is the holder of the property only insofar as the interest of the business association in the property is concerned, and the business association is the holder of the property insofar as the interest of any other person in the property is concerned.

Source: New.

ARTICLE 13. PROPERTY HELD BY COURTS AND PUBLIC AGENCIES

46:30B-41. Presumption of abandonment: Superior Court and surrogate. Intangible property deposited or paid into the Superior Court or to the surrogate of any county in this State to the credit of a specific cause or account under the provisions of any law, order, rule, judgment, or decree and remaining unclaimed for a period of 10 years, shall be presumed abandoned.

Source: N.J.S.2A:15-76; section 1 of P.L.1948, c.456 (C.40:26A-1).

46:30B-41.1. Presumption of abandonment: minor's funds. Intangible property deposited or paid into the Superior Court or to the surrogate of any county of this State for the benefit of a person who is a minor at the time of the deposit and remaining unclaimed by that person for two years after that person reaches majority is presumed abandoned.

Source: New.

46:30B-41.2. Presumption of abandonment: governmental entity. Except as otherwise provided in this article, any intangible property

held by the executive, legislative, or judicial branch of the United States Government, or a state, or a county or municipal subdivision of a state, or any of their authorities, agencies, instrumentalities, administrations, services or other organizations, and remaining unclaimed for more than one year after it became payable or distributable is presumed abandoned.

Source: New.

ARTICLE 14. CREDIT MEMOS

46:30B-42. Presumption of abandonment. A credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned.

Source: New.

46:30B-43. Amounts presumed abandoned. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo.

Source: New.

ARTICLE 15. WAGES

46:30B-44. Presumption of abandonment. Unpaid wages, including wages represented by unpresented payroll checks, owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one year after becoming payable are presumed abandoned.

Source: New.

ARTICLE 16. CONTENTS OF SAFE DEPOSIT BOX OR OTHER SAFEKEEPING REPOSITORY

46:30B-45. Presumption of abandonment. All tangible and intangible property held in a safe deposit box or any other safekeeping repository in this State in the ordinary course of the holder's business and proceeds resulting from the sale of the property permitted by other law, which remain unclaimed by the owner for more than five years after the lease or rental period or other custodial agreement on the box or other repository has expired, are presumed abandoned.

Source: New.

ARTICLE 17. REPORT OF ABANDONED PROPERTY

46:30B-46. Duty of holder to report property presumed abandoned. A person holding property, tangible or intangible, presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the administrator concerning the property as provided in this article.

Source: New.

46:30B-47. Form and contents of report. The report shall be verified and shall include:

a. Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of \$25.00 or more presumed abandoned under this chapter;

b. In the case of unclaimed funds of \$25.00 or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

c. In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible property, a description of the property and the place where it is held and may be inspected by the administrator and any amounts owing to the holder;

d. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items of value under \$25.00 each may be reported in the aggregate;

e. The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property;

f. The Social Security account number or federal identification number, if available, of each person appearing to be the owner of the reported unclaimed property; and

g. Other information the administrator prescribes by rule as necessary for the administration of this chapter.

Source: New.

46:30B-47.1. Contents of report: Superior Court Clerk and surrogate. The report of the Clerk of the Superior Court or a surrogate shall set forth the following information instead of that required by R.S.46:30B-47:

- a. The name of the case in which the deposit was made;
- b. The court's docket or identifying number for the case;
- c. The date the deposit was made;
- d. The unpaid balance of the original sum deposited;
- e. The interest or income earned while on deposit;
- f. The total amount payable to the State Treasurer.

Source: N.J.S.2A:15-78; section 4 of P.L.1948, c.456 (C.40:26A-4).

46:30B-48. Report by successor holder of property. If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his name while holding the property, he shall file with his report all known names and addresses of each previous holder of the property.

Source: New.

46:30B-49. Time to file report; postponement. The report shall be filed before November 1 of each year as of the preceding June 30, but the report of any life insurance company shall be filed before May 1 of each year as of the preceding December 31. On written request by any person required to file a report, the administrator may postpone the reporting date.

Source: New.

46:30B-50. Notice to apparent owner. Not more than 120 days before filing the report required by this article, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at his last known address informing him that the holder is in possession of property subject to this chapter if:

- a. The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;
- b. The claim of the apparent owner is not barred by the statute of limitations; and

c. The property has a value of \$50.00 or more.

Source: New.

46:30B-50.1. Posting of notice by Superior Court Clerk and surrogate. In place of the mailed notice required by R.S.46:30B-50, the Clerk of the Superior Court, not more than 120 days and not less than 90 days before the date that the clerk shall present the report of property presumed abandoned in accordance with R.S.46:30B-41, shall post in his office and in each county clerk's office where public notices are customarily posted, a notice setting forth the case name and docket number of each case in which a deposit is presumed abandoned and indicating that if the apparent owner does not move to seek an order to withdraw the sum on deposit within 60 days of the date of the notice, the sum on deposit and all accretions thereon shall be delivered to the administrator, to whom all further claim shall be made. A surrogate shall post a similar notice in his office and the county clerk's office not more than 120 days and not less than 90 days before the surrogate presents the report to the administrator.

Source: N.J.S.2A:15-79; section 7 of P.L.1948, c.456 (C.40:26A-7).

ARTICLE 18. NOTICE AND PUBLICATION BY ADMINISTRATOR OF LISTS OF ABANDONED PROPERTY

46:30B-51. Publication of notice by administrator. The administrator shall cause a notice to be published not later than March 1, or in the case of property reported by life insurance companies, September 1, of the year immediately following the report required by Article 17 of this chapter at least once a week for two consecutive weeks in a newspaper of general circulation in the county of this State in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this State, the notice shall be published in the county in which the holder of the property has its principal place of business within this State.

Source: New.

46:30B-52. Form and contents of notice to be published. The published notice shall contain:

a. The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as specified in R.S.46:30B-51;

b. A statement that information concerning the unclaimed property may be obtained by any person having an interest in that property by making a written inquiry to the administrator.

Source: New.

46:30B-53. Items which need not be included in published notice. The administrator is not required to publish in the notice any items of less than \$50.00 unless the administrator considers their publication to be in the public interest.

Source: New.

46:30B-54. Blank.

46:30B-55. Blank.

46:30B-56. Article not applicable to travelers checks or money orders or court deposits. This article is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under Article 4 of this chapter or court deposits presumed abandoned under Article 13 of this chapter.

Source: New.

ARTICLE 19. PAYMENT OR DELIVERY OF ABANDONED PROPERTY

46:30B-57. Payment or delivery with report. At the time of the filing of the report as established by R.S.46:30B-49, a holder shall pay or deliver to the administrator all of the unclaimed property set forth in its report and all accretions thereon, except for the property provided for in R.S.46:30B-58.

Source: New.

46:30B-58. Establishment by owner of right to property before payment or delivery; erroneous presumption of abandonment. If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the administrator, and the property will no longer be presumed abandoned. In that case, the holder shall file with the administrator a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

Source: New.

46:30B-59. Payment or delivery of property not included in report. Property reported under Article 17 of this chapter for which the holder is not required to report the name of the apparent owner shall be delivered to the administrator at the time of filing the report.

Source: New.

46:30B-60. Delivery of duplicate certificates or other evidence of ownership by holder; holder, etc., relieved of liability. The holder of an interest under Article 10 of this chapter shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the administrator. Upon delivery of a duplicate certificate to the administrator, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with the provision of Article 20 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the administrator, for any losses or damages resulting to any person by the issuance and delivery to the administrator of the duplicate certificate.

Source: New.

46:30B-60.1. Transfer of ownership after delivery with report. When a certificate or other evidence of ownership, or a bond or other debt security, registered in the name of a person is delivered to the administrator pursuant to any provision of this chapter and is presented by the administrator to the issuer thereof or its agent, the issuer shall transfer and register it in the name of "Treasurer, State of New Jersey," and a new certificate or security, so registered, shall be delivered to the administrator. The issuer and its transfer agent, registrar, or other person acting on behalf of the issuer in executing and delivering the certificate or security shall be fully and automatically relieved from any liability to any person for any loss or damage caused by the transfer, issuance, and delivery of the certificate or security to the administrator.

Source: New.

**ARTICLE 20. CUSTODY BY STATE; HOLDER RELIEVED
FROM LIABILITY; REIMBURSEMENT OF HOLDER PAYING
CLAIM; RECLAIMING FOR OWNER; DEFENSE OF HOLDER;
PAYMENT OF SAFE DEPOSIT BOX OR REPOSITORY
CHARGES**

46:30B-61. Custody by state; holder relieved from liability. Upon the payment or delivery of property to the administrator, the state assumes custody and responsibility for the safekeeping of the property. A person who pays or delivers property to the administrator in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made in respect to the property.

Source: New.

46:30B-62. Reimbursement of holder paying claim. A holder who has paid money to the administrator pursuant to this chapter may make payment to any person appearing to the holder to be entitled to payment and, upon filing proof of payment and proof that the payee was entitled thereto, the administrator shall promptly reimburse the holder for the payment without imposing any fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a travelers check or money order, the holder shall be reimbursed under this section upon filing proof that the instrument was duly presented and that payment was made to a person who appeared to the holder to be entitled to payment. The holder shall be reimbursed for payment made under this section even if the payment was made to a person whose claim was barred under R.S.46:30B-88.

Source: New.

46:30B-63. Holder reclaiming property for owner. A holder who had delivered property (including a certificate of any interest in a business association) other than money to the administrator pursuant to this chapter may reclaim the property if still in the possession of the administrator, without paying any fee or other charge, when filing proof that the owner has claimed the property from the holder.

Source: New.

46:30B-64. Proof by holder to recover money or property. The administrator may accept the holder's affidavit as sufficient and proper under this article.

Source: New.

46:30B-65. Defending and indemnifying holder against claims for property paid or delivered. If the holder pays or delivers property to the administrator in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the administrator, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim.

Source: New.

46:30B-66. "Good faith" defined. For the purposes of this article, "good faith" means that:

- a. Payment or delivery was made in a reasonable attempt to comply with this chapter;
- b. The person delivering the property was not a fiduciary then in breach of trust in respect to the property and had a reasonable basis for believing, based on the facts then known to him, that the property was abandoned for the purposes of this chapter; and
- c. There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

Source: New.

46:30B-67. Payment of safe deposit box or repository charges. Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right under this section to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges, which the administrator shall reimburse or pay the holder out of the proceeds remaining after deducting the administrator's selling costs.

Source: New.

ARTICLE 21. CREDITING OF DIVIDENDS, INTEREST OR INCREMENTS TO OWNER'S ACCOUNT

46:30B-68. Crediting dividends, interest or other increments to owner's account. Whenever property other than money is paid or delivered to the administrator under this chapter, the owner is entitled to receive from the administrator any dividends, interest, or

other increments realized or accruing on the property at or before liquidation or conversion thereof into money.

Source: New.

ARTICLE 22. SALE OF ABANDONED PROPERTY

46:30B-69. Sale of abandoned property. Except as provided in R.S.46:30B-70 and R.S.46:30B-71, the administrator shall, within three years after the receipt of abandoned property, sell it to the highest bidder at public sale in whatever municipality in the State affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property for sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property, it need not be offered for sale. Except as provided in R.S.46:30B-72.1, any sale held under this section shall be preceded by a single publication of notice, at least three weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

Source: New.

46:30B-70. Sale price of securities. Securities listed on an established stock exchange shall be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the administrator considers advisable.

Source: New.

46:30B-71. Securities to be held one year before sale; exception. Unless the administrator considers it to be in the best interest of the State to do otherwise, all securities, other than those presumed abandoned under Article 10 of this chapter, delivered to the administrator shall be held for at least one year before he may sell them.

Source: New.

46:30B-72. Securities to be held three years before sale; rights of claimant if securities sold before or after end of three-year period. Unless the administrator considers it to be in the best interest of the State to do otherwise, all securities presumed abandoned under Article 10 of this chapter and delivered to the administrator shall be held for at least three years before he may sell them. If the administrator sells any securities delivered pursuant to Article 10 of

this chapter before the expiration of the three-year period, any person making a claim pursuant to this chapter before the end of the three-year period is entitled to either the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever amount is greater, less any deduction for fees pursuant to R.S.46:30B-75. A person making a claim under this chapter after the expiration of this period is entitled to receive either the securities delivered to the administrator by the holder, if they still remain in the hands of the administrator, or the proceeds received from sale, less any amounts deducted pursuant to R.S.46:30B-75, but no person has any claim under this chapter against the State, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the administrator.

Source: New.

46:30B-72.1. Sale of tangible property. Regarding the sale of tangible property, such as jewelry and works of art, the administrator shall follow the specifications for payment of safe deposit box or repository charges set forth in R.S.46:30B-67, and shall proceed with the sale as follows:

a. Thirty days prior to the public sale, notification by standardized form shall be sent to the last known address of the owner by registered or certified mail.

b. Ten days prior to the public sale, legal notice of abandoned property and intent to auction shall be advertised in a regularly published local newspaper.

c. An itemized list of auctionable items shall be prepared by the administrator, identifying each by owner, box and item number. The list shall be prepared in duplicate, the original to be given to the auctioneer, and the copy to be retained on file at the office of the administrator.

d. The holder of the unclaimed property shall receive due compensation, as specified in R.S.46:30B-67.

e. The office of the administrator shall receive compensation equal to the amount due for the cost of mailing the notice of public auction, and newspaper notices, and a sum equal to the break-open charge of the safe deposit box, to be forwarded to the office of the administrator and used for activities consistent with the execution of the duties of that office.

f. Any remaining balance of funds shall be taken into the custody of the State of New Jersey pursuant to this act.

46:30B-73. Rights of purchaser of property. The purchaser of property at any sale conducted by the administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder thereof and of all persons claiming through or under them. The administrator shall execute all documents necessary to complete the transfer of ownership.

Source: New.

ARTICLE 23. DEPOSIT OF FUNDS

46:30B-74. Deposits of funds by administrator. The administrator shall establish and manage a separate trust fund to be known as the Unclaimed Personal Property Trust Fund. All moneys received as unclaimed property presumed abandoned, the accretions thereon, and the proceeds of sale of unclaimed property shall be deposited into that fund. Unless the administrator deems it prudent and advisable to do otherwise, 75% of all funds received shall be transferred to the General State Fund. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey.

Upon the effective date of this act, all funds and assets of the trust funds established pursuant to N.J.S.2A:37-41, section 8 of P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be transferred to and become part of the Unclaimed Personal Property Trust Fund established by this act, which shall be responsible for payment of any allowed claims for restitution of unclaimed property paid into those three funds.

Source: New.

46:30B-75. Investment and reinvestment of moneys in fund. The administrator shall invest and reinvest all moneys deposited into the Unclaimed Personal Property Trust Fund in the State of New Jersey Cash Management Fund or in bonds or interest-bearing notes or obligations a. of the United States, or b. guaranteed as to principal and interest by the United States, or c. for the payment of the principal and interest of which the full faith and credit of the United States are distinctly pledged, or d. of the State of New Jersey, or e. of a governmental entity of the State of New Jersey.

Source: New.

46:30B-76. Record to be maintained by administrator. Before making any deposit of funds as provided in R.S.46:30B-74, the administrator shall record the name and last known address of each person appearing from the holder's reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company, and the amount due. However, the administrator shall not include in this record any information deemed confidential under R.S.46:30B-76.1. The record shall be available for the public inspection at all reasonable business hours.

Source: New.

46:30B-76.1. Confidentiality of certain records. Any record or information that is deemed confidential under any New Jersey or federal law when in possession of a person shall continue to be confidential when revealed or delivered to the administrator and shall not be considered a public record under section 2 of P.L.1963, c.73 (C.47:1A-2). Any record or information that is deemed confidential under any law of another state when in the possession of that other state shall continue to be confidential when revealed or delivered by that other state to the administrator and shall not be considered a public record under section 2 of P.L.1963, c.73 (C.47:1A-2).

Source: New.

46:30B-76.2. Disclosure of confidential information. Confidential information concerning any aspect of unclaimed property shall be disclosed only to an apparent owner or an administrator or official of another state for escheat or unclaimed or abandoned property, if that other state accords substantially reciprocal privileges to the administrator.

Source: New.

46:30B-76.3. Access to confidential information. Notwithstanding any other provision of law, upon request of the administrator, all persons and governmental entities in this State shall provide to the administrator the address and any other identification or information which could reasonably be used to locate the apparent owner of unclaimed property. Even if the information or record requested by the administrator is deemed confidential under any other law or regulation of this State, that information or record shall be furnished to the administrator. The administrator or any employee or agent of the administrator may not use or disclose the information or record

except as necessary in attempting to locate the apparent owner of unclaimed property or as otherwise specifically set forth in this chapter.

Source: New.

ARTICLE 24. FILING CLAIM WITH ADMINISTRATOR

46:30B-77. Filing claim; another state excluded. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with him a claim on a form prescribed by him and verified by the claimant.

Source: New.

46:30B-78. Time to consider claim; notice of denial. The administrator shall consider each claim within 90 days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If an address for notices is not stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. A notice of denial need not be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.

Source: New.

46:30B-79. Payment of claim. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator, together with any additional amount required by Article 21 of this chapter. If the claim is for property presumed abandoned under Article 10 of this chapter which was sold by the administrator within three years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater. At the time a claim is allowed, the administrator shall pay to the claimant interest upon the monies of the claimant for the period during which those monies were in the custody of the administrator, but interest shall not be payable for any period before the effective date of this chapter. The rate of interest shall be periodically fixed by the administrator.

Source: New.

46:30B-80. Holder paying claim; interest. Any holder who pays the owner for property that has been delivered to the State and which, if claimed from the administrator would be subject to R.S.46:30B-79, shall add interest as provided in R.S.46:30B-79. The added interest shall be repaid to the holder by the administrator in the same manner as the principal.

Source: New.

ARTICLE 25. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY

46:30B-81. Grounds for recovery of property by another state. At any time after property has been paid or delivered to the administrator under this chapter another state may recover the property if:

a. The property was subjected to custody by this State because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

b. The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

c. The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

d. The property was subjected to custody by this State under subsection f. of R.S.46:30B-10 and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

e. The property is the sum payable on a travelers check, money order, or other similar instrument that was subject to custody by this State under Article 4 of this chapter, and the instrument was purchased in the other state, and under the laws of that state the

property escheated to or became subject to a claim of abandonment by that state.

Source: New.

46:30B-82. Form of claim; allowance. The claim of another state to recover escheated or abandoned property shall be presented in a form prescribed by the administrator, who shall decide the claim within 90 days after it is presented. The administrator shall allow the claim if he determines that the other state is entitled to the abandoned property under R.S.46:30B-81.

Source: New.

46:30B-83. Indemnification. The administrator shall require a state, before recovering property under this article, to agree to indemnify this State and its officers and employees against any liability on a claim for the property.

Source: New.

ARTICLE 26. ACTION TO ESTABLISH CLAIM

46:30B-84. Action to establish claim. A person whose claim has been denied by the administrator in whole or in part may appeal the final decision to the Appellate Division of the Superior Court of New Jersey.

Source: New.

ARTICLE 27. ELECTION TO TAKE PAYMENT OR DELIVERY

46:30B-85. Administrator may decline to receive property. The administrator may decline to receive any property reported under this chapter which he considers to have a value less than the expense of giving notice and of sale. If the administrator elects not to receive custody of the property, the holder shall be notified within 120 days after filing the report required under Article 17 of this chapter.

Source: New.

46:30B-86. Authorization of administrator to assume custody of property prior to presumption of abandonment. A holder, with the written consent of the administrator and upon conditions and terms prescribed by him, may report and deliver property before the property is presumed abandoned. Property delivered under this section shall be held by the administrator and is not presumed abandoned

until the time as it otherwise would be presumed abandoned under this chapter.

Source: New.

ARTICLE 28. DESTRUCTION OR DISPOSITION OF PROPERTY BY ADMINISTRATOR

46:30B-87. Authority of administrator to destroy or otherwise dispose of property. If the administrator determines after investigation that any property delivered under this chapter has insubstantial commercial value, the administrator may destroy or otherwise dispose of the property at any time. An action or proceeding may not be maintained against the State or any officer or against the holder for or on account of any action taken by the administrator pursuant to this section.

Source: New.

ARTICLE 29. PERIODS OF LIMITATION

46:30B-88. Periods of limitation no bar to presuming property abandoned or duty to report and deliver property. The expiration, before or after the effective date of this chapter, of any period of time specified by contract, statute, or court order, during which a claim for money or property can be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned or affect any duty to file a report or to pay or deliver abandoned property to the administrator as required by this chapter.

Source: New.

46:30B-89. Time within which administrator may bring action against holder. An action or proceeding may not be commenced by the administrator with respect to any duty of a holder under this chapter more than 10 years after the duty arose.

Source: New.

ARTICLE 30. REQUESTS FOR REPORTS AND EXAMINATION OF RECORDS

46:30B-90. Administrator may require filing of reports. The administrator may require any person who has not filed a report to file

a verified report stating whether or not the person is holding any unclaimed property reportable or deliverable under this chapter.

Source: New.

46:30B-91. Examination of records by administrator; generally. The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with the provisions of this chapter. The administrator may conduct the examination even if the person believes it is not in possession of any property reportable or deliverable under this chapter.

Source: New.

46:30B-92. Examination of records by administrator; agents and fiduciaries for business association. If a person is treated under Article 12 of this chapter as the holder of the property only insofar as the interest of a business association in the property is concerned, the administrator, pursuant to R.S.46:30B-91, may examine the records of the person if the administrator has given the notice required by R.S.46:30B-91 to both the person and the business association at least 90 days before the examination.

Source: New.

46:30B-93. Assessment of costs for examination. If an examination of the records of a person results in the disclosure of property reportable and deliverable under this chapter, the administrator may assess the cost of the examination against the holder at the rate of \$100.00 a day for each examiner, but in no case may the charges exceed the value of the property found to be reportable and deliverable. The cost of examination made pursuant to R.S.46:30B-93 may be imposed only against the business association.

Source: New.

46:30B-94. Assessing estimated costs for examination when records are insufficient. If a holder fails after the effective date of this chapter to maintain the records required by Article 31 of this chapter, and the records of the holder available for the periods subject to this chapter are insufficient to permit the preparation of a report, the administrator may require the holder to report and pay those amounts as may reasonably be estimated from any available records.

Source: New.

ARTICLE 31. RETENTION OF RECORDS

46:30B-95. Maintaining records; generally. Every holder required to file a report under Article 17 of this chapter, as to any property for which it has obtained the last known address of the owner, shall maintain a record of the name and last known address of the owner for 10 years after the property becomes reportable, except to the extent that a shorter time is provided in R.S.46:30B-96 or by rule of the administrator.

Source: New.

46:30B-96. Maintaining records; travelers checks, money orders, etc. Any business association that sells in this State its travelers checks, money orders, or other similar written instruments, other than third-party bank checks on which the business association is directly liable, or that provides those instruments to others for sale in this State, shall maintain a record of those instruments while they remain outstanding, indicating the state and date of issue for three years after the date the property is reportable.

Source: New.

46:30B-96.1. Continuity of records. Where a holder acquires unclaimed property from another holder, such as in a merger, acquisition, reorganization, consolidation, or transfer, that successor holder shall have a duty to maintain and continue the records of the prior holder concerning the unclaimed property, including but not limited to, the date of the last deposit or withdrawal in an account in a financial organization, of the issuance of unnegotiated dividend, interest, or other remittances, or the last communication between the owner and the prior holder or holders concerning the unclaimed property.

Source: New.

ARTICLE 32. ENFORCEMENT

46:30B-97. Enforcement. Actions in Superior Court.

a. The administrator, for and on behalf of the State of New Jersey, may commence an action, summary or otherwise, in the Chancery Division of the Superior Court:

(1) for an adjudication that certain property is unclaimed and payable or distributable to the administrator;

(2) to compel presentation of a report or payment or distribution of property to the administrator;

(3) to enforce the duty of a person to permit the examination or audit of the records of that person;

(4) to enjoin any act that violates the public policy or provisions of this chapter; or

(5) to enforce any aspect of this chapter in any manner.

b. The administrator may commence an action in the Chancery Division of the Superior Court in the following situations:

(1) the holder is a person domiciled in this State, or is the State of New Jersey, a county or municipal subdivision of the State, or is an authority, agency, instrumentality, administration, service, or other organization of the State or its political subdivisions;

(2) the holder is a person engaged in or transacting any business in this State, although not domiciled in this State.

Source: New.

46:30B-97.1. Enforcement. Actions in federal court or courts of other states by administrator.

Where no New Jersey court has jurisdiction over the person involved, the administrator may commence an action in a federal court or other state court which has jurisdiction.

Source: New.

46:30B-97.2. Enforcement. Right of administrator to intervene in judicial or administrative proceedings.

The administrator shall have a right to intervene and participate in any judicial or administrative proceeding when it is in the best interests of: the State of New Jersey, the apparent owner, or the unclaimed property for the purpose of conserving and safeguarding the unclaimed property against dissipation, undue diminishment, or adverse discriminatory treatment.

Source: New.

46:30B-97.3. Enforcement. Administrator deemed an indispensable party in judicial or administrative proceedings. The administrator shall be deemed an indispensable party to any judicial or administrative proceeding concerning the disposition and handling

of unclaimed property that is or may be payable or distributable into the protective custody of the administrator.

Source: New.

ARTICLE 33. INTERSTATE COOPERATION

46:30B-98. Interstate agreements. The administrator may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine unclaimed property that it or another state may be entitled to subject to a claim of custody. The administrator by rule may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

Source: New.

46:30B-99. Consultation by administrator with other states to avoid conflicts as to procedures. To avoid conflicts between the administrator's procedures and the procedures of administrators in other jurisdictions that enact the Uniform Unclaimed Property Act, the administrator, so far as is consistent with the purposes, policies, and provisions of this chapter, before adopting, amending or repealing rules, shall advise and consult with administrators in other jurisdictions that enact substantially the Uniform Unclaimed Property Act and take into consideration the rules of administrators in other jurisdictions that enact the Uniform Unclaimed Property Act.

Source: New.

46:30B-100. Joint enforcement. The administrator may join with other states to seek enforcement of the Uniform Unclaimed Property Act against any person who is or may be holding property reportable under this chapter.

Source: New.

46:30B-101. Attorney General may bring action in behalf of another state. At the request of another state, the Attorney General of this State may bring an action in the name of the administrator of another state in any court of competent jurisdiction to enforce the unclaimed property laws of the other state against a holder in this State of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred by the Attorney General in bringing the action.

Source: New.

46:30B-102. Action by administrator in another state. The administrator may request that the Attorney General of another state or any other person bring an action in the name of the administrator in the other state. This State shall pay all expenses including attorney's fees in any action under this section. The administrator may agree to pay the person bringing the action attorney's fees based in whole or in part on a percentage of the value of any property recovered in the action. Any expenses paid pursuant to this section may not be deducted from the amount that is subject to the claim by the owner under this chapter.

Source: New.

ARTICLE 34. INTEREST AND PENALTIES

46:30B-103. Interest payable for failure to pay or deliver property in time. A person who fails to pay or deliver property within the time prescribed by this chapter shall pay to the administrator interest at the annual rate of 10% above the annual rate of discount, in effect on the date the property should have been paid or delivered, for the most recent issue of 52-week United States Treasury bills on the property or value thereof from the date the property should have been paid or delivered.

Source: New.

46:30B-104. Penalty for willful failure to render report or perform other duties. A person who willfully fails to render any report or perform other duties required under this chapter shall pay a civil penalty of \$100.00 for each day the report is withheld or the duty is not performed.

Source: New.

46:30B-105. Penalty for willful failure to pay or deliver property. A person who willfully fails to pay or deliver property to the administrator as required under this chapter shall pay a civil penalty equal to 25% of the value of the property that should have been paid or delivered.

Source: New.

46:30B-105.1. Waiver of penalty and interest. The administrator shall have discretion to waive the payment of penalties and interest or to reduce the amount of the interest in an appropriate circumstance.

Source: New.

46:30B-105.2. Calculation of penalty and interest after examination. For the purpose of assessing and calculating the penalties and interest on unclaimed property discovered during an examination or audit and previously payable or distributable but not paid to the administrator, the date on which the unclaimed property was originally payable or distributable shall be used as the date from which penalties and interest are assessed and calculated.

Source: New.

ARTICLE 35. MISCELLANEOUS

46:30B-106. Unenforceable agreements. All agreements to pay compensation to locate, deliver, recover, or assist in the recovery of property reported under this chapter, entered into during the period commencing one year before the property was presumed abandoned and extending to a time that is 24 months after the date that the property is paid or delivered to the administrator, are void and unenforceable. Otherwise, these agreements are valid only if the fee or compensation agreed upon is not more than 20% of the value of the property recovered, the agreement is in writing, signed by the apparent owner, and clearly sets forth the nature and value of the property and the value of the apparent owner's share after the fee or compensation has been deducted. However, nothing in this section shall be construed to prevent an owner from asserting at any time that an agreement to locate property is based upon an excessive or unjust consideration.

Source: New.

46:30B-107. Adoption of rules by administrator. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the administrator may adopt necessary rules to carry out the provisions of this chapter.

Source: New.

46:30B-108. Transfer of funds and assets. Upon the effective date of the chapter, all funds and assets remaining in the trust fund heretofore established pursuant to N.J.S.2A:37-41 are hereby transferred to and shall become a part of the separate trust fund established pursuant to R.S.46:30B-74 which fund shall be responsible for claims allowed under any other prior laws.

Source: New.

46:30B-109. Statutes repealed.

The following are repealed:

N.J.S.2A:15-76 to N.J.S.2A:15-85 inclusive;
 N.J.S.2A:15-86 to N.J.S.2A:15-91 inclusive;
 N.J.S.2A:37-11 to N.J.S.2A:37-33 inclusive;
 N.J.S.2A:37-35 and N.J.S.2A:37-36;
 N.J.S.2A:37-41;
 N.J.S.2A:37-43 and N.J.S.2A:37-44;
 N.J.S.17B:31-1 to N.J.S.17B:31-11 inclusive;
 P.L.1979, c.88, s.1 (C.2A:37-30.1);
 P.L.1967, c.135, s.15 (C.2A:37-45);
 P.L.1979, c.298 (C.2A:37-48 to C.2A:37-50 inclusive);
 P.L.1945, c.199, ss.1 to 9 inclusive (C.17:9-18 to C.17:9-26 inclusive);
 P.L.1947, c.91, s.2 (C.17:9-19.1);
 P.L.1978, c.182, s.2 (C.17:9-19.2);
 P.L.1946, c.78, ss.4 and 7 (C.17:9-22.3 and C.17:9-24.1);
 P.L.1947, c.91, ss.4, 6 and 7 (C.17:9-22.4, C.17:9-22.6 and C.17:9-22.7);
 P.L.1966, c.285 (C.32:28-1 to C.32:28-10 inclusive);
 P.L.1948, c.456, ss.1 to 5, 7 to 9 and 11 (C.40:26A-1 to C.40:26A-5 inclusive, C.40:26A-7 to C.40:26A-9 inclusive and C.40:26A-11).

2. N.J.S.2A:19-42 is amended to read as follows:

Disposition of unclaimed money.

2A:19-42. Disposition of unclaimed money.

When an assignee states his final account, and there remains a balance, dividend sum or sum of money to be paid to a person and the person or his guardian, if he be under any disability, the balance, dividend sum or sum of money is intangible property remaining unclaimed in the possession of an assignee. After the period of time set forth in R.S.46:30B-37.1 has elapsed that property shall be presumed abandoned and handled in accordance with the "Uniform Unclaimed Property Act (1981)," R.S.46:30B-1 et seq.

3. N.J.S.3B:23-21 is amended to read as follows:

Unclaimed estate assets.

3B:23-21. Unclaimed estate assets. When a fiduciary states his final account and there remains in his hands a balance, devise, distributive share, dividend or sum of money to be paid to a person and the person, or his guardian, if he be an infant or mental incompetent, fails to claim the balance, devise, distributive share, dividend

or sum of money within the period of time set forth in R.S.46:30B-37.1, then the property shall be presumed abandoned and handled in accordance with the "Uniform Unclaimed Property Act (1981)," R.S.46:30B-1 et seq.

4. R.S.17:14A-51 is amended to read as follows:

Proceedings for unpaid rental.

17:14A-51. If the amount due for the rental of any vault, safe deposit box or receptacle for the storage and safekeeping of personal property of any safe deposit company or bank, savings bank, or savings and loan association authorized to conduct a safe deposit business under the laws of this State has not been paid for one year, the safe deposit company, bank, savings bank, savings and loan association may at any time after the expiration of the year send a written notice by registered mail addressed to the lessee or lessees in whose name the vault, safe deposit or receptacle stands on its records, directed to the address on its records, that if the rental for the vault, safe deposit box or receptacle is not paid within 30 days after the date of the mailing of the notice, it will have the vault, safe deposit box or receptacle opened in the presence of one of its officers and of a notary public not in its employ, and the contents thereof, if any, placed in a sealed package by the notary public, marked by him with the name of the lessee or lessees in whose name the vault, safe deposit box or receptacle stands and the estimated value thereof, and the package so sealed and marked will be placed in one of the general vaults, safes or boxes of the safe deposit company, bank, savings bank or savings and loan association. The notary's proceedings shall be set forth in a certificate under his official seal, and the certificate shall be delivered to the savings and loan association, bank, savings bank or safe deposit company. The safe deposit company, bank, savings bank or savings and loan association shall have a lien on the contents of the vault, safe deposit box or receptacle so removed for the amount due to it for the rental of the vault, safe deposit box or receptacle up to the time of the removal of the contents, and for the costs and expenses, if any incurred in its opening, repairing and restoration for use. If the lien is not paid and discharged within one year from the opening of the vault, safe deposit box or receptacle and the removal of its contents, the safe deposit company, bank, savings bank or savings and loan association may sell the contents at public auction, or so much thereof as is required, to pay and discharge the lien and expenses of sale. A notice of the date, time and place of the sale shall be advertised in a newspaper having a general circulation in the county within which the principal office

of the safe deposit company, bank, savings bank or savings and loan association is located, at least once a week for two successive weeks prior to the sale. The safe deposit company, bank, savings bank or savings and loan association may retain from the proceeds of sale the amount due to it for its lien and the expenses of sale. The balance of the proceeds of the sale and the unsold contents, if any, shall be held to be paid and delivered to the lessee or owner of the contents of the vault, safe deposit box or receptacle so sold.

If the balance of the proceeds of sale and the unsold contents, if any, remain unclaimed by the owner for the time prescribed in the "Uniform Unclaimed Property Act (1981)," R.S.46:30B-1 et seq., it shall be presumed to be abandoned and disposed of as therein provided.

5. R.S.30:4-133 is amended to read as follows:

Unclaimed wages; disposition.

30:4-133. All unclaimed wages, salary or compensation, for services, due any person at an institution supported in whole or in part by State funds shall be held at the institution at which the same were earned, awaiting claim therefor, for the time prescribed in and disposed of as provided in the "Uniform Unclaimed Property Act (1981)," R.S.46:30B-1 et seq.

6. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 59

AN ACT concerning real estate investment trusts and amending the Corporation Business Tax Act (1945), P.L.1945, c.162.

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

1. Section 4 of P.L.1945, c.162 (C.54:10A-4) is amended to read as follows:

C.54:10A-4 Definitions.

4. For the purposes of this act, unless the context requires a different meaning:

(a) "Commissioner" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international

banking facility. Retained earnings means the earnings accumulated over the life of such facility and shall not include the pro rata share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "Indebtedness owing directly or indirectly" shall include, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) is a banking corporation or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D) (v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section;

(C) Taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section;

(D) (Deleted by amendment, P.L.1985, c.143.)

(E) 90% of interest on indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes; except that such interest may, in any event, be deducted

(i) Up to an amount not exceeding \$1,000.00;

(ii) In full to the extent that it relates to bonds or other evidences of indebtedness issued, with stock, pursuant to a bona fide plan of reorganization, to persons, who, prior to such reorganization, were bona fide creditors of the corporation or its predecessors, but were not stockholders or shareholders thereof;

(iii) In full to the extent that it relates to debt of a financial business corporation owed to an affiliate corporation; provided that such interest rate does not exceed 2% over prime rate; the prime rate to be determined by the Commissioner of Banking;

(iv) In full to the extent that it relates to financing of motor vehicle inventory held for sale to customers; provided said indebtedness is owed to a taxpayer customarily and routinely providing this type of financing;

(v) In full to the extent it relates to debt of a banking corporation to a bank holding company, of which the banking corporation is a subsidiary, or to a debt of a banking corporation to another banking corporation with respect to federal funds transactions governed by section 23A of the Federal Reserve Act (12 U.S.C. § 371c.) when both banking corporations are subsidiaries of the same bank holding company, as defined in 12 U.S.C. § 1841.

(F)(i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981.

(ii) For the periods set forth in subparagraph (F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D) (v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income

tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities; or

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph;

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions

attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not include 50% of the total included in computing such taxable income for federal income tax purposes.

(6)(A) Net operating loss deduction. There shall be allowed as a deduction for the taxable year the net operating loss carryover to that year.

(B) Net operating loss carryover. A net operating loss for any taxable year ending after June 30, 1984 shall be a net operating loss carryover to each of the seven years following the year of the loss. The entire amount of the net operating loss for any taxable year (the "loss year") shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of the loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior taxable years to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law.

(m) "Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub.L. 92-181 (12 U.S.C. § 2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository

institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking shall forthwith adopt regulations defining such terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking shall thereafter provide the applicable definitions.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 60

AN ACT appropriating funds from the Correctional Facilities Construction Fund of 1987 for construction and expansion of certain correctional facilities.

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

1. a. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund of 1987," created pursuant to the "Correctional Facilities Construction Bond Act of 1987," P.L.1987, c.178, the sum of \$9,926,393 for the following purpose:

DEPARTMENT OF CORRECTIONS		
County Assistance		\$9,926,393
Hudson County 50 Beds		8,429,051
Passaic County 20 Beds		1,497,342
Total		\$9,926,393

b. The Commissioner of the Department of Corrections is authorized to negotiate and enter into an agreement with the ap-

propriate county officials regarding the terms and conditions upon which the county assistance shall be made. At a minimum, however, the terms and conditions shall include:

(1) The availability and use of a specific number of beds to be reserved for prisoners remanded by the State; and

(2) Per diem rates favorable to the State in recognition of its contribution to the construction costs of the facility.

2. There is also appropriated from the "Correctional Facilities Construction Fund of 1987" such items as may be necessary to meet any expense incurred by the issuing officials under P.L.1987, c.178 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

3. In order to provide flexibility in administering the provisions of this act, the Commissioner of the Department of Corrections may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer a part of any item to any other item within the respective department accounts in the Correctional Facilities Construction Fund. The transfers shall be made in a manner consistent with section 29 of P.L.1987, c.178.

4. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 61

AN ACT concerning the regulation of certain swimming.

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

1. As used in this act:

"Campground" means a plot of ground in a county of the sixth class upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more during the months of May through September,

inclusive, for recreation, education, or vacation purposes, with a swimming pool of 2,000 square feet or less.

“Hotel” or “motel” means a commercial establishment in a county of the sixth class with a building of four or more dwelling units or rooms used and kept open for rental and lodging by guests during the months of May through September, inclusive, with a swimming pool of 2,000 square feet or less.

2. Notwithstanding the provisions of section 7 of P.L.1947, c.177 (C.26:1A-7) or the provisions of P.L.1946, c.172 (C.26:4A-1 et seq.) or any rules or regulation adopted pursuant thereto to the contrary, a hotel, motel, or campground is exempt from mandatory compliance with the lifeguard requirements of section 1 of subchapter 5 (Waterfront Safety) of the Public Recreational Bathing regulations (N.J.A.C.8:26-5.1); except that, the hotel, motel, or campground shall have a manager or owner on the premises when its swimming pool is open for use.

3. A hotel, motel, or campground which does not voluntarily comply with the lifeguard requirements of section 1 of subchapter 5 (Waterfront Safety) of the Public Recreational Bathing regulations (N.J.A.C.8:26-5.1) shall post a sign not less than three feet by four feet which shall be prominently displayed at the entrance to each swimming area stating: “This swimming pool is not required by State law to have a lifeguard on duty. Persons under the age of 16 must be accompanied by an adult. Swim at your own risk. This pool shall be closed when the owner or manager is not on the premises.” This notice shall also be posted on a sign not less than eight inches by 10 inches at the registration desk of the facility and in each room or suite of the facility used for occupancy by guests.

Notwithstanding the provisions of N.J.A.C.8:26-2.5 to the contrary, swimming pools covered by this act shall comply with N.J.A.C.8:26-3.12 pertaining to pool enclosures.

4. A person who violates the provisions of this act shall be subject to a penalty of \$500 for the first offense and \$1,000 for each subsequent offense to be recovered in a summary proceeding brought in the name of the State pursuant to “the penalty enforcement law,” N.J.S.2A:58-1 et seq.

5. The Department of Health shall monitor and evaluate the impact of this law on public safety and shall report its findings to the Legislature on or before January 1, 1991.

6. This act shall take effect on May 1, 1989 and shall expire two years thereafter.

Approved April 14, 1989.

CHAPTER 62

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

45 Recreational Resource Management

12-4875 Parks Management \$50,000

Special Purpose:

Historic Trust, administrative
costs (\$50,000)

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 63

AN ACT concerning certain group health insurance contracts, and supplementing P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1938, c.366 (C.17:48-1 et seq.), P.L.1985, c.236 (C.17:48E-1 et seq.), and Chapter 27 of Title 17B of the New Jersey Statutes.

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

C.17:48A-7d Medical service corporation insurance benefits for preexisting condition.

1. a. Notwithstanding any other provision of law to the contrary, no group health insurance contract issued by a medical service corporation pursuant to the provisions of P.L.1940, c.74 (C.17:48A-1 et seq.), shall contain any provision which denies benefits for a preexisting condition to any person becoming a member of that group if: (1) during the period immediately preceding the person's becoming a member of the group the person was enrolled as a member under another group contract issued by the corporation; and (2) the corporation paid benefits for the condition under the group contract in which the person was previously insured.

b. Nothing in this section shall be construed to operate to add any benefit, to increase the scope of any benefit, or to increase any benefit level under any group contract.

c. This section shall apply to every group contract or policy in which the corporation or insurer has the right to change the premium.

C.17:48-6e Hospital service corporation insurance benefits for preexisting condition.

2. a. Notwithstanding any other provision of law to the contrary, no group health insurance contract issued by a hospital service corporation pursuant to the provisions of P.L.1938, c.366 (C.17:48-1 et seq.), shall contain any provision which denies benefits for a preexisting condition to any person becoming a member of that group if: (1) during the period immediately preceding the person's becoming a member of the group the person was enrolled as a member under another group contract issued by the corporation; and (2) the corporation paid benefits for the condition under the group contract in which the person was previously insured.

b. Nothing in this section shall be construed to operate to add any benefit, to increase the scope of any benefit, or to increase any benefit level under any group contract.

c. This section shall apply to every group contract or policy in which the corporation or insurer has the right to change the premium.

C.17:48E-35.2 Health service corporation insurance benefits for preexisting condition.

3. a. Notwithstanding any other provision of law to the contrary, no group health insurance contract issued by a health service corporation pursuant to the provisions of P.L.1985, c.236 (C.17:48E-1 et seq.), shall contain any provision which denies benefits for a preexisting condition to any person becoming a member of that group if: (1) during the period immediately preceding the person's becoming a member of the group the person was enrolled as a member under another group contract issued by the corporation; and (2) the corporation paid benefits for the condition under the group contract in which the person was previously insured.

b. Nothing in this section shall be construed to operate to add any benefit, to increase the scope of any benefit, or to increase any benefit level under any group contract.

c. This section shall apply to every group contract or policy in which the corporation or insurer has the right to change the premium.

C.17B:27-46.1d Commercial health insurer benefits for preexisting condition.

4. a. Notwithstanding any other provision of law to the contrary, no group health insurance policy issued by an insurer pursuant to the provisions of Chapter 27 of Title 17B of the New Jersey Statutes, shall contain any provision which denies benefits for a preexisting condition to any person becoming a member of that group if: (1) during the period immediately preceding the person's becoming a member of the group the person was enrolled as a member under another group policy issued by the insurer; and (2) the insurer paid benefits for the condition under the group policy in which the person was previously insured.

b. Nothing in this section shall be construed to operate to add any benefit, to increase the scope of any benefit, or to increase any benefit level under any group policy.

c. This section shall apply to every group contract or policy in which the corporation or insurer has the right to change the premium.

5. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 64

AN ACT concerning public health priority funding and amending P.L.1966, c.36.

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

1. Section 9 of P.L.1966, c.36 (C.26:2F-9) is amended to read as follows:

C.26:2F-9 Public health priority funding; notification; application.

9. Pending final passage of the applicable General Appropriations Act, the commissioner shall notify each eligible local health agency as to the priority health services and the amount of public health priority funds estimated to be payable during the next calendar year to provide these services. On or before a date set by the commissioner, the health officer of each local health agency, or in his absence another person designated by the official body under which the local health agency operates, may submit an application for public health priority funds for the following calendar year. The application shall include the budget of the agency, the plan of work and such other information as the commissioner may require, to be presented in a form prescribed by the commissioner. It shall be the responsibility of the applicant to describe in detail in the application how all the public health priority services will be met by the local health agency. The application shall be certified, under the penalties of perjury, as true to the best knowledge of the person making it.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 65

AN ACT requiring the reporting of automobile theft or salvage and supplementing Title 17 of the Revised Statutes.

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

C.17:23-19 National Automobile Theft Bureau.

1. a. Any insurer transacting automobile insurance in this State shall:

(1) report the theft or salvage of a motor vehicle to the National Automobile Theft Bureau (hereinafter referred to as the NATB) in accordance with the constitution and operating procedures of the NATB; and

(2) reimburse the NATB for the costs of the performance of its duties under its constitution and operating procedures in a manner to be determined by the governing board of the NATB.

b. The National Automobile Theft Bureau shall:

(1) receive a report of the theft or salvage of a motor vehicle made by an insurer under subsection a. of this section and shall include that information in the central index file which it maintains; and

(2) cooperate with an insurer who submits a report and with a law enforcement agency which is conducting an investigation and release information when appropriate and necessary which it has received on a claim or an investigation.

c. Any information provided to the NATB pursuant to this section shall be confidential and shall not be subject to public inspection. Such information shall not be subject to subpoena or subpoena duces tecum unless, after a notice and hearing, a court determines that an ongoing investigation would not be jeopardized by compliance with a subpoena or subpoena duces tecum.

d. An insurer, a law enforcement agency, or the NATB, or their agents or employees, shall not be subject to civil liability in a cause of action of any kind for conducting an investigation or providing or receiving any information which is required to be reported under subsection a. of this section.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 66

AN ACT concerning abandoned motor vehicles and amending
P.L.1964, c.81.

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

1. Section 1 of P.L.1964, c.81 (C.39:10A-1) is amended to read
as follows:

C.39:10A-1 Public auction of motor vehicles.

1. a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to (1) the Director of the Division of Motor Vehicles on a form prescribed by him, for verification of ownership and (2) the National Automobile Theft Bureau.

b. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Division of Motor Vehicles, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place, but shall be sold no later than 90 business days after the public agency takes possession of the vehicle, except that a waiver of the 90-day limit may be obtained for good cause from the Division of Local Government Services in the Department of Community Affairs.

d. The public agency shall give notice of a sale conducted

pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his name and address be known and to the holder of any security interest filed with the director, and by publication in a form to be prescribed by the director by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which such motor vehicle is held.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 67

AN ACT regulating certain hotels, guest houses, rooming houses and boarding houses and supplementing Title 52 of the Revised Statutes.

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

C.40:55D-68.1 Year-round operation.

1. Any hotel, guest house, rooming house or boarding house which is situated in any municipality which borders on the Atlantic ocean in a county of the fifth or sixth class shall be permitted to operate on a full-year basis notwithstanding section 55 of P.L.1975, c.291 (C.40:55D-68) or any municipal ordinance, resolution, seasonal license, or other municipal rule or regulation to the contrary if it is demonstrated by affidavit or certification that:

a. a certificate of inspection has been issued for the hotel or guest house under the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) or, in the case of a rooming house or boarding house, that a license has been issued under P.L.1979, c.496 (C.55:13B-1 et al.); and

b. a hotel or guest house in the municipality which has obtained a certificate of inspection pursuant to P.L.1967, c.76 (C.55:13A-1 et seq.) or rooming house or boarding house in the municipality which is licensed under P.L.1979, c.496 (C.55:13B-1 et al.) is not prohibited from operating on a full-year basis on February 9, 1989 or on any other day following February 9, 1989.

C.40:55D-68.2 Determination of eligibility.

2. The owner of any hotel, guest house, rooming house or boarding

house who proposes to increase its operation to a full-year basis and who can demonstrate that a hotel, guest house, rooming house or boarding house in the municipality is not prohibited from operating on a full-year basis as provided under section 1 of this act shall file copies of that information with the Commissioner of Community Affairs in accordance with the requirements set forth in section 1 of this act and provide copies of that information to the clerks of the municipality and county in which the hotel, guest house, rooming house or boarding house is situated. The commissioner shall review that information submitted by the hotel, guest house, rooming house or boarding house owner and, within 30 days of receiving the information submitted, provide a determination of whether or not the hotel, guest house, rooming house or boarding house meets the requirements of section 1 of this act. If the commissioner does not provide a determination within the 30-day period, the hotel, guest house, rooming house or boarding house owner may commence the operation of the hotel, guest house, rooming house or boarding house on a full-year basis.

C.40:55D-68.3 Penalty for violation.

3. Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing. Any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

4. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 68

AN ACT concerning construction permit fees and supplementing Title 52 of the Revised Statutes.

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

C.52:27D-126d Waiver of enforcing agency fees.

1. Notwithstanding the provisions of section 3 of P.L.1979, c.121 (C.52:27D-126a), any municipality may, by ordinance, provide for a waiver of enforcing agency fees for any corporation which is (1) organized pursuant to the "New Jersey Nonprofit Corporation Act,"

N.J.S.15A:1-1 et seq. and (2) actively engaged in constructing or rehabilitating housing units for occupancy by low or moderate income households.

For the purposes of this act, "low income household" means a household in which the gross household income is equal to 50% or less of the median gross household income for households of the same size within the region in which the housing is located. "Moderate income household" means a household in which the gross household income is equal to more than 50% but less than 80% of the median gross household income for households of the same size within the region in which the housing is located.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 69

AN ACT concerning pet health insurance, amending P.L.1987, c.377 and repealing section 2 of that act.

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

1. Section 1 of P.L.1987, c.377 (C.17:46D-1) is amended to read as follows:

C.17:46D-1 Hospitals, medical benefits for pets.

1. Any insurer writing any coverage to which the provisions of R.S.17:17-1 apply may offer group or individual policies or contracts which provide benefits for hospital and medical services for pets, provided that these services are provided by a veterinarian licensed pursuant to chapter 16 of Title 45 of the Revised Statutes or by the laws of any other state. The policy or contract may provide for exclusions or deductibles, or both. As used in this section, "pet" means any domesticated animal normally maintained in or near the household of the owner thereof.

2. Section 3 of P.L.1987, c.377 is amended to read as follows:

3. If any application or any rate filing for any policy or contract of insurance to be written pursuant to section 1 of this act is pending as of the effective date of this act, the commissioner shall either approve such application or filing within 90 days of the enactment

of this act or report to the Legislature the reasons for his disapproval of the filing or application.

Repealer.

3. Section 2 of P.L.1987, c.377 (C.17:46D-2) is repealed.

4. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 70

AN ACT concerning certain nominating petitions and amending
R.S.19:13-9, R.S.19:13-11, R.S.19:13-12 and R.S.19:13-13.

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

1. R.S.19:13-9 is amended to read as follows:

Filing of petitions.

19:13-9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed before 4:00 p.m. of the 54th day next preceding the day of the holding of the primary election for the general election in this Title provided. All petitions when filed shall be open under proper regulations for public inspection.

Notwithstanding the above provision, all petitions and acceptances thereof nominating electors of candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, shall be filed with the Secretary of State before 4:00 p.m. of the 99th day preceding the general election in this Title provided. All petitions when filed shall be opened under proper regulations for public inspection.

The officer or officers shall transmit to the Election Law Enforcement Commission the names of all candidates, other than candidates for federal office, nominated by petition and any other information required by the commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

2. R.S.19:13-11 is amended to read as follows:

Determination of validity.

19:13-11. The officer with whom the original petition was filed shall in the first instance pass upon the validity of such objection in a summary way unless an order shall be made in the matter by a court of competent jurisdiction and for this purpose such officer shall have power to subpoena witnesses and take testimony or depositions. He shall file his determination in writing in his office on or before the 48th day before the primary election for the general election, which determination shall be open for public inspection.

In the case of petitions nominating electors of candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, the Secretary of State shall file his or her determination in writing in his or her office on or before the 93rd day before the general election, which determination shall be open for public inspection.

3. R.S.19:13-12 is amended to read as follows:

Judicial hearing.

19:13-12. Any judge of the Superior Court, in the case of candidates to be voted for by the electors of the entire State or of more than one county thereof, and in all other cases a judge of the Superior Court assigned to the county in which any petition of nomination shall be filed, on the application or complaint, duly verified, of any candidate, which application or complaint shall be made at least 50 days before the election, setting forth any invasion or threatened invasion of his rights under the petition of nomination filed with the Secretary of State or with any county clerk, shall hear such application or complaint in a summary way and make such order thereon as will protect and enforce the rights of such candidates, which order or determination shall be filed within three days after the filing of the application or complaint.

Notwithstanding the above provision, in the case of a nomination petition or petitions for electors of candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, any judge of the Superior Court, on the application or complaint, duly verified, of any candidate, which application or complaint shall be made at least 95 days before the general election, setting forth any invasion or threatened invasion of his or her rights

under the petition of nomination filed with the Secretary of State, shall hear such application or complaint in a summary way and make such order thereon as will protect and enforce the rights of such candidates, which order or determination shall be filed within three days after the filing of the application or complaint.

4. R.S.19:13-13 is amended to read as follows:

Amendment of petitions.

19:13-13. A candidate whose petition of nomination, or any affidavit or affidavits thereto, is defective may cause such petition, or the affidavit or affidavits thereto, to be amended in matters of substance or of form as may be necessary, but not to add signatures, or such amendment or amendments may be made by filing a new or substitute petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in such amended form; but every amendment shall be made on or before the 48th day before the primary election for the general election. This provision shall be liberally construed to protect the interest of candidates.

Notwithstanding the above provision, in the case of nomination petitions for electors for candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, every statutorily authorized amendment shall be made on or before the 93rd day before the general election.

5. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 71

AN ACT authorizing the granting of an easement in or across certain real property owned by the State.

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

1. The Department of Military and Veterans' Affairs is authorized to grant an easement in or across real property owned by the State which is located in the Borough of Sea Girt, Monmouth

county. The property is designated as Block 85, part of Lot 1 on the tax map of the Borough of Sea Girt. The granting of the easement shall be for fair market value upon terms and conditions as approved by the State House Commission.

2. The proceeds from the granting of the easement under section 1 of this act shall be deposited in the General Fund of the State.

3. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 72

AN ACT concerning the maintenance of traffic control devices and amending P.L.1972, c.97.

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

1. Section 1 of P.L.1972, c.97 (C.39:4-121.3) is amended to read as follows:

C.39:4-121.3 Installation, alteration, maintenance of traffic control devices.

1. Upon approval by the Department of Transportation of a request by a county or municipality for the installation, alteration or maintenance of a traffic control device on a county or municipal street or highway, the county or municipality may, and is authorized to, enter into an agreement with the Commissioner of Transportation for the Department to perform the work or contract for the installation, alteration or maintenance at the expense of the county or municipality.

2. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 73

AN ACT concerning county adjusters at involuntary commitment proceedings and amending P.L.1987, c.116.

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

1. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to read as follows:

C.30:4-27.2 Definitions.

2. As used in this act:

a. "Chief executive officer" means the person who is the chief administrative officer of an institution or psychiatric facility.

b. "Clinical certificate" means a form prepared by the division and approved by the Administrative Office of the Courts, that is completed by the psychiatrist or other physician who has examined the person who is subject to commitment within three days of presenting the person for admission to a facility for treatment, and which states that the person is in need of involuntary commitment. The form shall also state the specific facts upon which the examining physician has based his conclusion and shall be certified in accordance with the Rules of the Court. A clinical certificate may not be executed by a person who is a relative by blood or marriage to the person who is being screened.

c. "Clinical director" means the person who is designated by the director or chief executive officer to organize and supervise the clinical services provided in a screening service, short-term care or psychiatric facility. The clinical director shall be a psychiatrist, however, those persons currently serving in the capacity will not be affected by this provision. This provision shall not alter any current civil service laws designating the qualifications of such position.

d. "Commissioner" means the Commissioner of the Department of Human Services.

e. "County counsel" means the chief legal officer or advisor of the governing body of a county.

f. "Court" means the Superior Court or a municipal court.

g. "Custody" means the right and responsibility to ensure the provision of care and supervision.

h. "Dangerous to self" means that by reason of mental illness the person has threatened or attempted suicide or serious bodily harm, or has behaved in such a manner as to indicate that the person is unable to satisfy his need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonably foreseeable future; however, no person shall be deemed to be unable to satisfy his need for nourishment, essential medical care or shelter if he is able to satisfy such needs with the supervision and assistance of others who are willing and available.

i. "Dangerous to others or property" means that by reason of mental illness there is a substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future. This determination shall take into account a person's history, recent behavior and any recent act or threat.

j. "Department" means the Department of Human Services.

k. "Director" means the chief administrative officer of a screening service, a short-term care facility or a special psychiatric hospital.

l. "Division" means the Division of Mental Health and Hospitals in the Department of Human Services.

m. "In need of involuntary commitment" means that an adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and who is unwilling to be admitted to a facility voluntarily for care, and who needs care at a short-term care, psychiatric facility or special psychiatric hospital because other services are not appropriate or available to meet the person's mental health care needs.

n. "Institution" means any State or county facility providing inpatient care, supervision and treatment for the mentally retarded; except that with respect to the maintenance provisions of Title 30 of the Revised Statutes, institution also means any psychiatric facility for the treatment of the mentally ill.

o. "Mental health agency or facility" means a legal entity which receives funds from the State, county or federal government to provide mental health services.

p. "Mental health screener" means a psychiatrist, psychologist, social worker, registered professional nurse or other individual

trained to do outreach only for the purposes of psychological assessment who is employed by a screening service and possesses the license, academic training or experience, as required by the commissioner pursuant to regulation; except that a psychiatrist and a State licensed clinical psychologist who meet the requirements for mental health screener shall not have to comply with any additional requirements adopted by the commissioner.

q. "Mental hospital" means, for the purposes of the payment and maintenance provisions of Title 30 of the Revised Statutes, a psychiatric facility.

r. "Mental illness" means a current, substantial disturbance of thought, mood, perception or orientation which significantly impairs judgment, behavior or capacity to recognize reality, but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome or developmental disability unless it results in the severity of impairment described herein.

s. "Patient" means a person over the age of 18 who has been admitted to, but not discharged from a short-term care or psychiatric facility.

t. "Physician" means a person who is licensed to practice medicine in any one of the United States or its territories, or the District of Columbia.

u. "Psychiatric facility" means a State psychiatric hospital listed in R.S.30:1-7, a county psychiatric hospital, or a psychiatric unit of a county hospital.

v. "Psychiatrist" means a physician who has completed the training requirements of the American Board of Psychiatry and Neurology.

w. "Psychiatric unit of a general hospital" means an inpatient unit of a general hospital that restricts its services to the care and treatment of the mentally ill who are admitted on a voluntary basis.

x. "Psychologist" means a person who is licensed as a psychologist by the New Jersey Board of Psychological Examiners.

y. "Screening certificate" means a clinical certificate executed by a psychiatrist or other physician affiliated with a screening service.

z. "Screening service" means a public or private ambulatory care service designated by the commissioner, which provides mental

health services including assessment, emergency and referral services to mentally ill persons in a specified geographic area.

aa. "Screening outreach visit" means an evaluation provided by a mental health screener wherever the person may be when clinically relevant information indicates the person may need involuntary commitment and is unable or unwilling to come to a screening service.

bb. "Short-term care facility" means an inpatient, community based mental health treatment facility which provides acute care and assessment services to a mentally ill person whose mental illness causes the person to be dangerous to self or dangerous to others or property. A short-term care facility is so designated by the commissioner and is authorized by the commissioner to serve persons from a specified geographic area. A short-term care facility may be a part of a general hospital or other appropriate health care facility and shall meet certificate of need requirements and shall be licensed and inspected by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and in accordance with standards developed jointly with the Commissioner of Human Services.

cc. "Special psychiatric hospital" means a public or private hospital licensed by the Department of Health to provide voluntary and involuntary mental health services, including assessment, care, supervision, treatment and rehabilitation services to persons who are mentally ill.

dd. "Treatment team" means one or more persons, including at least one psychiatrist or physician, and may include a psychologist, social worker, nurse and other appropriate services providers. A treatment team provides mental health services to a patient of a screening service, short-term care or psychiatric facility.

ee. "Voluntary admission" means that adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and is willing to be admitted to a facility voluntarily for care, needs care at a short-term care or psychiatric facility because other facilities or services are not appropriate or available to meet the person's mental health needs. A person may also be voluntarily admitted to a psychiatric facility if his mental illness presents a substantial likelihood of rapid deterioration in functioning in the near future, there are no appropriate community alternatives available and the psychiatric facility can admit the person and remain within its rated capacity.

ff. "County adjuster" means the person appointed pursuant to R.S.30:4-34.

2. Section 12 of P.L.1987, c.116 (C.30:4-27.12) is amended to read as follows:

C.30:4-27.12 Court hearing.

12. A patient who is involuntarily committed to a short-term care or psychiatric facility or special psychiatric hospital shall receive a court hearing with respect to the issue of continuing need for involuntary commitment within 20 days from initial inpatient admission to the facility unless the patient has been administratively discharged from the facility pursuant to section 17 of this act.

The assigned county counsel is responsible for presenting the case for the patient's involuntary commitment to the court, unless the county adjuster is licensed to practice law in this State, in which case the county adjuster shall present the case for the patient's involuntary commitment to the court.

A patient subject to involuntary commitment shall have counsel present at the hearing and shall not be permitted to appear at the hearing without counsel.

3. This act shall take effect immediately.

Approved April 14, 1989.

CHAPTER 74

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L.1987, c.154).

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.1987, c.154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220 Local and Community
Health Services \$90,000
Special Purpose:
Cooley's Anemia (\$90,000)
2. This act shall take effect immediately.
Approved April 17, 1989.

CHAPTER 75

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47, there is appropriated out of the General Fund the following sums for the purposes specified:

CLAIMS
LEGISLATIVE BRANCH
01 Legislature

Hellring, Lindeman, Goldstein,
Siegal, Stern and Greenberg, At-
torneys for Plaintiffs Edwin B. For-
sythe, et al., in Daggett v. Kim-
melman, et al., and Forsythe et al.
v. Kean et al., and Florio, et al.,
Orechio and Karcher, Defendants-
Intervenors, Nos. 82-297, 82-388
(U.S. District Court, District of
New Jersey), attorneys' fees, costs
and disbursements

Pellettieri, Rabstein and Altman, Attorneys for Plaintiffs Jeffrey May et al., in May, et al. v. Cooperman, et al., and Karcher, New Jersey General Assembly, Orechio, and New Jersey Senate, Defendants-Interveners, No. 83-89 (U.S. District Court, District of New Jersey), for Order entered January 21, 1988 to pay attorneys' fees and costs for U.S. District Court trial

Pellettieri, Rabstein and Altman, Attorneys for Plaintiffs Jeffrey May et al., in May, et al. v. Cooperman, et al., and Karcher, New Jersey General Assembly, Orechio, and New Jersey Senate, Defendants-Interveners, No. 83-89 (U.S. District Court, District of New Jersey), for Order entered October 28, 1988 to pay attorneys' fees and costs for 3rd Circuit Court of Appeals and U.S. Supreme Court appeals

Total Appropriations, Claims ... \$1.00*

2. This act shall take effect immediately.

Approved April 17, 1989.

*Governor's line-item veto changes. See statement following.

Statement to Chapter 75
(Senate Bill No. 3025 (*Second Reprint*))

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 3025 (*Second Reprint*) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill appropriates \$458,867.52 from the General Fund for the payment of judgments for attorneys' fees, costs and disbursements which have been awarded against the Legislature as the result of two lawsuits, Daggett v. Kimmelman and May v. Cooperman. In both

cases these judgments have been specifically entered against the Legislature, not the State or any other party.

In the first case, Daggett v. Kimmelman, a lawsuit was instituted challenging the constitutionality of the legislative reapportionment or redistricting law, P.L.1982, c.1. Pursuant to federal law, a prevailing plaintiff may be entitled to be reimbursed for attorneys' fees, costs and disbursements. In this case, judgments have thus far been entered against the Legislature in federal court, which total, with interest, \$221,411.10.

In the second case, May v. Cooperman, a lawsuit was instituted in federal court challenging another enactment, P.L.1982, c.205, the "moment of silence" law. Again, the plaintiffs prevailed and have been awarded, pursuant to federal law, attorneys' fees, costs and disbursements. Judgments have been entered against the Legislature in federal court for these claims, which total, with interest, \$237,378.19.

While personally I might question the size of these legal fees, I do not question the legal validity of these judgments and the requirement that they be satisfied. A problem arises, however, from the identification of the source of money that will be used to satisfy these claims. I agree with the federal court holdings in these cases which entered judgments specifically against the Legislature in order to make clear who is responsible for placing the burden of paying these costs upon the public treasury.

In the Executive Branch, when an agency is assessed attorneys' fees, the Director of the Division of Budget and Accounting is authorized to transfer funds from a line-item with excess funds within the particular agency to an executive account established to satisfy claims. However, the General Appropriations Act of 1989, P.L.1988, c.47, does not provide an appropriate account for the payment of claims against the Legislature. As a result, this bill seeks both to create an account for payment of these judgments and to make a supplemental appropriation of nearly one-half million dollars from the General Fund.

While I support the purpose of this bill to the extent it seeks a mechanism for paying these valid court judgments, I cannot justify a half million dollar appropriation from the General Fund, particularly at a time of such fiscal constraint which has forced me to veto many deserving proposals due to lack of funds. I note that the Legislature has more than sufficient funds to satisfy these claims. At the

end of fiscal year 1988, the Senate and General Assembly together had \$6 million in unexpended funds which carried forward into the present fiscal year. It is reasonable to anticipate that approximately the same amount of unexpended funds will remain in these legislative accounts at the end of fiscal year 1989 based on current spending patterns and available resources.

Therefore, I have determined to sign this bill in order to establish an account for payment of these court judgments against the Legislature, but have effectively deleted the supplemental appropriation. In this fashion, a transfer of funds from other legislative accounts can be undertaken to satisfy these court judgments.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

<u>Page 1, Section 1, Line 24:</u>	After "for" delete rest of line 24.
<u>Page 1, Section 1, Line 25:</u>	Delete "26, 1985 awarding".
<u>Page 1, Section 1, Line 26:</u>	After "disbursements" delete rest of line 26.
<u>Page 1, Section 1, Lines 27-29:</u>	Delete in entirety.
<u>Page 2, Section 1, Line 13:</u>	Delete in entirety.
<u>Page 2, Section 1, Line 27:</u>	Delete "\$148,945.75".
<u>Page 2, Section 1, Line 31:</u>	Delete "\$458,867.52," insert "\$1.00".

Respectfully,

Thomas H. Kean
Governor

CHAPTER 76

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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

1. In addition to the sums appropriated under P.L.1988, c.47, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management—State Aid

05-4840 Water Supply and Watershed Management	\$10,000
State Aid:	
Citizens' Resource Center, bistate conference, New Jersey/ New York region's water resources	(\$10,000)

2. This act shall take effect immediately but no monies shall be disbursed pursuant thereto until the State Treasurer or other authorized official of the State of New York certifies that a like amount has been approved by the State of New York for disbursement to the Citizens' Resource Center for financing the expenses of the center's bistate conference on the utilization and management of the New Jersey/New York region's water resources.

Approved April 20, 1989.

CHAPTER 77

AN ACT providing for the payment of certain claims against the State relating to actions brought against State officers and making an appropriation.

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

C.59:10-2.1 Reimbursement.

1. If any criminal action is instituted against any State officer based upon an act or omission of that officer arising out of and directly related to the lawful exercise of his official duties or under color of his authority, and that action is dismissed or results in a final disposition in favor of that officer, the State shall reimburse the officer for the cost of defending the action, including reasonable attorney's fees and costs of trial and appeals.

C.59:10-2.2 Claim.

2. A claim for reimbursement shall be filed within the time and in the manner provided for claims for damage or injury under chapter 8 of Title 59 of the New Jersey Statutes, except where the procedure prescribed in that chapter is inconsistent with the nature of a claim resulting from a criminal action.

C.59:10-2.3 Applicability.

3. Notwithstanding the provisions of section 2 of this act, this act shall apply to claims arising prior to the effective date of this act provided they are filed within two years after the dismissal or final disposition of the criminal action referred to in section 1.

4. There is appropriated from the General Fund the sum of \$100,000* to the fund established pursuant to N.J.S.59:12-1, to be placed in a special account therein for the purpose of providing for the payment of claims filed pursuant to this act in the manner prescribed in N.J.S.59:12-1.

5. This act shall take effect immediately.

Approved April 24, 1989.

*Governor's line-item veto change. See statement following.

Statement to Chapter 77
(Assembly Bill No. 2391 (*First Reprint*))

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Assembly Bill No. 2391 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill provides for the payment of legal expenses incurred in defense of criminal actions against a State officer based upon an act or omission arising out of and directly related to the lawful exercise of his official duties, or under the color of authority, provided the final disposition of the matter is in favor of the defendant. In such a case, the bill requires that the State will reimburse the individual State officer for attorney's fees and court costs. Finally, the bill appropriates \$1 million from the General Fund to be placed in a special account for the payment of claims filed pursuant to the Act.

This bill would appropriate \$1 million from the General Fund to create a defense fund for State officials at a time when fiscal constraints preclude the initiation of much needed programs at every level of government. I am sympathetic to the rationale behind this bill, that is, to allow State officials, who are under close scrutiny in the public arena, to be reimbursed for legal fees incurred in criminal actions arising out of the exercise of their official duties which are resolved in their favor. However, I have received no evidence that this problem is so pervasive as to warrant a \$1 million appropriation from the General Fund under current fiscal conditions. Consequently, I recommend that the bill be amended to reduce the present \$1 million appropriation to \$100,000, which should substantially address any case which presently falls within the scope of the bill.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 1, Section 1, Line 26: Delete "\$1,000,000", insert
 "\$100,000."

Respectfully,
Thomas H. Kean
Governor

CHAPTER 78

AN ACT concerning surviving spouses of certain police and firemen,
and amending P.L.1944, c.253.

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

1. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to read as follows:

C.43:16-17 Definitions.

12. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Member" shall mean a person who on July 1, 1944, was a member of a municipal police department or paid or part-paid fire department or county police department or a paid or part-paid fire department of a fire district located in a township and who has contributed to the pension fund established under chapter 16 of Title 43 of the Revised Statutes and shall hereafter contribute to said fund.

(2) "Active member" shall mean any "member" who is a police officer, firefighter, detective, line person, driver of police van, fire alarm operator or inspector of combustibles and who is subject to call for active service or duty as such.

(3) "Employee member" shall mean any "member" who is not subject to call for active service or duty as a police officer, firefighter, detective, line person, driver of police van, fire alarm operator or inspector of combustibles.

(4) "Commission" shall mean the board having the general responsibility for the proper operation of the pension fund created by this act, subject to the provisions of chapter 70 of the laws of 1955.

(5) "Physician or surgeon" shall mean the medical board composed of physicians who shall be called upon to determine the disability of members as provided by this act.

(6) "Employer" shall mean the county, municipality or agency thereof by which a member is employed.

(7) "Service" shall mean service rendered while a member is employed by a municipal police department, paid or part-paid fire department, county police department or paid or part-paid fire de-

partment of a fire district located in a township prior to the effective date of this act for such service to such departments thereafter.

(8) "Pension" shall mean the amount payable to a member or the member's beneficiary under the provisions of this act.

(9) "Average salary" shall mean the average salary paid during the last three years of a member's service.

(10) "Beneficiary" shall mean any person or persons, other than a member, receiving or entitled to receive a pension or benefits, as provided by this act.

(11) "Parent" shall mean the parent of a member who was receiving at least one-half of that parent's support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(12) "County police" shall mean all police officers having supervision of regulation of traffic upon county roads.

(13) (Deleted by amendment, P.L.1989, c.78.)

(14) "Surviving spouse" shall mean the person to whom a member was married before the date of retirement or at least two years before the date of the member's death and whose marriage to the member continued until the member's death.

(15) "Child" shall mean a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and whose impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the examining physicians of the fund.

(16) "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the fund, as such will be considered by the actuary in determining the liabilities of the fund. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(17) "Final compensation" shall mean the compensation received by the member in the last 12 months of service preceding retirement.

(18) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday.

2. This act shall take effect immediately and be applicable to survivors of members who shall have died on or after February 8, 1980, but no payment shall be made with respect to any period of survivorship prior to the effective date of this act.

Approved May 8, 1989.

CHAPTER 79

AN ACT concerning the use and conveyance of certain State-owned land and supplementing Title 4 of the Revised Statutes.

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

C.4:1C-44 Findings, declaration.

1. The Legislature finds that development in the State has reduced the number of acres in agricultural use by 90,000 acres during the last two years; that the depletion of agricultural land has forced the closure of agricultural support services, thus putting an additional burden on the farmers in the State; and that there is a need for leasable farmland to allow those farmers who do not own land to continue to farm. The Legislature further finds that the State owns over 5,600 parcels of property consisting of approximately 480,000 acres, but that it does not know which of these lands may be suitable for agricultural production. The Legislature therefore declares that putting otherwise dormant land to productive agricultural use would serve the best interest of all citizens of this State by insuring the numerous social, economic, and environmental benefits which accrue from agricultural production.

C.4:1C-45 Inventory of land suitable for agricultural production.

2. Within one year of the effective date of this act, the Department of Agriculture, in cooperation with the Department of the Treasury and other State agencies, shall prepare an inventory of properties owned by the State of New Jersey suitable for agricultural production not currently being farmed by a State agency and available for leasing to private sector farm operators. Land shall be deemed suitable for agricultural production if:

a. The acreage of the parcel of property economically would support or is adjacent or proximate to other State-owned or private sector agricultural land the combined acreage of which would, in the opinion of the applicable County Agriculture Development Board or the State Agriculture Development Committee, in counties where there is no county board, economically support an agricultural enterprise;

b. The soil is of sufficient quality to support agricultural production as determined by the applicable Soil Conservation District;

c. The land does not provide habitat for rare or endangered species as determined by the Department of Environmental Protection pursuant to law; and

d. A determination is made by the respective State agency that the land is no longer needed or being used by the State for non-agricultural purposes, and the agricultural production of that land would pose no significant environmental harm to persons working or living on or near that land.

C.4:1C-46 Priority.

3. Land deemed suitable for agricultural production shall be offered for agricultural production in the following priority:

a. For use by the Department of Corrections or other State agencies conducting farm operations;

b. For lease to private sector farm operators, on the basis of a competitive bid, pursuant to the provisions of section 5 of this act.

C.4:1C-47 Rules, regulations.

4. The Department of Agriculture shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations establishing a procedure for the application and awarding of leases under this act. The terms of the lease shall be established by the department so as to be the most advantageous

to the State. The lease shall require the lessee to apply soil conservation techniques to maintain the soil quality of the leased land and to use acceptable agricultural management practices that have been approved by the State Agriculture Development Committee.

C.4:1C-48 Competitive bid; covenant.

5. Lands deemed suitable for agricultural production pursuant to this act and deemed by the State House Commission to be surplus to the needs of the State and any of its agencies, shall be offered for sale for agricultural use, in fee simple, to private sector purchasers on the basis of a competitive bid. Any conveyance by the State shall include a covenant that the land may be used only for agricultural production, that the covenant shall run with the land in perpetuity, that the severed development rights shall be held by the local County Agriculture Development Board or the State Agriculture Development Committee, and that the board or committee shall monitor and enforce the covenant.

6. There is appropriated to the Department of Agriculture from the General Fund the sum of \$75,000 to conduct the review and inventory of the State-owned properties and develop the regulations for the lease and conveyance programs authorized by this act. The cost of administering the lease and conveyance programs shall be paid by an adequate amount of funds appropriated annually from the revenue derived from the lease and conveyance programs.

7. This act shall take effect immediately.

Approved May 8, 1989.

CHAPTER 80

AN ACT concerning natural gas pipeline safety, and supplementing chapter 9 of Title 48 of the Revised Statutes.

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

C.48:9-33 Penalties for violation of natural gas pipeline safety.

1. a. Any person who is determined by the Board of Public Utilities, after notice and opportunity to be heard, to have violated the provisions of any law, rule, regulation, or order relating to natural gas pipeline safety shall be subject to a civil penalty of not more than

\$10,000 for each such violation for each day that the violation persists, except that the maximum civil penalty shall not exceed \$500,000 for any related series of violations.

b. Any civil penalty imposed pursuant to subsection a. of 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 on the part of the violator in attempting to achieve compliance; his ability to pay the penalty; and any other factors justice may require. 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 in a summary proceeding instituted by the board in Superior Court in accordance with "the penalty enforcement law," N.J.S.2A:58-1 et seq.

c. Whenever it shall appear to the board that a person has violated, intends to violate, or will violate any provision of any law, rule, regulation, or order relating to natural gas pipeline safety, the board may institute a civil action in Superior Court for injunctive relief or for any other appropriate relief under the circumstances, and the court may proceed on any such action in a summary manner.

2. This act shall take effect immediately.

Approved May 16, 1989.

CHAPTER 81

AN ACT concerning certain tax installment payments of foreign insurance companies under the insurance premiums tax, amending P.L.1945, c.132.

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

1. Section 1 of P.L.1945, c.132 (C.54:18A-1) is amended to read as follows:

C.54:18A-1 Annual tax return; payment by companies; dates due; credit.

1. (a) Every stock, mutual and assessment insurance company

organized or existing under any general or special law of this State, hereinafter referred to as "domestic insurance company," and every stock, mutual and assessment insurance company organized or existing under the laws of another state or foreign country, hereinafter referred to as "foreign insurance company," and transacting business in this State shall annually on or before March 1, file with the Director of the Division of Taxation, in the form as the director and the Commissioner of Insurance may prescribe, a return under oath or affirmation signed by a duly authorized officer or agent of the company, containing such information as may be deemed necessary and shall at the same time pay to the director an annual tax, in each calendar year, in the amount specified in sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3). At the same time, a duplicate original of the return shall be filed with the Commissioner of Insurance. The tax shall be based on net premiums on contracts of insurance covering property and risks located within this State written during the calendar year ending December 31 next preceding.

(b) Effective for calendar years ending on December 31, 1980 and thereafter, every foreign insurance company subject to the provisions of subsection (a) of this section, shall pay to the Director of the Division of Taxation on or before March 1, 1981, and on or before March 1 of each year thereafter an amount equal to one-half of the tax payable under subsection (a) hereof on the company's business done during the preceding calendar year. Every foreign insurance company subject to the provisions of subsection (a) of this section, shall pay to the Director of the Division of Taxation on or before June 1, 1989, and on or before June 1 of each year thereafter an amount equal to one-half of the tax payable under subsection (a) hereof on the company's business done during the preceding calendar year. Each such payment shall be in addition to the tax payable under subsection (a) hereof and shall be considered as a partial payment of the tax which will become due under subsection (a) hereof, upon the following March 1.

(c) Effective for calendar years ending on December 31, 1981 and thereafter, every domestic insurance company shall:

(1) On March 1, 1982, pay the tax due under subsection (a) of this section based on the company's business done during the calendar year 1981 less any franchise tax paid to counties or municipalities in this State during the calendar year 1981.

(2) On March 1, 1982 make an installment payment of taxes due under subsection (a) of this section on the company's business done

during the calendar year 1982, which payment shall amount to one-half of the prior year's premium tax without deduction for any franchise tax paid to counties or municipalities of this State.

(3) On June 1, 1982 and each June 1 thereafter, make a second installment payment on taxes due under subsection (a) of this section on the company's business done during the current calendar year, which payment shall amount to one-half of the prior year's premium tax without a deduction for any franchise tax paid to counties or municipalities of this State.

(4) On March 1, 1983 and each March 1 thereafter, pay the balance of any tax due under subsection (a) of this section based on the company's business during the preceding calendar year and make an installment payment in an amount equal to one-half of the tax payable under subsection (a) of this section on the company's business done during the preceding calendar year.

(d) Nothing in this section requiring a partial payment of tax shall be deemed to apply to premiums for fire insurance risks on properties in this State paid to an insurer which is not organized under the laws of this State or to premiums for marine insurance risks.

(e) In the calculation of the tax due in accordance with subsection (a) hereof, every insurance company shall be entitled to a credit in the amount of the tax paid as a partial payment in the preceding calendar year and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with this section.

(f) If the franchise tax paid to counties and municipalities of this State during the calendar year 1981 exceeds the amount of the tax due under subsection (a) of this section, no refund or credit shall be allowed.

2. This act shall take effect immediately.

Approved May 23, 1989.

CHAPTER 82

AN ACT concerning the taking of striped bass, amending P.L.1987, c.83 and repealing section 4 of P.L.1983, c.506.

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

1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as follows:

C.23:5-45.1 Daily limits through Dec. 31, 1989.

1. a. No person shall take from the marine waters of the State in any one day, or sell, barter, offer for sale or barter or have in his possession at any time, more than five striped bass measuring not less than 31 inches in length, from the effective date of this amendatory and supplementary act through July 31, 1987, not less than 33 inches in length from August 1, 1987 through December 31, 1988, not less than 34 inches in length from January 1, 1989 through June 30, 1989, and not less than 36 inches in length from July 1, 1989 through December 31, 1989.

b. The possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than 31 inches in length from the effective date of this amendatory and supplementary act through July 31, 1987, less than 33 inches in length from August 1, 1987 through December 31, 1988, less than 34 inches in length from January 1, 1989 through June 30, 1989, or less than 36 inches in length from July 1, 1989 through December 31, 1989 shall be presumed to be possessed in violation of this section.

Repealer.

2. Section 4 of P.L.1983, c.506 (C.23:5-46) is repealed.

3. This act shall take effect immediately.

Approved May 25, 1989.

CHAPTER 83

AN ACT permanently designating the period of May 25 through June 25 as "Missing Persons' Month" in the State of New Jersey.

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

1. The Legislature finds and declares that there is an overwhelming problem of missing persons, as evidenced by this State's formation of the Commission on Missing Persons in February 1984; that missing adults and older teenagers represent a largely disenfranchised population of missing people; that missing adults and older teenagers should be recognized as persons who have left behind families in crisis, in that missing adults and older teenagers leave behind distraught families who are no less distraught than if the missing persons were young children; that these families in crisis are largely forgotten by the present system and by the general public; that small children disappear from home daily, whether through a suspicious circumstance, or many more times, through a parental abduction, and many of these children are not located for long periods of time, if at all; and that the issues surrounding missing persons have been rife with misinformation and exploitation, and the need to increase the public's awareness of the industry that serves missing persons and their families is an overwhelming one as well.

C.36:2-13 Missing Persons' Month.

2. The period of May 25 through June 25 is permanently designated and declared "Missing Persons' Month" in the State of New Jersey.

C.36:2-14 Dissemination of information.

3. All government agencies and appropriate private agencies and associations in this State are urged to recognize "Missing Persons' Month" by working cooperatively to make available to the public more in-depth information regarding the true statistics and scope of the missing persons issue.

4. This act shall take effect immediately.

Approved May 25, 1989.

CHAPTER 84

AN ACT providing for suspension of the drivers' licenses of drivers fleeing from law enforcement officers and amending N.J.S.2C:29-2.

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

1. N.J.S.2C:29-2 is amended to read as follows:

Resisting arrest; eluding officer.

2C:29-2. Resisting Arrest; Eluding Officer. a. A person is guilty of a disorderly persons offense if he purposely prevents a law enforcement officer from effecting a lawful arrest, except that he is guilty of a crime of the fourth degree if he:

1. Uses or threatens to use physical force or violence against the law enforcement officer or another; or
2. Uses any other means to create a substantial risk of causing physical injury to the public servant or another.

It is not a defense to a prosecution under this subsection that the law enforcement officer was acting unlawfully in making the arrest, provided he was acting under color of his official authority and provided the law enforcement officer announces his intention to arrest prior to the resistance.

b. Any person, while operating a motor vehicle on any street or highway in this State, who knowingly flees or attempts to elude any police or law enforcement officer after having received any signal from such officer to bring the vehicle to a full stop is a disorderly person. In addition to the penalty prescribed under this subsection or any other section of law, the court shall order the suspension of that person's driver's license for a period of not less than six months or more than two years. If that license is suspended at the time such order is issued, the suspension so ordered shall commence on the date of the termination of the existing suspension.

The court shall collect the license which is being suspended and forward it to the Division of Motor Vehicles along with a report of the suspension. If the court is unable to collect the license, the court shall nevertheless forward the report to the division. The report from the court to the division shall include the complete name, address, date of birth, eye color, sex and driver's license number, if known, of the person whose license has been suspended and shall indicate

the first and last calendar day of the suspension period ordered by the court under this subsection. If the person is the holder of a license from another jurisdiction, the court shall not collect the license but shall notify the division and the division shall notify the appropriate officials in the licensing state. The court, however, shall in accordance with the provisions of this subsection, suspend the person's non-resident driving privileges.

For the purposes of this subsection, it shall be a rebuttable presumption that the owner of a vehicle was the operator of the vehicle at the time of the offense.

2. This act shall take effect immediately.

Approved May 31, 1989.

CHAPTER 85

AN ACT to amend the "New Jersey Wiretapping and Electronic Surveillance Control Act," approved January 14, 1969 (P.L.1968, c.409).

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

1. Section 3 of P.L.1968, c.409 (C.2A:156A-3) is amended to read as follows:

C.2A:156A-3 Interception, disclosure, use of wire, oral communication; violation.

3. Except as otherwise specifically provided in this act, any person who:

a. Purposely intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication; or

b. Purposely discloses or endeavors to disclose to any other person the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication; or

c. Purposely uses or endeavors to use the contents of any wire or oral communication, or evidence derived therefrom, knowing or

having reason to know, that the information was obtained through the interception of a wire or oral communication; shall be guilty of a crime of the third degree. Subsections b. and c. of this section shall not apply to the contents of any wire or oral communication, or evidence derived therefrom, that has become common knowledge or public information.

2. Section 5 of P.L.1968, c.409 (C.2A:156A-5) is amended to read as follows:

C.2A:156A-5 Possession, sale, distribution, manufacture, or advertisement of intercepting devices; violation.

5. Except as otherwise specifically provided in section 6 of this act, any person who:

a. Purposely possesses an intercepting device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

b. Purposely sells an intercepting device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

c. Purposely distributes an intercepting device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

d. Purposely manufactures or assembles an intercepting device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

e. Purposely places in any newspaper, magazine, handbill, or other publication any advertisement of any intercepting device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication or of any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication;

shall be guilty of a crime of the third degree.

3. 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, a county prosecutor or with the approval of the Attorney General, except in those investigations directly involving possible misconduct by officials and employees of the Department of Law and Public Safety, the chairman of the State Commission of Investigation when authorized by a majority of the members of that commission, 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 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 N.J.S.2C:21-19 punishable by imprisonment for more than one year, 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, 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, violations of subsection b. of N.J.S.2C:24-4 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.

4. 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 communication common carrier.

12. Each order authorizing the interception of any wire 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;

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 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 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. Except as provided below in subsection g. of this section, no order entered under this section shall authorize the interception of wire 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, 11 and 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 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 or oral communication shall, upon request of the applicant, direct that a communication common carrier 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 carrier is affording the person whose communications are to be intercepted.

The obligation of a communication common carrier under such an order may include but is not limited to conducting, for good cause shown, an in-progress trace during an interception; provided, however, that a county prosecutor must receive the approval of the Attorney General or his designee prior to requesting an order which includes an in-progress trace. Any communication common carrier furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates. Said carrier shall be immune from civil liability for any assistance rendered to the applicant pursuant to this section.

5. Section 19 of P.L.1968, c.409 (C.2A:156A-19) is amended to read as follows:

C.2A:156A-19 Unlawful use, disclosure of existence of order, information concerning intercepted communication or derivative evidence.

19. Except as specifically authorized pursuant to this act any person who knowingly uses or discloses the existence of an order authorizing interception of a wire or oral communication or the contents of, or information concerning, an intercepted wire or oral communication or evidence derived therefrom, is guilty of a crime of the third degree.

6. Section 28 of P.L.1968, c.409 is amended to read as follows:

28. This act shall take effect January 1, 1969 and remain in effect until July 1, 1994.

7. This act shall take effect immediately.

Approved June 1, 1989.

CHAPTER 86

AN ACT concerning the establishment of a demonstration program for the transfer of development potential, amending P.L.1983, c.32, and supplementing Title 4 of the Revised Statutes.

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

C.40:55D-113 Short title.

1. Sections 1 through 14 and 17 through 19 of this act shall be known and may be cited as the "Burlington County Transfer of Development Rights Demonstration Act."

C.40:55D-114 Findings, declarations.

2. The Legislature finds and declares that as the most densely populated state in the nation, the State of New Jersey is faced with the challenge of accommodating vital growth while maintaining the environmental integrity and preserving the natural resources and cultural heritage of the Garden State; that the responsibility for meeting this challenge falls most heavily upon local government to appropriately shape the land use patterns so that growth and preservation become compatible goals; that until now municipalities have lacked effective and equitable means by which potential development may be transferred from areas where preservation is most appropriate to areas where growth can be better accommodated and maximized; and that the tools necessary to meet the challenge of balanced growth in an equitable manner in New Jersey must be made available to local government as the architects of New Jersey's future.

The Legislature further finds and declares that prior to the implementation of development potential transfer programs on a State-wide basis, it is necessary to demonstrate its feasibility in a pilot program; that such a pilot program should take place in an area where there is experience with development easement purchase and transfer; that Burlington County served as the program area for the "Agricultural Preserve Demonstration Program Act," P.L.1976, c.50 (C.4:1B-1 et seq.), and has participated to a greater extent than any other county in both the pinelands development credit program instituted under the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) and the development easement purchase program instituted under the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et al.); that because of this participation and the familiarity of local government units and the residents of the county with this land use planning technique, it is especially

suited and provides the most conducive laboratory to demonstrate the feasibility of such a program.

C.40:55D-115 Definitions.

3. As used in this act:

“Agricultural land” means land identified as prime, unique, or of State importance according to criteria adopted by the State Soil Conservation Committee with emphasis on lands included in an agricultural development area duly identified by a county agriculture development board and certified by the State Agriculture Development Committee according to the provisions of section 11 of P.L.1983, c.32 (C.4:1C-18);

“County agriculture development board” or “CADB” means the county agriculture development board established by Burlington county pursuant to the provisions of section 7 of P.L.1983, c.32 (C.4:1C-14);

“Development potential” means the maximum number of dwelling units or square feet of nonresidential floor area that could be constructed on a specified lot or in a specified zone under the master plan and land use regulations in effect on the date of the adoption of the development transfer ordinance, and in accordance with recognized environmental constraints;

“Development transfer” means the conveyance of development potential, or the permission for development, from one or more lots to one or more other lots by deed, easement, or other means as authorized by ordinance;

“Municipality” means any municipality in Burlington County;

“Infrastructure plan” means the water, sewer, and highway development plan for the receiving zone established by a development transfer ordinance;

“Development transfer bank” means a bank created pursuant to section 13 of this act;

“Instruments” means the easement, credit, or other deed restriction used to record a development transfer;

“Receiving zone” means an area designated in the master plan and zoning ordinance, adopted pursuant to the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.), within which development is to be increased, and which is otherwise consistent with the provisions of section 6 of this act;

“Sending zone” means an area designated in the master plan and zoning ordinance, adopted pursuant to the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.), within which development is to be prohibited or restricted and which is otherwise consistent with the provisions of section 6 of this act.

C.40:55D-116 Development transfers.

4. a. The governing body of any municipality in Burlington County may, by ordinance approved by the county planning board, provide for the transfer of development within its jurisdiction. The governing bodies of two or more municipalities may, by substantially similar ordinances, provide for a joint program for the transfer of development, including transfers from sending zones in one municipality to receiving zones in the other.

b. The Office of State Planning, established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-201), shall provide such technical assistance as may be requested by municipalities or the county planning board, and as may be reasonably within the capacity of the office to provide, for the purpose of providing for development transfers pursuant to the provisions of this act. The office shall also carry out its responsibilities as provided in sections 9 and 11 of this act.

C.40:55D-117 Report; infrastructure plan; amendment of master plan, land use regulations.

5. Prior to the adoption of any development transfer ordinance, a municipality interested in adopting the ordinance shall:

a. Prepare a report that includes the following:

(1) an estimate of the anticipated population and economic growth in the municipality for the succeeding 10 years;

(2) the identification and description of all prospective sending and receiving zones;

(3) an estimate of the development potential of the prospective sending and receiving zones;

(4) an estimate of the typical land values of the proposed sending zone;

(5) an estimate of existing and proposed infrastructure of the proposed receiving zone; and

(6) a presentation of the procedure and method for issuing the instruments necessary to convey the development potential from the sending zone to the receiving zone.

b. Cause to be prepared an infrastructure plan for the receiving zone, which includes the location and cost of all infrastructure and a method of cost sharing if any portion of the cost is to be assessed against developers. The plan shall be enacted by ordinance prior to or concurrent with enactment of any development transfer ordinance.

c. Incorporate in its master plan and land use regulations explicit planning objectives and design standards for the receiving zone so that applications for development that maximize the use of development transfer and that are consistent with the planning objectives and design standards can be expedited. The municipality may, through application fees for development in the receiving zone, be reimbursed on a pro rata basis for the cost of amending its master plan and land use regulations.

The development transfer ordinance shall not take effect until the report and plans required under this section have been prepared and the conclusions therefrom have been included in the master plan adopted pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

C.40:55D-118 Designation of sending, receiving zones.

6. The municipality shall, in view of the information gathered from the report and plans prepared pursuant to section 5 of this act, prepare a development transfer ordinance that designates sending and receiving zones.

a. In creating and establishing sending and receiving zones, the governing body of the municipality shall designate tracts of land of such size and number as may be necessary to carry out the purposes of this act.

b. All land in a sending zone shall have one or more of the following characteristics:

(1) substantially undeveloped or unimproved farmland, woodland, floodplain, wetlands, endangered species habitat, aquifer recharge area, recreation or park land, waterfront, or steeply sloped land;

(2) land substantially improved or developed in a manner so as to present a unique and distinctive aesthetic, architectural, or historical point of interest in the municipality;

(3) other improved or unimproved areas that should remain at low densities for reasons of inadequate transportation, sewerage or other infrastructure, or for such other reasons as may be necessary to implement local or regional plans.

c. Lands permanently restricted through development or conservation easements existing prior to the adoption of a development transfer ordinance may be included in a sending zone upon a finding by the municipal governing body that this inclusion is in the public interest.

d. The receiving zone shall be appropriate and suitable for development and shall be at least sufficient to accommodate at all times all of the development potential of the sending zone.

e. The development potential of the receiving zone shall be determined by the governing body of the municipality utilizing the report and plans prepared pursuant to section 5 of this act; be realistically achievable in a functioning market as of the date of the adoption of the development transfer ordinance; provide for a minimum of twice the development permitted in the receiving zone as of the date of the adoption of the development transfer ordinance; and be consistent with the criteria established pursuant to subsection b. of section 8 of this act. No density increases may be achieved in a receiving zone without the use of appropriate instruments of transfer.

f. The municipal governing body shall, pursuant to the ordinance, direct the municipal planning board to carry out the development transfer program.

C.40:55D-119 Development transfer ordinance.

7. a. The development transfer ordinance shall provide for the issuance of such instruments as may be necessary and the adoption of procedures for recording the permitted use of the land at the time of the recording, the separation of the development potential from the land, and the recording of the allowable residual use of the land upon separation of the development potential.

b. The development transfer ordinance shall specifically provide that upon the transfer of the development potential from a sending zone, the owner of the property from which the development potential has been transferred shall cause a statement containing the conditions of the transfer and the terms of the restrictions of the use and development of the land to be attached to and recorded with the deed of the land in the same manner as the deed was originally recorded. These restrictions and conditions shall state that any development inconsistent therewith is expressly prohibited, shall run with the land, and shall be binding upon the landowner and every successor in interest thereto.

c. The development transfer ordinance shall provide that, on granting a use variance under the provisions of section 57 of P.L.1975, c.291 (C.40:55D-70) that increases the development potential of a parcel of property not in the designated receiving zone for which the variance has been granted by more than 5%, that parcel of property shall constitute a receiving zone and the provisions of the ordinance for receiving zones shall apply with respect to the amount of development potential required to implement that variance.

C.40:55D-120 Review of ordinance.

8. a. Prior to adoption of the development transfer ordinance, the municipality shall submit a copy of the proposed ordinance, copies of all reports and plans prepared pursuant to section 5 of this act, and proposed municipal master plan changes necessary for the enactment of the development transfer ordinance to the county planning board. If the ordinance and master plan changes involve agricultural land, then the Burlington County Agriculture Development Board shall also be provided information identical to that provided to the county planning board.

b. The county planning board, upon receiving the development transfer ordinance and accompanying documentation, shall conduct a review of the ordinance with regard to the following criteria:

- (1) consistency with the adopted master plan of the county;
- (2) support of regional objectives for agricultural land preservation, natural resource management and protection, historic or architectural conservation, or the preservation of other public values as enumerated in subsection b. of section 6 of this act;
- (3) consistency with reasonable population and economic forecasts for the county;
- (4) adequacy of present or proposed infrastructure for concentrated growth; and
- (5) sufficiency of the receiving zone to accommodate the development potential that may be transferred from sending zones and a reasonable assurance of marketability of any instruments of transfer that may be created.

c. Any municipality located in whole or in part in the pinelands area, as defined in P.L.1979, c.111 (C.13:18A-1 et seq.), shall also submit the proposed development transfer ordinance, reports and plans, and master plan changes to the Pinelands Commission for review. The Pinelands Commission shall determine whether the ordi-

nance is compatible with the pinelands development credit program implemented pursuant to P.L.1985, c.310 (C.13:18A-30 et seq.) and is otherwise consistent with the comprehensive management plan adopted by the Pinelands Commission pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.). If the commission determines that the development transfer ordinance is not compatible or consistent, the commission shall make such recommendations as may be necessary to conform the ordinance with the comprehensive management plan. The municipality shall not adopt the ordinance unless the changes recommended by the Pinelands Commission have been included in the ordinance.

C.40:55D-121 Review, recommendations by county planning board, CADB, Office of State Planning.

9. a. Within 60 days of receiving the development transfer ordinance and accompanying documentation, the county planning board shall submit to the municipality formal comments detailing its review and shall either recommend or not recommend enactment of the development transfer ordinance. If enactment of the ordinance is recommended, the municipality may proceed with adoption of the ordinance. Failure to recommend or not recommend enactment of the ordinance within the 60-day period shall constitute recommendation of the ordinance.

b. The CADB shall review the development transfer ordinances and accompanying documentation within 30 days of receipt thereof, and shall submit such written recommendations as it deems appropriate, to the county planning board.

c. If the county planning board does not recommend enactment, the reasons therefor shall be clearly stated in their formal comments. If the objections of the county planning board cannot be resolved to the satisfaction of both the municipality and the county planning board within an additional 30 days, the municipality shall petition the Office of State Planning to render a final determination. In the event that a development transfer ordinance involves agricultural land, the municipality shall petition the Office of State Planning for a final determination.

d. The Office of State Planning shall review the record of comment of the county planning board, and the development transfer ordinance and supporting documentation, and within 60 days approve, approve with conditions, or disapprove the transfer ordinance stating in writing the reasons therefor. Failure of the Office of State Planning to approve, approve with conditions, or disapprove the

development transfer ordinance within the 60-day period constitutes approval of the ordinance. The basis for review by the Office of State Planning shall be:

- (1) compliance of the development transfer ordinance with the provisions of this act,
- (2) accuracy of the information developed in the report and plans prepared pursuant to subsections a., b., and c. of section 5 of this act; and
- (3) an assessment of the potential of successful implementation of the development transfer ordinance.

C.40:55D-122 Recording of transfer; record to assessor; taxation.

10. a. All development transfers shall be recorded in the manner of a deed in the book of deeds in the office of the Burlington county clerk. This recording shall specify the lot and block number of the parcel in the sending zone from which the development potential was transferred and the lot and block number of the parcel in the receiving zone to which the development potential was transferred.

b. The county clerk shall transmit to the assessor of the municipality in which a development transfer has occurred a record of the transfer and all pertinent information required to value, assess, and tax the properties subject to the transfer in a manner consistent with subsection c. of this section.

c. Property from which and to which development potential has been transferred shall be assessed at its fair market value reflecting this development transfer. Development potential that has been removed from a sending zone but has not yet been employed in a receiving zone shall not be assessed for real property taxation. Nothing in this act shall be construed to affect, or in any other way alter, the valuation assessment, or taxation of land that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

d. Property in a sending or receiving zone that has been subject to a development transfer shall be newly valued, assessed, and taxed as of October 1 next following the development transfer.

e. Development potential that has been conveyed from a property pursuant to this act is not subject to the fee imposed pursuant to P.L.1968, c.49 (C.46:15-5 et seq.).

C.40:55D-123 3-year, six-year reviews; prevention of repeal.

11. a. The development transfer ordinance shall be reviewed by

the planning board and governing body of the municipality at the end of three years subsequent to enactment. This review shall include an analysis of development potential transactions in both the private and public market, an update of current conditions in comparison to the original report prepared pursuant to section 5 of this act, and an assessment of the performance goals of the development transfer program including an evaluation of the units constructed with and without the utilization of the development transfer ordinance. A report of findings from this review shall be submitted to the county planning board and, where the sending zone includes agricultural land, the CADB for review and recommendations. Based on this review the municipality shall act to maintain and enhance the value of development transfer potential not yet utilized and, if necessary, amend the infrastructure plan and comprehensive development plan and design standards prepared pursuant to section 5 of this act.

b. The development transfer ordinance shall be reviewed by the planning board and governing body of the municipality at the end of six years subsequent to enactment. This review shall provide for the examination of the development transfer ordinance to determine whether the program for development transfer and the permitted uses in the sending zone continue to remain economically viable, and shall require an update of the report and plans prepared pursuant to section 5 of this act. If at least 30% of the development potential available on the market at market value has not been transferred at the end of this six-year period, the municipal governing body shall repeal the development transfer ordinance within 90 days of the end of the six-year period unless one of the following is met:

(1) the municipality immediately takes action to acquire or provide for the private purchase of the difference between the development potential already transferred and 50% of the total development transfer potential created in the sending zone under the development transfer ordinance;

(2) a majority of the property owners in a sending zone who own land from which the development potential has not yet been transferred agree that the development transfer ordinance should remain in effect; or

(3) the municipality can demonstrate either future success or can demonstrate that low levels of development transfer activity is due not to ordinance failure but to low levels of development demand in general. This demonstration shall require the concurrence of the county planning board and the Office of State Planning, and shall

be the subject of a municipal public hearing conducted prior to a final determination regarding the future viability of the development transfer program.

c. Thereafter the development transfer ordinance shall provide for review thereof by the planning board and the governing body of the municipality at least once every six years in conjunction with the review and update of the master plan of the municipality pursuant to the provisions of section 76 of P.L.1975, c.291 (C.40:55D-89). This review shall provide for the examination of the ordinance to determine whether the program and uses permitted in the sending zone continue to be economically viable and shall require an update of the report and plans prepared pursuant to section 5 of this act.

d. If 60% of the development potential has not been transferred at the end of a 12-year period, the municipal governing body shall repeal the development transfer ordinance within 90 days at the end of the 12-year period unless the municipality meets the standards established pursuant to subsection b. of this section.

C.40:55D-124 Repeal of development transfer ordinance.

12. a. If the development transfer ordinance is repealed, the municipality shall, by ordinance, amend its master plan to reflect the repeal and shall provide for continued use of development transfers that have been separated from a sending zone but which have not yet been redeemed by transfer to a receiving zone by establishing density bonuses for development transfers to designated areas of the municipality for a period of not less than 10 years.

b. The repeal of a development transfer ordinance shall in no way rescind or otherwise affect the restrictions imposed and recorded pursuant to section 7 of this act on the use of the land from which the development potential has been transferred, unless all of the municipal, county, or State agencies to whom the deed restrictions run and whose funds were used to purchase the easement agree that it is in the public interest to release the restrictions.

C.40:55D-125 Development transfer bank.

13. a. The governing body of Burlington county or a municipality therein may provide for the purchase, sale, or exchange of the development potential that is available for transfer from a sending zone by the establishment of a development transfer bank. Any development transfer bank established therefor shall be governed by a board of directors comprising five members appointed by the governing

body of the municipality or Burlington county, as the case may be. The members shall have expertise in either banking, law, land use planning, natural resource protection, historic site preservation or agriculture. The bank shall be funded at a level equal to at least 10% of the market value of the sending zone prior to the implementation of the development transfer ordinance for the purchase, sale, or exchange and shall be renewed to this funding level on an annual basis. For the purposes of this act and the "Local Bond Law," P.L.1960, c.169 (C.40A:2-1 et seq.), a purchase by the bank shall be considered an acquisition of lands for public purposes.

b. The development transfer bank is authorized to purchase property in a sending zone if:

(1) Adequate funds have been provided for these purposes; and,

(2) The person from whom the development potential is to be purchased demonstrates possession of marketable title to the property, is legally empowered to restrict the use of the property in conformance with this act, and certifies that the property is not otherwise encumbered or transferred.

c. The development transfer bank may, for the purposes of its own development potential transactions, establish a municipal average of the value of the development potential of all property in a sending zone of a municipality within its jurisdiction, which value shall generally reflect market value prior to the effective date of the development transfer ordinance. The establishment of this municipal average shall not prohibit the purchase of development potential for any price by private sale or transfer but shall be used only when the development transfer bank itself is purchasing the development potential of property in the sending zone. Several average values in any sending zone may be established for greater accuracy of valuation.

d. The development transfer bank may sell, exchange, or otherwise convey the development potential of property that it has purchased or otherwise acquired pursuant to the provisions of this act, but only in a manner that does not substantially impair the private sale or transfer of development potential.

e. When the sending zone includes agricultural land a development transfer bank shall, when considering the purchase of development potential based upon values derived by municipal averaging, submit the municipal average arrived at pursuant to subsection c. of this section for review and comment to the CADB. The develop-

ment transfer bank shall coordinate the development transfer program with the farmland preservation program established pursuant to P.L.1983, c.32 (C.4:1C-11 et al.) to the maximum extent practicable and feasible.

f. A development transfer bank may apply for funds for the purchase of development potential under the provisions of P.L.1978, c.118, P.L.1983, c.354, or any other act providing funds for the purpose of acquiring and developing land for recreation and conservation purposes consistent with the provisions and conditions of those acts.

g. A development transfer bank may apply for matching funds for the purchase of development potential under the provisions of P.L.1981, c.276 for the purpose of farmland preservation and agricultural development consistent with the provisions and conditions of that act and P.L.1983, c.32 (C.4:1C-11 et al.).

C.40:55D-126 Development easement sales.

14. If the governing body of Burlington County provides for the acquisition of a development easement under the provisions of P.L.1983, c.32 (C.4:1C-11 et al.), it may sell the development potential associated with the development easement subject to the terms and conditions of the development transfer ordinance adopted pursuant to this act; provided that if the development easement was purchased using moneys provided under the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, a percentage of all revenues generated through the resale of the development potential shall be refunded to the State in an amount equal to the State's percentage contribution to the original development easement purchase. This repayment shall be made within 90 days after the end of the calendar year in which the sale occurs.

15. Section 24 of P.L.1983, c.32 (C.4:1C-31) is amended to read as follows:

C.4:1C-31 Development easement purchases.

24. a. Any landowner applying to the board to sell a development easement pursuant to section 17 of this act shall offer to sell the development easement at a price which, in the opinion of the landowner, represents a fair value of the development potential of the land for nonagricultural purposes, as determined in accordance with the provisions of this act.

b. Any offer shall be reviewed and evaluated by the board and the committee in order to determine the suitability of the land for

development easement purchase. Decisions regarding suitability shall be based on the following criteria:

(1) Priority consideration shall be given, in any one county, to offers with higher numerical values obtained by applying the following formula:

$$\frac{\text{nonagricultural developmental value} - \text{agricultural value}}{\text{nonagricultural development value} - \text{agricultural value}} = \text{landowner's asking price}$$

(2) The degree to which the purchase would encourage the survivability of the municipally approved program in productive agriculture; and

(3) The degree of imminence of change of the land from productive agriculture to nonagricultural use.

The board and the committee shall reject any offer for the sale of development easements which is unsuitable according to the above criteria and which has not been approved by the board and the municipality.

c. Two independent appraisals paid for by the board shall be conducted for each parcel of land so offered and deemed suitable. The appraisals shall be conducted by independent, professional appraisers selected by the board and the committee from among members of recognized organizations of real estate appraisers. The appraisals shall determine the current overall value of the parcel for nonagricultural purposes, as well as the current market value of the parcel for agricultural purposes. The difference between the two values shall represent an appraisal of the value of the development easement. If Burlington county or a municipality therein has established a development transfer bank pursuant to the provisions of P.L.1989, c.86 (C.40:55D-113 et seq.), the municipal average of the value of the development potential of property in a sending zone established by the bank may be the value used by the board in determining the value of the development easement. If a development easement is purchased using moneys appropriated from the fund, the State shall provide no more than 80%, except 100% under emergency conditions specified by the committee pursuant to rules or regulations, of the cost of the appraisals conducted pursuant to this section.

d. Upon receiving the results of the appraisals, or in Burlington county or a municipality therein where a municipal average has been established under P.L.1989, c.86 (C.40:55D-113 et seq.), upon receiving an application from the landowners, the board and the committee shall compare the appraised value, or the municipal average, as the case may be, and the landowner's offer and, pursuant to the suitability criteria established in subsection b. of this section:

(1) Approve the application to sell the development easement and rank the application in accordance with the criteria established in subsection b. of this section; or

(2) Disapprove the application, stating the reasons therefor.

e. Upon approval by the committee and the board, the secretary is authorized to provide the board, within the limits of funds appropriated therefor, an amount equal to no more than 80%, except 100% under emergency conditions specified by the committee pursuant to rules or regulations, of the purchase price of the development easement, as determined pursuant to the provisions of this section. The board shall provide its required share and accept the landowner's offer to sell the development easement. The acceptance shall cite the specific terms, contingencies and conditions of the purchase.

f. The landowner shall accept or reject the offer within 30 days of receipt thereof. Any offer not accepted within that time shall be deemed rejected.

g. Any landowner whose application to sell a development easement has been rejected for any reason other than insufficient funds may not reapply to sell a development easement on the same land within two years of the original application.

h. No development easement shall be purchased at a price greater than the appraised value determined pursuant to subsection c. of this section or the municipal average, as the case may be.

i. 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.).

16. Section 25 of P.L.1983, c.32 (C.4:1C-32) is amended to read as follows:

C.4:1C-32 Conveyance of assessment following purchase; conditions, restrictions; payment.

25. a. No development easement purchased pursuant to the provisions of this act shall be sold, given, transferred or otherwise conveyed in any manner except in those cases when development easements have been purchased on land included in a farmland preservation program included in a sending zone established by a municipal development transfer ordinance adopted pursuant to P.L.1989, c.86 (C.40:55D-113 et seq.).

b. Upon the purchase of the development easement by the board, the landowner shall cause a statement containing the conditions of the conveyance and the terms of the restrictions on the use and development of the land to be attached to and recorded with the deed of the land, in the same manner as the deed was originally recorded. These restrictions and conditions shall state that any development for nonagricultural purposes is expressly prohibited, shall run with the land and shall be binding upon the landowner and every successor in interest thereto.

c. At the time of settlement of the purchase of a development easement, the landowner and the board may agree upon and establish a schedule of payment which provides that the landowner may receive consideration for the easement in a lump sum, or in installments over a period of up to 10 years from the date of settlement, provided that:

(1) If a schedule of installments is agreed upon, the State Comptroller shall retain in the fund an amount of money sufficient to pay the landowner pursuant to the schedule;

(2) The landowner shall receive annually interest on any unpaid balance remaining after the date of settlement. The interest shall accrue at a rate established in the installment contract.

C.40:55D-127 Right to bargain for equitable interest.

17. Notwithstanding any other provision of this act or of any other applicable law, nothing in this act shall be construed to limit or foreclose the right of a sending zone transferor or a receiving zone transferee of a development transfer pursuant to this act to bargain, wholly or partially in lieu of a cash sale price, for an equitable interest in any development in which the transfer may be used.

Any contract or conveyance of development potential in which the consideration for the transaction is, in whole or in part, an equitable interest remaining in the grantor, shall be a recordable instrument

to be recorded consistent with the applicable provisions of Title 46 of the Revised Statutes.

C.40:55D-128 Farm benefits rights.

18. Agricultural land involved in an approved development transfer ordinance shall be provided the right to farm benefits under P.L.1983, c.32 (C.4:1C-11 et al.) and other benefits that may be provided pursuant to P.L.1983, c.31 (C.4:1C-1 et al.).

C.40:55D-129 Reports; analysis.

19. a. The governing body of a municipality which adopts a development transfer ordinance shall annually prepare and submit a report on the operation of the development transfer ordinance to the county planning board.

b. The county planning board shall submit copies of these reports along with an analysis of the effectiveness of the ordinances in achieving the purposes of this act to the State Planning Commission on July 1 of the third year next following enactment of this act.

c. The State Planning Commission shall submit, to the Governor, the President of the Senate, and to the Speaker of the General Assembly 90 days subsequent to receiving the report from the Burlington county planning board, copies of its analysis along with its recommendations as to the advisability of enacting transfer of development rights enabling legislation on a Statewide basis.

20. This act shall take effect immediately.

Approved June 5, 1989.

CHAPTER 87

AN ACT concerning the supervision of jurors and amending various parts of the statutory law and supplementing Title 2A of the New Jersey Statutes.

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

1. N.J.S.2A:70-1 is amended to read as follows:

Grand, petit jury lists; number of names on list.

2A:70-1. The assignment judge of the Superior Court of each county shall, at least 40 days prior to the commencement of each

stated session of the Superior Court in the county, order that two lists, alphabetically arranged and consecutively numbered, of persons liable to jury duty, having regard to the just distribution of jury service among those persons qualified therefor in the various wards and municipalities of such county. The lists shall state their occupation and places of abode, showing their respective municipalities and wards, if any, in municipalities, and shall be designated respectively the "grand jury list" and the "petit jury list." The number of persons named on the grand jury list shall at no time be less than 125 nor more than 500, to be determined by the assignment judge. The number of persons named on the petit jury list shall at no time be less than 250, the number to be determined by such assignment judge.

2. N.J.S.2A:70-2 is amended to read as follows:

Jury lists checked for unqualified persons.

2A:70-2. At least 35 days prior to the commencement of each stated session of the Superior Court in each county, the assignment judge of the Superior Court for the county shall closely check the grand jury list and petit jury list for the purpose of removing from such lists the names of such persons as may, in the opinion of the assignment judge, be unfit for jury service. The assignment judge may, in his discretion, strike from such lists the name of any person.

The grand and petit jury panels to be used during the next ensuing session shall be drawn from the names remaining on the lists, unless more than 20% of a list is struck, in which case the assignment judge shall forthwith fill the vacancies and file a corrected list or lists with the court. After the lists are satisfactory, the assignment judge shall renumber the names in consecutive order.

3. N.J.S.2A:70-3 is amended to read as follows:

Certified copies of jury lists for county clerks, assignment judges; copy posted in clerk's office.

2A:70-3. After the jury lists have been checked and are satisfactory to the assignment judge of the Superior Court for the county, the assignment judge shall cause an original and four copies to be made of each of such lists, certifying each copy as true and correct, and shall cause two copies of each to be filed in the office of the clerk of the county, at least 25 days prior to the commencement of each stated session of the Superior Court in the county, there to remain a public record.

Upon the filing of such lists with the county clerk, a copy of each list shall be posted in the clerk's office in a conspicuous place.

4. N.J.S.2A:70-4 is amended to read as follows:

Use of registry, driver license lists to make jury lists.

2A:70-4. For the purpose of making up the jury lists, the assignment judge shall have access to and may copy registry lists of the several municipalities and election districts of their county and lists, which shall be compiled by the Division of Motor Vehicles, of the names and addresses of the holders of motor vehicle driver licenses who are residents of their county. The assignment judge shall use these lists to compile a single list from which all jurors shall be selected.

5. N.J.S.2A:70-5 is amended to read as follows:

Questionnaires; exemption claims; excusing by court.

2A:70-5. The assignment judge may, before certifying any lists, direct that questionnaires be sent to all persons whose names may be selected at random from the juror source list specified in 2A:70-4, requesting such persons to reply to the same and to give all pertinent information required including claims to exemption from jury duty. Persons giving satisfactory reasons for such exemption may be excused by the court.

Persons who, without cause, fail to respond to such requests may be held for contempt of court.

6. N.J.S.2A:70-6 is amended to read as follows:

Revision, correction, certification of new lists.

2A:70-6. The assignment judge may, from time to time, before certifying the jury lists, revise, correct and certify a new jury list or lists, which shall not contain any names theretofore stricken off within one year.

7. N.J.S.2A:71-6 is amended to read as follows:

Second grand jury in counties having more than 250,000 inhabitants.

2A:71-6. In every county having a population exceeding 250,000 inhabitants, two separate grand juries may be drawn, the second of which may be summoned to attend six weeks after the opening of the stated session of the Superior Court in such county.

When the grand jurors of the second grand jury appear for service, the court may discharge the grand jury then serving. However, the assignment judge of the Superior Court for the county may order the sheriff to refrain from summoning such new grand jurors, in which case the first grand jury shall continue to serve until the end of the session unless sooner discharged by the court.

8. N.J.S.2A:71-7 is amended to read as follows:

New grand jury on discharge of original before end of session; drawing and summoning.

2A:71-7. If a grand jury is discharged before the end of the period for which it is drawn, the assignment judge of the Superior Court for the county may order the drawing of a new grand jury panel to serve for a further period to be stated in the order. The new grand jury panel shall be drawn in accordance with the provisions of chapter 71 of this title and shall be summoned in the same manner as the original grand jury.

9. N.J.S.2A:71-9 is amended to read as follows:

Designation of petit jury panel to serve for part of session only; new panel to serve for another part.

2A:71-9. The assignment judge of the Superior Court for each county may direct that the panel of petit jurors drawn pursuant to the provisions of this chapter shall serve only during a designated part of the next ensuing stated session of the court. In that event they shall be so summoned, and the judge may direct the drawing of a new panel or panels of petit jurors to serve during another designated part of such session.

10. N.J.S.2A:71-10 is amended to read as follows:

Selection, drawing of new grand, petit jury panel where original panel not selected and drawn.

2A:71-10. Whenever for any reason a panel of grand or petit jurors shall not have been selected at the time and in the manner provided by law, the assignment judge of the Superior Court for the county may order that a panel of grand or petit jurors be selected and drawn, at a day to be fixed by the assignment judge, in the manner provided by this chapter.

11. N.J.S.2A:71-12 is amended to read as follows:

New panel when original panel discharged on challenge.

2A:71-12. If, on a challenge to the array or for other good cause, the whole panel of grand or petit jurors shall be set aside, the assignment judge of the Superior Court for the county may order the sheriff to return a competent number of jurors to serve in place of the panel, the same to be selected in like manner as the original panel is required to be selected by this subtitle.

C.2A:70-4a Selection of jurors.

12. On a day and time fixed by the assignment judge, which shall not be less than 35 days before the commencement of each stated

session of the Superior Court, the assignment judge shall direct the manner of selection of jurors to serve for the forthcoming session of court. That direction shall provide for the public and impartial drawing of the names of persons to constitute the panels for jury service and shall specify the form and preparation of the lists of names so drawn. The lists shall state the name, occupation and residence of each juror to be summoned, and the number of names to be listed shall be determined by the assignment judge. A random method shall be used to select jurors for the forthcoming session from the source list for juror selection specified in N.J.S.2A:70-4. The particular method of random selection shall be approved by the Supreme Court and specified in rules promulgated by it.

C.2A:68-12.1 Tenure right, right of protection.

13. Persons employed on the effective date of this act pursuant to N.J.S.2A:68-12, which is being repealed in accordance with section 14 of this act, shall not be deprived of any tenure right or any right of protection provided by Title 11A of the New Jersey Statutes or any pension law or retirement system.

Repealer.

14. All acts and parts of acts inconsistent with this act are superseded, and the following are specifically repealed:

N.J.S.2A:68-1 to 2A:68-13, inclusive

N.J.S.2A:71-1 to 2A:71-3, inclusive

N.J.S.2A:72-3

and

P.L.1953, c.240, ss.4 and 6 (C.2A:68-1.1 and 2A:68-1.2).

15. This act shall take effect on the 120th day after enactment.

Approved June 7, 1989.

CHAPTER 88

AN ACT concerning the Division of Public Welfare and amending
P.L.1950, c.166 (C.30:4B-1 et seq.).

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

1. Section 1 of P.L.1950, c.166 (C.30:4B-1) is amended to read as follows:

C.30:4B-1 Division of Economic Assistance.

1. The Commissioner of Human Services may, in accordance with R.S.30:1-9, establish a Division of Economic Assistance. The division shall consist of personnel, bureaus, agencies and other administrative units as the Commissioner of Human Services may, from time to time, establish therein.

2. Section 2 of P.L.1950, c.166 (C.30:4B-2) is amended to read as follows:

C.30:4B-2 Functions, powers, duties.

2. All functions, powers and duties relating to public assistance and welfare services, assigned to it by the Commissioner of the Department of Human Services, shall be administered through the Division of Economic Assistance, together with other related functions and duties the Commissioner of Human Services may, from time to time, find appropriate to be administered through the division.

3. Section 3 of P.L.1950, c.166 (C.30:4B-3) is amended to read as follows:

C.30:4B-3 Membership of Board of Economic Assistance.

3. There is hereby created and established within the Department of Human Services a board to be known as the Board of Economic Assistance. The board shall consist of 13 members, at least three of whom shall be women. Twelve of the members shall be appointed by the State Board of Human Services with the approval of the Governor, from among citizens of the State with demonstrated interest in community service programs, at least three of whom shall be executives of privately sponsored agencies providing family and children's services. They shall be appointed without regard to political belief or affiliation. They shall receive no compensation for services, but shall be reimbursed for actual expenditures incurred in the performance of their duties. All 12 members shall hold office for a term of three years commencing on July 1 and ending on June 30 of the third year thereafter; except that of the members first to be appointed hereunder, four shall be assigned to terms expiring on June 30 of the year next succeeding appointment, and four to terms expiring on June 30 of the second year succeeding appointment, but their successors shall be appointed for three-year terms, and any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. In addition to the 12 members, one additional member shall be annually designated by the State Board of Human Services from among persons currently serving as members of the

board of trustees or the consumer advisory board of the Commission for the Blind and Visually Impaired. The Commissioner of Human Services shall, after consultation with the Board of Economic Assistance, appoint the chief executive officer of the Division of Economic Assistance who shall be known as the director of the division and who shall be in charge of the work of the division under the immediate direction and supervision of the commissioner. The Board of Economic Assistance, acting on behalf of the commissioner and subject to the authority and direction thereof, shall organize to meet at times it may determine or which may be prescribed by the commissioner. It may establish such committees as it may determine necessary. It shall become and continue to be thoroughly acquainted with the operations of the Division of Economic Assistance and regularly review all programs and practices within the division and within the respective bureaus and other units thereof. It shall establish policies and procedures within general directives of the commissioner. It shall assist the director of the division in formulating the annual budget requests. It shall promote and maintain constructive relationships with the county welfare agencies, local assistance boards, and other official bodies and organized agencies concerned with public welfare. It may, subject to the approval of the commissioner, establish any subsidiary unsalaried advisory or consultant committees or study groups as it may deem necessary and proper and appoint the members thereof.

4. Section 4 of P.L.1950, c.166 (C.30:4B-4) is amended to read as follows:

C.30:4B-4 Appointment of chief executive officers.

4. The Commissioner of Human Services shall, after consultation with the Board of Economic Assistance and the director of the division, appoint the chief executive officers of each of the bureaus, agencies or other administrative units of the division, which positions shall be in the competitive division of the career service. The Commission for the Blind and Visually Impaired shall, from among persons nominated by the commissioner, and after consultation with the Board of Economic Assistance and the director of the division, appoint the chief executive officer of the commission, which position shall be in the unclassified service. This act shall not affect the terms of office of members of the State Commission for the Blind and Visually Impaired, and the agency shall continue to be constituted and to exercise its functions as otherwise provided by law.

5. Section 5 of P.L.1950, c.166 (C.30:4B-5) is amended to read as follows:

C.30:4B-5 Functions, powers, duties transferred.

5. All of the functions, powers and duties of, and records and property maintained by, the Department of Conservation and Economic Development and the Commissioner of Conservation and Economic Development under and pursuant to the following enumerated acts are hereby transferred to and vested in the State Department of Human Services and the Commissioner of Human Services, respectively, and shall be exercised and used through the Division of Economic Assistance in the State Department of Human Services, in accordance with the provisions of this act and as otherwise provided by law:

- a. "General Public Assistance Law" (P.L.1947, c.156); and
- b. (Deleted by amendment, P.L.1989, c.88.)

6. Section 6 of P.L.1950, c.166 (C.30:4B-6) is amended to read as follows:

C.30:4B-6 Use of terms.

6. Whenever the term "commissioner" occurs or any reference is made thereto in the "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et seq.), the same shall be deemed to mean or refer to the Commissioner of Human Services of the State Department of Human Services.

Whenever the term "department" occurs or any reference is made thereto in the "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et seq.), the same shall be deemed to mean or refer to the Division of Economic Assistance in the State Department of Human Services.

7. Section 7 of P.L.1950, c.166 (C.30:4B-7) is amended to read as follows:

C.30:4B-7 Appropriation, transfer of employees.

7. For the purpose of defraying the costs of administering, during the fiscal year ending June 30, 1951, the functions herein transferred to the State Department of Human Services and the Commissioner of Human Services, respectively, pursuant to section 5 of this act, the State Department of Human Services may expend, from the appropriation made to it for relief subsidies in the General Appropriations Law for the fiscal year, an amount not in excess of one hundred thousand dollars (\$100,000.00); and in employing additional person-

nel, for the administration of the functions, powers and duties transferred under this act, the Commissioner of Human Services shall give preference, wherever possible but in his absolute discretion, to the present employees of the Department of Conservation and Economic Development and the Division of Budget and Accounting in the Department of the Treasury, who have been engaged in the administration of any of the functions, powers and duties in the departments, by transferring them to substantially similar positions and employments, having in mind the fitness of the employees for the performance of the duties to be assigned to them, in the Division of Economic Assistance in the State Department of Human Services and persons so transferred shall hold the positions and employments with the same civil service status and the same tenure and pension rights, as they formerly had in the respective departments from which they are so transferred.

8. Section 9 of P.L.1950, c.166 (C.30:4B-9) is amended to read as follows:

C.30:4B-9 Short title.

9. This act shall be known as, and may be cited as, the "Department of Human Services, Division of Economic Assistance Act."

9. This act shall take effect immediately.

Approved June 7, 1989.

CHAPTER 89

AN ACT modifying the eligibility requirements for unemployment compensation benefits and amending R.S.43:21-4.

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

1. R.S.43:21-4 is amended to read as follows:

Benefit eligibility conditions.

43:21-4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if:

(a) The individual has filed a claim at an unemployment insurance claims office and thereafter continues to report at an employment service office or unemployment insurance claims office, as

directed by the division in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided that no such regulation shall conflict with subsection (a) of R.S.43:21-3.

(b) The individual has made a claim for benefits in accordance with the provisions of subsection (a) of R.S.43:21-6.

(c) (1) The individual is able to work, and is available for work, and has demonstrated to be actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section.

(2) The director may modify the requirement of actively seeking work if such modification of this requirement is warranted by economic conditions.

(3) No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

(4) Subject to such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because the individual is attending a training program approved for the individual by the division to enhance the individual's employment opportunities or because the individual failed or refused to accept work while attending such program.

(5) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance before a court in response to a summons for service on a jury.

(6) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance at the funeral of an immediate family member, provided that the duration of the attendance does not extend beyond a two day period.

For purposes of this paragraph, "immediate family member" includes any of the following individuals: father, mother, mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, foster child, sister or brother of the unemployed individual and any relatives of the unemployed individual residing in the unemployed individual's household.

(d) The individual has been totally or partially unemployed for a waiting period of one week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.);

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R.S.43:21-5.

(e) (1) With respect to a base year as defined in subsection (c) of R.S.43:21-19, the individual has established at least 20 base weeks as defined in paragraph (1) of subsection (t) of R.S.43:21-19, or, in those instances in which the individual has not established 20 base weeks, the individual has earned \$2,200.00 for benefit years commencing prior to October 1, 1984; and, except as otherwise provided in paragraph (2) or paragraph (3) of this subsection, for benefit years commencing on or after October 1, 1984, the individual has earned 12 times the Statewide average weekly remuneration paid to workers, as determined under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not already a multiple thereof, or more in the individual's base year.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, for benefit years commencing on or after October 1, 1984 and before January 1, 1985, an unemployed individual claiming benefits on the basis of service performed in the production and harvest-

ing of agricultural crops shall, subject to the limitations of subsection (i) of R.S.43:21-19, be eligible to receive benefits if it appears that the individual has established at least 20 base weeks as defined in paragraph (2) of subsection (t) of R.S.43:21-19, or, in those instances in which the individual has not established 20 base weeks, the individual has earned \$2,200.00.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, an unemployed individual claiming benefits on the basis of service performed in the production and harvesting of agricultural crops shall, subject to the limitations of subsection (i) of R.S.43:21-19, be eligible to receive benefits if during his base year, as defined in subsection (c) of R.S.43:21-19, the individual:

(A) Has established at least 20 base weeks as defined in paragraph (1) of subsection (t) of R.S.43:21-19; or

(B) Has earned 12 times the Statewide average weekly remuneration paid to workers, as determined under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not already a multiple thereof, or more; or

(C) Has performed at least 770 hours of service in the production and harvesting of agricultural crops.

(4) The individual applying for benefits in any successive benefit year has earned at least six times his previous weekly benefit amount and has had four weeks of employment since the beginning of the immediately preceding benefit year. This provision shall be in addition to the earnings requirements specified in paragraph (1), (2), or (3) of this subsection, as applicable.

(f) (1) The individual has suffered any accident or sickness not compensable under the Workers' Compensation Law (Title 34 of the Revised Statutes) and resulting in the individual's total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R.S.43:21-1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for the inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R.S.43:21-3(d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual," as defined in R.S. 43:21-27(b); provided further that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist, optometrist, podiatrist or chiropractor;

(B) (Deleted by amendment, P.L.1980, c.90.)

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a crime of the first, second or third degree;

(D) For any week with respect to which or a part of which the individual has received or is seeking benefits under any unemployment compensation or disability benefits law of any other state or of the United States; provided that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such benefits, this disqualification shall not apply;

(E) For any week with respect to which or part of which the individual has received or is seeking disability benefits under the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.);

(F) For any period of disability commencing while such individual is a "covered individual," as defined in subsection 3(b) of the "Temporary Disability Benefits Law," P.L.1948, c. 110 (C.43:21-25 et seq.).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R.S.43:21-19(i)(1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the "unemployment compensation law"; except that, notwithstanding any other provisions of the "unemployment compensation law":

(1) With respect to service performed after December 31, 1977, in an instructional research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or

during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to weeks of unemployment beginning after September 3, 1982, on the basis of service performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual under this paragraph (2) and the individual was not offered an opportunity to perform these services for the educational institution for the second of any academic years or terms, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such period or holiday recess;

(4) With respect to any services described in paragraphs (1) and (2) above, benefits shall not be paid as specified in paragraphs (1), (2), and (3) above to any individual who performed those services in an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing those services to one or more educational institutions.

(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two suc-

cessive sports seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time the services were performed and was lawfully present for the purpose of performing the services or otherwise was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of (8 U.S.C. § 1153(a)(7)) or (8 U.S.C. § 1182(d)(5)) of the Immigration and Nationality Act (8 U.S.C. § 1101 et seq.)); provided that any modifications of the provisions of section 3304(a)(14) of the federal Unemployment Tax Act (26 U.S.C. § 3304(a)(14)), as provided by Public Law 94-566, which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of alien status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.).

2. This act shall take effect immediately.

Approved June 7, 1989.

CHAPTER 90

AN ACT concerning education, authorizing and providing a procedure for withdrawal from an all purpose regional district and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:13-66 Investigation of advisability of withdrawal.

1. The governing body of any municipality constituting a part of an all purpose regional district may, by resolution, apply to the county superintendent of schools to investigate the advisability of the withdrawal of the municipality from the all purpose regional district.

C.18A:13-67 Report on assets, operating expenses.

2. The county superintendent shall, within 60 days after the request, file with the governing bodies of the municipalities constituting the all purpose regional district and the board of education of the all purpose regional school district, a report containing a statement of the current assets and operating expenses of the all purpose regional district for the current year and any financial, educational and other information that he may deem necessary to enable the governing bodies and the regional board of education to form an intelligent judgment as to the advisability of the proposed withdrawal and its effect upon the educational and financial condition of the withdrawing municipality and the all purpose regional district and setting forth the amount of indebtedness, if any, to be assumed by the withdrawing municipality and the all purpose regional district, calculated as hereinafter provided.

C.18A:13-68 Amount indebtedness bears to replacement cost.

3. The county superintendent shall calculate the amount of indebtedness to be assumed on the basis of the proportion which the replacement cost of the buildings, grounds, furnishings, equipment, and additions thereto of the all purpose regional district situated in the withdrawing municipality bears to the replacement cost of the buildings, grounds, furnishings, equipment and additions thereto situated in the entire all purpose regional district. The replacement cost shall be determined according to rules prescribed by the Commissioner of Education with the approval of the State board and in accordance with recognized accounting practices.

C.18A:13-69 Petition.

4. The governing body of the withdrawing municipality may, within 30 days after the filing of the report by the county super-

intendent, petition the commissioner for permission to submit to the legal voters of the withdrawing municipality and the remaining municipalities within the all purpose regional district the question whether or not it shall withdraw from the all purpose regional district, and in the petition the governing body may request any specific reduction or increase in the amount of indebtedness to be assumed as set forth in the county superintendent's report. Proof of the service of a copy of the petition upon the municipal governing body of each constituent municipality, the board of education of the all purpose regional district, and the county superintendent, prior to the filing of the petition, shall accompany the petition.

C.18A:13-70 Answer to petition.

5. The governing body of any constituent municipality of the all purpose regional district and the board of education of the all purpose regional district shall, within 15 days after service of a copy of the petition upon it, file an answer to the petition with the commissioner and serve a copy of the answer upon the governing body of every other constituent municipality and upon the board of education of the all purpose regional district and the county superintendent. The answer shall set forth matters similar to those described in section 6 of this act.

C.18A:13-71 Answers, petition to board of review; granting, denial.

6. Within 15 days after the filing of the answers to the petition, the Commissioner of Education shall submit the petition and answers to a board of review consisting of the commissioner, as chairman, the State Treasurer or his designee and the Director of the Division of Local Government Services in the Department of Community Affairs, for a determination as to whether or not the petition should be granted, and if so, the amount of indebtedness, if any, to be assumed by the withdrawing municipality and the all purpose regional district upon approval of the legal voters of the withdrawing municipality and the remaining constituent municipalities at a special school election. The board of review shall consider the effect of the proposed withdrawal upon the educational and financial condition of the withdrawing municipality and the all purpose regional district and shall schedule and hold a public hearing on the petition upon the application of any interested party. In considering the effect of the proposed withdrawal upon the educational and financial condition of the withdrawing and remaining municipalities the board of review shall:

- a. Consent to the granting of the application;

b. Oppose the granting of the application because, if it is granted:

(1) An excessive debt burden will be imposed upon the withdrawing municipality and regional district;

(2) An efficient school system cannot be maintained in the all purpose regional district or the withdrawing municipality without excessive costs;

(3) Insufficient pupils will be left in the all purpose regional district to maintain a properly graded school system; or

(4) Any other reason, which it may deem to be sufficient; or

c. Request that if the petition is granted, the amount of debt which the regional district would be required to assume, calculated as hereinbefore provided, be reduced for the reason that:

(1) The amount of indebtedness, together with all other indebtedness of the constituent municipalities of the all purpose regional district would be excessive;

(2) The amount of expenditure for debt service which would be required would be so great that sufficient funds would not be available for current expenses without excessive taxation; or

(3) The amount of indebtedness is inequitable in relation to the value of the property to be acquired by the all purpose regional district and would materially impair the credit of the constituent municipalities of the district, and the ability to pay punctually the principal and interest of their debt and so supply the essential educational facilities and public improvements and services that might reasonably be anticipated would be required of them. The board of review shall make its findings and determination, by the recorded vote of at least two of the three members of the board, within 60 days of the receipt of the petition and answers.

C.18A:13-72 Special school election.

7. If the application is granted, the county superintendent shall, after conferring with the governing bodies of the constituent municipalities of the regional district, fix a day and a time for holding a special school election, at which time the question whether or not the withdrawing municipality shall withdraw from the all purpose regional district shall be submitted to the legal voters of the withdrawing municipality and to the legal voters within the remainder of the all purpose regional district.

C.18A:13-73 Amount, effect of indebtedness to be stated.

8. The amount of indebtedness to be assumed by the withdrawing municipality and the effect of the indebtedness upon the borrowing margin of the municipality and the remaining municipalities within the all purpose regional district shall be stated in the notices and advertisements of the special school election and in the ballots to be used therein, and the election shall be conducted and the results of the election shall be determined in the manner prescribed by law for special school elections in type II districts. The result shall be certified within five days after the holding of the election to the county superintendent, the governing bodies of the withdrawing municipality and the constituent municipalities of the all purpose regional district, and the board of education of the all purpose regional district.

C.18A:13-74 Withdrawal of municipality.

9. If the question is adopted at the special school election, the withdrawal of the municipality initiating the proceeding shall become effective and the municipality shall be constituted a separate district upon a date to be decided by the Commissioner of Education. The newly constituted district shall be classified as provided pursuant to chapter 9 of Title 18A of the New Jersey Statutes.

C.18A:13-75 Board of education.

10. The members of the board of education of the all purpose regional district shall continue in office until the withdrawal of the municipality becomes effective. When the withdrawal takes effect, the terms of those members of the regional board who reside in the withdrawing municipality shall expire, and the vacancies occurring shall be reapportioned among the remaining municipalities and filled by appointment by the county superintendent to serve until the next annual school election of the all purpose regional district, at which time their successors shall be elected in accordance with the reapportionment.

C.18A:13-76 First board of education.

11. The members of the regional board who reside in the withdrawing municipality shall be members of the first board of education of the new district. They shall continue to serve as members of the board of education of the new district until the expiration of the respective terms for which they were elected as members of the board of education of the all purpose regional district. The number of additional members of the first board of education required to complete full membership of the board shall be appointed

by the county superintendent to serve until the next annual school election or, in the case of a type I district, until the next annual appointment period of the new district, at which time their successors shall be elected or appointed.

C.18A:13-77 Title to school grounds, etc.; assumption of indebtedness.

12. The new district and the all purpose regional district shall take title to and control of all school grounds and buildings, and the furnishings and equipment therein, other than those which had been rotated or shared among the regional schools, situated in their respective districts on the effective date of withdrawal as established by the commissioner. The county superintendent shall allot a fair proportion of the shared or rotated furnishings and equipment to the new district.

Upon the assumption of title, each board shall also assume the amount of the indebtedness of the original all purpose regional district as determined by the board of review. The new district shall pay to the regional board of education, at least five days before it becomes due, the amount of the principal and interest of the assumed indebtedness. The principal and interest shall be paid by the regional board, together with the amount due on its assumed indebtedness, as and when it becomes due and payable.

C.18A:13-78 Division of assets, liabilities.

13. The county superintendent in a written report filed by him at the end of the school year preceding that in which the withdrawal becomes effective shall make a division of the assets and liabilities between the new district and the remaining district in the same manner as provided in N.J.S.18A:8-24.

C.18A:13-79 Dissolution of all purpose regional district.

14. If as a result of the foregoing procedures an all purpose regional district is left with only one constituent municipality, the all purpose regional district shall be dissolved upon the effective date of the withdrawal of the other constituent municipalities, and the remaining constituent municipality shall thenceforth be constituted a separate local school district and governed by the laws applicable thereto. If all of the municipalities withdraw from the all purpose regional district, the all purpose regional district shall be dissolved upon the effective date of the last withdrawal, and its assets and liabilities shall devolve upon the respective withdrawing municipalities in accordance with the division made by the county superintendent as provided in section 13 of this act.

C.18A:13-80 Employees continued; benefits preserved.

15. All employees of the all purpose regional district shall continue in their respective positions in the new district and all of their rights of tenure, seniority, pension, leave of absence and other similar benefits shall be recognized and preserved and any periods of prior employment in the all purpose regional district shall count toward the acquisition of tenure to the same extent as if the employment had been under the new district. Any tenured employee in a school located in the new district who desires to remain in the employ of the all purpose regional district, and whose seniority under existing tenure laws so permits, may apply for and shall be granted a transfer to a position with the all purpose regional district for which he is certified which is vacant, held by a tenured employee with less seniority or by an employee without tenure. Applications for these transfers shall be made within 45 days of the date of the special school election at which the withdrawal was approved.

C.18A:13-81 Bondholders unaffected.

16. Nothing contained herein shall in any way affect the rights of holders of any bonds issued by any district or municipality affected by this act.

17. This act shall take effect immediately.

Approved June 7, 1989.

CHAPTER 91

AN ACT concerning the repair or demolition of certain buildings or parts thereof by a municipality, and supplementing P.L.1942, c.112 (C.40:48-2.3 et seq.).

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

C.40:48-2.30 Repair, demolition of damaged buildings.

1. Any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the municipality wherein it is located, and the municipality may exercise its police powers to

repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), and the procedures set forth therein.

2. This act shall take effect immediately.

Approved June 7, 1989.

CHAPTER 92

AN ACT concerning recyclable materials, and amending P.L.1971, c.198 (C.40A:11-1 et seq.).

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

1. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to read as follows:

C.40A:11-5 Exceptions.

5. Exceptions. Any purchase, contract or agreement of the character described in section 4 of this act may be made, negotiated or awarded by the governing body without public advertising for bids and bidding therefor if

(1) The subject matter thereof consists of

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in a newspaper authorized by law to publish its legal advertisements, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, where possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause

to be printed, in the manner set forth in subsection (1)(a)(i) of this section, a brief notice of the award of such contract;

- (b) The doing of any work by employees of the contracting unit;
- (c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;
- (d) The furnishing of a tax map or maps for the contracting party;
- (e) The purchase of perishable foods as a subsistence supply;
- (f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged or exacted, filed with said board;
- (g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;
- (h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;
- (i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (j) The publishing of legal notices in newspapers as required by law;
- (k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;
- (l) Election expenses;
- (m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (n) The doing of any work by handicapped persons employed by a sheltered workshop;
- (o) The provision of any service or the furnishing of materials including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;
- (p) Homemaker—home health services performed by voluntary, nonprofit agencies;

(q) The purchase of materials and services for a law library established pursuant to R.S.40:33-14, including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, copyright and patent materials, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, and other audiovisual, printed, or published material of a similar nature; necessary binding or rebinding of law library materials; and specialized library services;

(r) 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.) and the regulations adopted pursuant thereto; or

(s) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof and any other state or subdivision thereof.

(3) The contracting agent has advertised for bids pursuant to section 4 on two occasions and (a) has received no bids on both occasions in response to its advertisement, or (b) the governing body has rejected such bids on two occasions because the contracting agent has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract or agreement may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract or agreement; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent materials or supplies, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey

or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of this act; and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each such bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible supplier, and is a reasonable price for such work, materials, supplies or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

2. This act shall effect immediately.

Approved June 14, 1989.

CHAPTER 93

AN ACT concerning a pilot clinic for the spaying and neutering of dogs and cats and amending P.L.1983, c.180.

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

1. Section 2 of P.L.1983, c.180 (C.4:19A-11) is amended to read as follows:

C.4:19A-11 Pilot clinic for spaying, neutering; fees.

2. a. There is established in the department a pilot clinic for the spaying and neutering of dogs and cats to determine the practicability and feasibility of establishing a Statewide clinic program.

b. The commissioner shall establish a pilot clinic at a location whereby the public may have dogs and cats spayed or neutered, as the case may be, in a humane manner by a licensed veterinarian upon payment of the following fees:

For spaying female dogs weighing	
Not more than 40 pounds	\$35.00
41 to 60 pounds	40.00
Over 60 pounds	45.00
For spaying female dogs which are pregnant or in heat	50.00
For neutering male dogs weighing	
Not more than 40 pounds	25.00
41 to 65 pounds	30.00
Over 65 pounds	35.00
For spaying female cats of any weight	35.00
For spaying female cats which are pregnant or in heat	35.00
For neutering male cats of any weight	25.00

c. The fees shall include immunization of dogs against distemper, hepatitis and leptospirosis and the immunization of cats against feline panleucopenia, pneumonitis and rhinotracheitis, which immunization shall be given at least 10 days prior to surgery on animals not previously immunized.

d. The commissioner may, by regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), increase any of the fees permitted to be charged pursuant to subsection b. of this section upon a finding that the increase is necessary to sustain operation of the pilot clinic established pursuant to this section.

2. This act shall take effect immediately.

Approved June 14, 1989.

CHAPTER 94

AN ACT authorizing the borough of Stratford, in the county of Camden, to make permanent the appointment of James J. Wilkins to the police department of the borough of Stratford.

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

1. Pursuant to the provisions of P.L.1948, c.199 (C.1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Stratford, in the county of Camden, is authorized to make permanent the appointment of James J. Wilkins to its police department in the classified service notwithstanding that his age is greater than the maximum age limit set out in N.J.S.40A:14-127, and provided he passes the civil service physical performance standard.

2. This act shall take effect upon due adoption of an ordinance by the borough of Stratford for the purpose of adopting it.

Approved June 14, 1989.

CHAPTER 95

AN ACT concerning the collection and disposal of solid waste, and amending P.L.1970, c.40.

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

1. Section 13 of P.L.1970, c.40 (C.48:13A-12) is amended to read as follows:

C.48:13A-12 Penalties; injunctive relief.

13. a. Any person or any officer or agent thereof who shall knowingly violate any of the provisions of this act or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation, is guilty of a misdemeanor and shall be punished by imprisonment for not more than three years or by a fine of not more than \$50,000.00, or both; and if a corporation by a fine of not more than \$100,000.00. Each day during which the violation continues constitutes an additional, separate and distinct offense.

b. Any person who shall violate any provision of this act or any rule, regulation or administrative order adopted or issued hereunder, including an interdistrict waste flow order issued in conjunction with the Department of Environmental Protection, or under any applicable provision of Title 48 of the Revised Statutes, or who shall engage in the solid waste collection business or solid waste disposal business without having been issued a certificate of public convenience and necessity, shall be liable to a penalty of not more than \$1,000.00 for a first offense, not more than \$5,000.00 for a second offense and not more than \$10,000.00 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense. The penalties herein provided shall be enforced by summary proceedings instituted by the board under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court and the municipal courts shall all have jurisdiction to enforce "the penalty enforcement law" in connection with this act.

c. Whenever it shall appear to the board that any person has violated, intends to violate, or will violate any provision of this act or any rule, regulation or administrative order duly promulgated hereunder, or under any applicable provision of Title 48 of the Revised Statutes, the board may institute a civil action in the Superior

Court for injunctive relief and for such other relief as may be appropriate in the circumstances, and the said court may proceed in any such action in a summary manner.

2. This act shall take effect immediately.

Approved June 14, 1989.

CHAPTER 96

AN ACT concerning the prohibition of smoking in public school buildings and amending P.L.1981, c.320.

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

1. Section 3 of P.L.1981, c.320 (C.26:3D-17) is amended to read as follows:

C.26:3D-17 Smoking prohibited in educational institutions.

3. a. The appropriate governing body, board or individual responsible for or who has control of the administration of a school, college, university, or professional training school, either public or private, except the board of education of a school district, shall make and enforce suitable regulations controlling the smoking of tobacco on their premises, except in those areas within the premises wherein smoking is prohibited by municipal ordinance under authority of R.S.40:48-1 and 40:48-2 or by any other statute or regulation adopted pursuant to law for purposes of protecting life and property from fire. The governing body, board or individual may, but need not, designate certain areas within the premises as areas in which smoking is permitted. Smoking in classrooms, lecture halls and auditoriums shall be prohibited except as part of a classroom instruction or a theatrical production.

b. The board of education of each school district shall make and enforce regulations to prohibit the smoking of tobacco anywhere in its buildings except as part of a classroom instruction or a theatrical production.

2. This act shall take effect six months following enactment.

Approved June 14, 1989.

CHAPTER 97

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID	
34 DEPARTMENT OF EDUCATION	
30 Educational, Cultural and Intellectual Development	
31 Direct Educational Services and Assistance—State Aid	
03-5120 Miscellaneous	
Grants-In-Aid	\$20,000
State Aid:	
Grant to Focus on	
Literacy, Inc.	(\$20,000)

2. This act shall take effect immediately.

Approved June 14, 1989.

CHAPTER 98

AN ACT concerning the certification of homemaker-home health aides by the New Jersey Board of Nursing and amending and supplementing 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 licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), non-profit homemaker-home health aide agencies, and employment agencies and temporary help services firms regulated by the Attorney General pursuant to P.L.1951, c.337 (C.34:8-24 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.

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 Board; appointment of members; terms; oath of office.

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, seven of whom shall be registered professional nurses, two of whom shall be licensed practical nurses, 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. 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 stan-

dards 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 board shall issue without a competency evaluation a certification to a homemaker-home health aide who makes application on a form prescribed by the board within one year of the effective date of this 1989 amendatory and supplementary act and who submits to the board evidence of a certification previously issued by the New Jersey Department of Health provided that the applicant has had one year of satisfactory experience as a homemaker-home health aide.

C.45:11-24.1 Application fee.

4. An applicant for a homemaker-home health aide certification shall pay a fee as prescribed by the board at the time of application and at the time of each application for re-examination.

5. This act shall take effect 180 days following enactment except that the board shall immediately take such administrative action as may be necessary to implement the provisions of this act.

Approved June 19, 1989.

CHAPTER 99

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P.L.1944, c.255), as said title was amended by P.L.1976, c.139.

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

1. Section 9 of P.L.1944, c.255 (C.43:16A-9) is amended to read as follows:

C.43:16A-9 Death of member in active service.

9. (1) Upon the receipt of proper proof of the death of a member in active service on account of which no accidental death benefit is payable under section 10 there shall be paid to such member's beneficiary:

(a) The member's aggregate contributions at the time of death and

(b) An amount equal to 3 1/2 times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

(2) a. For the purposes of this section and section 10(5), a member of the Police and Firemen's Retirement System shall be deemed to be an active member for a period of no more than 93 days while on official leave of absence without pay when such leave is due to any reason other than illness, and for a period of not more than one year in the event of an official leave (a) due to the member's maternity, or (b) to fulfill a residency requirement for an advanced degree, or (c) as a full-time student at an institution of higher education, and (1) while he is disabled due to sickness or injury arising out of or in the course of his employment as a member to whom this act applies, is not engaged in any gainful occupation, and is receiving or entitled to receive periodic benefits (including any commutation of, or substitute for, such benefits) for loss of time on account of such disability under or by reason of workmen's compensation law, occupational disease law or similar legislation and has not retired or terminated his membership; or (2) for a period of no more than two years while on official leave of absence without pay if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to the member's personal illness other than an illness to which (1) above applies.

b. If a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, a death benefit shall be payable only if he is deemed to be an active member in accordance with this section; provided, however, a member applying for disability benefits shall be deemed an active member if he was covered by the death benefit provisions of the act at the termination of employment, filed the application for disability retirement with the retirement system within 30 days following such termination of employment and dies within 30 days after the date of retirement or the date of board approval, whichever is later. However, if the member dies 30 days or more after the application for disability retirement was filed with the system, the retirement will become effective if: (1) the application for retirement was received by the system prior to the date of death; and (2) the deceased member had terminated covered public employment at least one day prior to the effective date of retirement.

2. This act shall take effect immediately.

Approved June 26, 1989.

CHAPTER 100

AN ACT concerning the financing of transportation improvements in growth corridors, amending P.L.1976, c.68, supplementing Title 27 of the Revised Statutes and making an appropriation.

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

C.27:1C-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Transportation Development District Act of 1989."

C.27:1C-2 Findings, declarations.

2. The Legislature finds and declares that:

a. In recent years, New Jersey has experienced explosive growth in certain regions, often along State highway routes and in urban areas experiencing rapid redevelopment. These "growth corridors" and "growth districts" are vital to the State's future but also present special problems and needs since they do not necessarily reflect municipal and county boundaries.

b. Growth corridors and districts are heavily dependent on the State's transportation system for their current and future development. At the same time, they place enormous burdens on existing transportation infrastructure contiguous to new development and elsewhere, creating demands for expensive improvements, reducing the ability of State highways to provide for through movement of traffic and creating constraints on future development.

c. Existing financial resources and existing mechanisms for securing financial commitments for transportation improvements are inadequate to meet transportation improvement needs which are the result of rapid development in growth areas, and therefore it is appropriate for the State to make special provisions for the financing of needed transportation improvements in these areas, including the creation of special financing districts and the assessment of special fees on those developments which are responsible for the added burdens on the transportation system. Creation of these special financing districts provides a mechanism in which the State, counties and municipalities will have the means to work together to respond to transportation needs on a regional basis as determined by growth conditions rather than upon the pre-existing municipal and county boundaries. The district becomes the framework for a public-private partnership in meeting the transportation needs of New Jersey.

Counties are to be the lead agencies in creating these multi-jurisdictional districts, recognizing that in some instances, given growth patterns of a region, that areas from more than one county may be included within a district. Should a county fail to participate in the creation of a needed district, the State or municipality can initiate the creation of a district.

d. Any of these assessments of special fees should be assessed under a statutory plan which recognizes that: (1) the fees supplement, but do not replace, the public investment needed in the transportation system, (2) the costs of remedying existing problems cannot be charged to a new development, (3) the fee charged to any particular development must be reasonably related, within the context of a practicable scheme for assessing fees within a district, to the added burden attributable to that development, and (4) the maximum amount of fees charged to any development by the State or county or municipality for off-site transportation improvements pursuant to this act or any other law shall not exceed the property owner's fair share of such improvement costs. In determining the reasonableness of a fee assessed in accordance with the provisions of this act, it must be recognized that government must have the flexibility necessary to deal realistically with questions not susceptible of exact measurement. It is furthermore necessary to recognize that precise mathematical exactitude in the establishment of fees is neither feasible nor constitutionally vital.

e. The development of special financial mechanisms to meet the needs of growth corridors and districts should be accompanied by the development of strategies to improve regional, comprehensive planning in these areas, to encourage transportation-efficient land uses, to reduce automobile dependency, and to encourage alternatives to peak-hour automobile trips.

C.27:1C-3 Definitions.

3. The following words or terms as used in this act shall have the following meaning unless a different meaning clearly appears from the context:

- a. "Commissioner" means the Commissioner of Transportation.
- b. "County" means a duly constituted county government or an appropriate governmental organization designated under paragraph (1) of subsection c. of section 4 of this act.
- c. "Department" means the Department of Transportation.

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d. "Development" means "development" in the meaning of section 3.1 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-4).

e. "Development assessment liability date" means, with respect to any transportation development district created under this act, the date upon which the commissioner adopts an order designating the district and delineating its boundaries, which order shall be published in the New Jersey Register.

f. "Development fee" means a fee assessed on a development pursuant to an ordinance or resolution, as appropriate, adopted under section 7 of this act.

g. "Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, and any facilities, equipment, property, rights-of-way, easements and interests therein needed for the construction, improvement and maintenance of highways.

h. "Public transportation project" means, in connection with public transportation service or regional ridesharing programs, passenger stations, shelters and terminals, automobile parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service or regional ridesharing programs.

i. "Transportation development district" or "district" means a district created under section 4 or section 13 of this act.

j. "Transportation project" means, in addition to public highways and public transportation projects, any equipment, facility or property useful or related to the provision of any ground, waterborne or air transportation for the movement of people and goods.

C.27:1C-4 Designation, delineation of transportation development district.

4. a. The governing body of any county may, by ordinance or resolution, as appropriate, apply to the commissioner for the desig-

nation and delineation of a transportation development district within the boundaries of the county. The application shall include: (1) proposed boundaries for the district, (2) evidence of growth conditions prevailing in the proposed district which justify creation of a transportation development district in conformity with the purposes of this act and the standards established by the commissioner, (3) a description of transportation needs arising from rapid development within the district, (4) certification that there is in effect for the county a current county master plan adopted under R.S.40:27-2 and that creation of the district would be in conformity both with the county master plan and with the State Development and Redevelopment Plan adopted under the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), (5) certification that municipalities included, wholly or partly in the district, or which would be directly affected by the delineation or designation thereof, have been given at least 30 days' advance notice of the application and an opportunity to comment thereon, (6) comments offered by any of these municipalities, and the response thereto by the county, and (7) any additional information that the commissioner may require.

b. The commissioner shall, within 60 days of receipt of a completed application and upon review of the application as to sufficiency and conformity with the purposes of this act, (1) by order designate a district and delineate its boundaries in conformance with the application, or (2) disapprove the application and inform the governing body of the county in writing of the reasons for the disapproval, or (3) where the commissioner finds that the creation of a district is critically important and that the application of the county is sufficient in every respect except the appropriateness of the proposed boundaries for the district, by order designate a district and delineate its boundaries and inform the governing body of the county in writing of the reasons for the alteration of the proposed boundaries. Failure of the commissioner to act under this subsection within 60 days, unless the applicant agrees to an extension of time shall mean that the application is approved and the commissioner shall then on the next business day issue an order as required under this subsection. The governing body may, in the case of a disapproval of its application, resubmit an application incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

c.(1) If the governing body of the county in response to a petition by a municipality under section 15 of this act adopts an ordinance

or resolution, as appropriate, stating its intention not to proceed with an application or adopts an ordinance or resolution, as appropriate, stating its intention to proceed with an application but fails to submit such an application within 120 days of adopting that ordinance or resolution, as appropriate, the governing body of the municipality which submitted the original petition or the governing body of any municipality within the county which would be directly affected by the designation and delineation of a district may petition the commissioner for the designation and delineation of a district. The commissioner shall, within 60 days of receipt of a petition and upon review of the petition as to sufficiency and conformity with the purposes of this act, act as in subsection b. of this section, but in the instance where the commissioner acts under paragraph (1) or paragraph (3) of subsection b., the commissioner shall also designate an appropriate governmental organization which has sufficient power to administer the district, and which shall permit representation from all participating municipalities. In addition, where negotiations are underway pursuant to this subsection or subsection b. of this section between the department and the petitioning body the 60 day time frame may be suspended by mutual agreement. The petitioning body may, in the case of a disapproval of its application, resubmit a petition directly to the commissioner incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

(2) Failure by a county to adopt a resolution stating its intent to submit an application substantially consistent with the municipal petition within 90 days after receipt thereof shall entitle the petitioning municipality or any directly affected municipality to petition the commissioner for the designation and delineation of a district as set forth in paragraph (1) of this subsection.

d. The commissioner shall adopt as regulations under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) standards to assist in the determination of whether there is sufficient evidence of growth conditions prevailing in an area to justify creation of a transportation development district under this act. The criteria for assisting in the determination shall include: (1) an accelerating growth rate for estimated population or employment in excess of 10% in three of the past five years in at least three contiguous municipalities; or, (2) projected local traffic growth in excess of 50% in a five-year period generated from new development; or, (3) commercial/retail development projected at a rate of one million square feet per square mile in a five-year period; or, (4) projected growth

in population or in employment in excess of 20% over a 10-year period. The regulations shall specify the application of the time periods under these four criteria. The commissioner may also include in the regulations additional criteria which recognize existing traffic congestion, or any other such criteria which, in the commissioner's judgment, may serve to effectuate the purposes of this act.

The Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, shall be notified by the commissioner of these standards at the time they are included in a notice of proposed rule-making under the provisions of the "Administrative Procedure Act." In addition, following the adoption of these standards by regulation, the commissioner shall notify the Senate Transportation and Communications Committee, or its successor, and the Assembly Transportation and Communications Committee, or its successor, of any proposed revisions to these standards at the time these revisions are proposed for adoption under the provisions of the "Administrative Procedure Act."

C.27:1C-5 Joint planning process.

5. a. Following the commissioner's designation and delineation of a district under section 4 of this act, the governing body of the county shall initiate a joint planning process for the district, with opportunity for participation by the State, all affected counties and municipalities and private representatives. Each affected governmental unit shall be notified by the county at the commencement of the joint planning process. The joint planning process shall produce a draft district transportation improvement plan and a draft financial plan.

b. The draft district transportation improvement plan shall establish goals and priorities for all modes of transportation within the district, shall incorporate the relevant plans of all transportation agencies within the district and shall contain a program of transportation projects which addresses transportation needs arising from rapid growth conditions prevailing in the district and which therefore warrants financing in whole or in part from a trust fund to be established under section 7 of this act, and shall provide for the assessment of development fees based upon the applicable formula as established by the commissioner by regulation. The draft district transportation improvement plan shall be in accordance with the State transportation master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-5), the county master plan adopted under R.S.40:27-2, and shall be in conformity with the State Development and Redevelop-

ment Plan adopted under the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.) and, to the extent appropriate, given the district-wide objectives of the plan, coordinated with local zoning ordinances and master plans adopted pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

c. The draft financial plan shall include an identification of projected available financial resources for financing district transportation projects outlined in the draft district transportation improvement plan, including recommendations for types and rates of development fees to be assessed under section 7 of this act, and projected annual revenue to be derived therefrom.

d. The governing body of the county shall make copies of the draft district transportation improvement plan and the draft financial plan available to the public for inspection and shall hold a public hearing on them.

C.27:1C-6 District transportation improvement plan; approval by commissioner.

6. a. The governing body of any county which has completed all the requirements of section 5 of this act may, by ordinance or resolution, as appropriate, adopt a district transportation improvement plan. The district transportation improvement plan shall be derived from the draft district transportation improvement plan developed under section 5 of this act and shall contain a financial plan for transportation projects intended to be developed over time in whole or in part from a trust fund to be established under section 7 of this act. The district transportation improvement plan shall be consistent with any existing capital improvements program, and incorporated into any future capital improvements program required to be adopted under P.L. , c. (C.) (now pending before the Legislature as Assembly Bill No. 2306 or Senate Bill No. 664 of 1988) and shall be consistent with any transportation improvement program which the county may be required to submit to the department.

b. No ordinance or resolution, or amendment or supplement thereto, adopted under this section shall take effect until approved by the commissioner. In evaluating the district transportation improvement plan, the commissioner shall take into consideration: (1) the appropriateness of the district boundaries in light of the findings of the plan, (2) the appropriateness of the content and timing of the program of projects intended to be financed in whole or in part from the district trust fund in relation to the transportation needs stemming from rapid growth in the district, (3) the hearing record of the public hearing held prior to adoption of the ordinance or resolution,

(4) any written comments submitted by municipalities or other parties and (5) consistency with the planning requirements set forth in subsection b. of section 5 of this act. The commissioner shall complete the review of the ordinance or resolution and shall inform the governing body in writing of the approval or disapproval thereof within 90 days of receipt. Failure by the commissioner to act in 90 days, unless an extension is mutually approved, shall mean that the submission is deemed approved. The written notice shall be accompanied, in the case of approval, by the commissioner's estimate of the resources which may be available to support implementation of the plan and, in the case of disapproval, by the reasons for that disapproval. The governing body may, in the case of a disapproval, resubmit an ordinance or resolution, as appropriate, or amendment or supplement thereto, incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

C.27:1C-7 Assessment, collection of development fees.

7. a. After the effective date of an ordinance or resolution, as appropriate, adopted under section 6 of this act, the governing body of the county may provide, by ordinance or resolution, as appropriate, for the assessment and collection of development fees on developments within the district.

b. The ordinance or resolution, as appropriate, shall specify that the fee shall be assessed on a development at the time that the development receives preliminary approval from the municipal approval authority or, where the municipality has not enacted an ordinance requiring approval of the development, at the time that a construction permit is issued. If the development is to be constructed in phases or there is a substantial modification of preliminary approval as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), the fee shall be assessed at the time of the preliminary approval of the respective phase or at the time of modification, as the case may be. For a development which has received preliminary plan approval prior to the adoption of the ordinance and where final approval is not obtained for that phase of development within three years of preliminary approval, the fee shall be assessed at the time of final approval.

c. The ordinance or resolution, as appropriate, shall specify whether the fee is to be paid at the time a construction permit is issued or in a series of payments, as set forth in a schedule of payments contained in the ordinance or resolution, as appropriate.

The ordinance or resolution, as appropriate, may provide for payment of the fee in a series of periodic payments over a period of no longer than 20 years. The payments due to the county, whether as a lump sum or as balances due, where a series of payments is to be made, shall be enforceable by the county as a lien on the land and any improvements thereon which lien shall be recorded by the appropriate county officer in the record book of the appropriate county office. Any ordinance or resolution, as appropriate, shall set forth the procedures for enforcement of the lien in the event of delinquencies. When the fee is paid in full on the development or portion thereof, the lien on the development or portion thereof, as appropriate, shall be removed. Any ordinance or resolution, as appropriate, shall provide for the procedure by which any portion of the land and any improvements thereon shall be released from the lien required by this section and, shall require that any lien filed in accordance with this section shall contain a provision citing the release procedures. Where a series of payments is to be made, failure to make any one payment within 30 days after receipt of a notice of late payment shall constitute a default and shall obligate the person owing the unpaid balance to pay that balance in its entirety.

d. Any development or phase thereof which has received preliminary approval prior to the development assessment liability date shall not be subject to the assessment and collection of a development fee under this act but shall be liable for the payment of off-site transportation improvements to the extent agreed upon under the applicable law, rule, regulation, ordinance or resolution in effect at the time of the agreement. Any development or phase thereof which receives preliminary approval after the development liability assessment date shall be subject to the assessment and collection of a development fee under this act, but shall receive a credit against the fee for the amount paid or obligated to be paid to State, county or municipal agencies for the cost of off-site transportation improvements under agreements entered into under the applicable law, rule, regulation, ordinance or resolution in effect at the time of the agreement.

e. The ordinance or resolution, as appropriate, also shall provide for the establishment of a transportation development district trust fund under the control of the county treasurer or such other officer as appropriate. All monies collected from development fees and any other monies as may be available for the purposes of this act shall be deposited into the trust fund which is to be invested in an interest bearing account.

f. An ordinance or resolution, as appropriate, adopted under this section also may contain provisions for: (1) delineating a core area within the district within which the conditions justifying creation of the district are most acute and providing for a reduced development fee rate to apply to developments inside that core area; (2) credits against assessed development fees for payments made or expenses incurred which have been determined by the governing body of the county to be in furtherance of the district transportation improvement plan, including but not limited to, contributions to transportation improvements, other than those required for safe and efficient highway access to a development, and costs attributable to the promotion of public transit or ridesharing; (3) exemptions from or reduced rates for development fees for specified land uses which have been determined by the governing body of the county to have a beneficial, neutral or comparatively minor adverse impact on the transportation needs of the district; (4) a reduced rate of development fees for developments for which construction permits were issued after the development assessment liability date but before the effective date of the ordinance or resolution, as appropriate, where those dates are different; and (5) a reduced rate of development fees for developers submitting a peak-hour automobile trip reduction plan approved by the commissioner under standards adopted by the commissioner by regulation. Standards for the approval of peak-hour automobile trip reduction plans may include, but need not be limited to, physical design for improved transit, ridesharing, and pedestrian access; incorporation of residential uses into predominantly nonresidential development; and proximity to potential labor pools. The ordinance or resolution, as appropriate, shall provide for the exemption from assessment of development fees for any development of low and moderate income housing units which are constructed pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et seq.) or under court settlement.

g. An ordinance or resolution, as appropriate, shall specify that any fees collected, plus earned interest, not committed to a transportation project under a project agreement entered into under section 9 of this act within 10 years of the date of collection shall be refunded to the feepayer under a procedure prescribed by the commissioner by regulation for this purpose, except that if the payer of the fee transfers the development or any portion thereof, he shall enter into an agreement with the grantee in such form as shall be provided by regulation of the commissioner which shall indicate who shall be entitled to receive any refund, and such agreement shall be filed with the designated county officer.

h. An ordinance or resolution, as appropriate, shall be sufficiently certain and definitive to enable every person who may be required to pay a fee to know or calculate the limit and extent of the fee which will be assessed against a specific development proposal. Development fees shall be reasonably related to the added traffic growth attributable to the development which is subject to the assessment and the maximum amount of fees for transportation improvements that may be charged to any development by the State, county or municipality pursuant to this act or any other law shall not exceed the property owner's "fair share" of such improvement costs. "Fair share" means the added traffic growth attributable to the proposed development or phase thereof. Approval of a development application by any State, county or municipal body or agency shall not be withheld or delayed because of the necessity to construct an off-site transportation improvement if the developer has contributed his "fair share" obligation under the provisions of this act.

i. Any person who has been assessed a development fee under the provisions of an ordinance or resolution adopted pursuant to this section may appeal the assessment by filing an appeal with the commissioner within 90 days of the receipt of notification of the amount of the assessment, on the grounds that the governing body or its officers or employees in issuing the assessment did not abide by the provisions of this act or the provisions of the ordinance or resolution issued hereunder or of the rules and regulations adopted by the commissioner pursuant to this act. The decision of the commissioner constitutes an administrative action subject to review by the Appellate Division of the Superior Court. Nothing contained herein shall be construed as limiting the ability of any person so assessed from filing an appeal based upon an agreement to pay or actual payment of the fee.

C.27:1C-8 Formula for assessment.

8. An ordinance or resolution, as appropriate, adopted under section 7 of this act shall provide for the assessment of development fees based upon the formula for that category of district authorized by the commissioner, by regulation, and uniformly applied, with such exceptions as are authorized or required by this act and by regulation. The commissioner may authorize a formula or formulas relating the amount of the fee to impact on the transportation system, including, but not limited to, the following factors: vehicle trips generated by the development, the occupied square footage of a developed structure, the number of employees regularly employed at the development, and the number of parking spaces located at the development.

In developing the authorized formula or formulas the commissioner shall consult with knowledgeable persons in appropriate fields, which may include, but need not be limited to, land use law, planning, traffic engineering, real estate development, transportation, and local government. No separate or additional assessments for off-site transportation improvements within the district shall be made by the State, or a county or municipality except as provided in this act.

C.27:1C-9 Project agreement.

9. Every transportation project funded in whole or in part by funds from a transportation development district trust fund shall be subject to a project agreement to which the commissioner is a party. Every transportation project for which a project agreement has been executed shall be included in a district transportation improvement plan adopted by an ordinance or resolution, as appropriate, under section 6 of this act. A project agreement may include other parties, including but not limited to, municipalities and the developers of a project. A project agreement shall provide for the assignment of financial obligations among the parties, and those provisions for discharging respective financial obligations as the parties shall agree upon. A project agreement also shall make provision for those arrangements among the parties as are necessary and convenient for undertaking and completing a transportation project. A project agreement may provide that a county may pledge funds in a transportation development district trust fund or revenues to be received from development fees for the repayment of debt incurred under any debt instrument which the county may be authorized by law to issue. Each project agreement shall be authorized by and entered into pursuant to an ordinance or resolution, as appropriate, of the governing body of each county and municipality which is a party to the project agreement. Any project agreement may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the county or municipality and shall be valid whether or not an appropriation with respect thereto is made by the county or municipality prior to the authorization or execution thereof. Any county or municipality which is authorized to undertake all or part of a project which may involve property within the jurisdiction of another political subdivision, may exercise all powers necessary for the project as may be permitted by law and agreed to in the project agreement.

C.27:1C-10 Appropriation of funds.

10. No expenditure of funds shall be made from a transportation development district trust fund except by appropriation by the gov-

erning body of the county or other appropriate governmental organization as designated by the commissioner under this act, and upon certification of the county treasurer or the appropriate financial officer of the designated governmental organization, as appropriate, that the expenditure is in accordance with a project agreement entered into under section 9 of this act.

C.27:1C-11 Loans.

11. The commissioner may, subject to the availability of appropriations for this purpose and pursuant to a project agreement entered into under section 9 of this act, make loans to a party to a project agreement for the purpose of undertaking and completing a State-owned transportation project. In this event, the project agreement shall include the obligation of the governing body of the county to make payments to the commissioner for repayment of the loan according to an agreed upon schedule of payments. The commissioner may receive monies from a county for repayment of a loan and pay these monies, or assign his right to receive them, to the New Jersey Transportation Trust Fund Authority, created pursuant to section 4 of P.L.1984, c.73 (C.27:1B-4), in reimbursement of funds paid to him by that authority for the purpose of making loans pursuant to this section.

C.27:1C-12 Adjoining transportation development districts.

12. The governing bodies of two or more counties which have established, or propose to establish, adjoining transportation development districts, and which have determined that joint or coordinated planning or implementation of transportation projects would be beneficial, may enter into joint arrangements under this act, including: (1) filing joint applications under section 4 of this act, (2) initiating a coordinated joint planning process under section 5 of this act, (3) adopting coordinated district transportation improvement plans under section 6 of this act and (4) entering into joint project agreements under section 9 of this act.

C.27:1C-13 Request by commissioner for transportation development district.

13. a. After due examination the commissioner may find, in accordance with regulations adopted pursuant to subsection d. of section 4 of this act, that certain designated areas of the State are growth corridors or growth areas and that existing financial resources and existing mechanisms for securing financial commitments for transportation improvements are inadequate to meet transportation improvement needs which are the result of rapid development in these corridors or areas. Upon this finding and after sufficient time has elapsed for the governing body of the county or counties located

within this corridor or area to take action to establish a district or districts therein pursuant to the provisions of this act and if they have not done so, the commissioner may request the governing body of the county or counties to initiate an application for the designation and delineation of a transportation development district under section 4 of this act. The request shall set forth in detail the reasons which, in the judgment of the commissioner, justify the creation of a transportation development district in conformity with the purpose of this act, which reasons may be based upon a comprehensive development plan for the corridor or area issued by the department after notice and public hearings in the area or corridor in question. The finding by the commissioner that certain areas of the State are growth corridors or growth areas shall not be construed as determining and designating all growth corridors or growth areas in the State and shall not preclude any governing body of a county from establishing a transportation development district within any portion of that county in accordance with the provisions of this act.

b. The governing body of the county shall, within 90 days of the receipt of the request submitted under subsection a. above, respond to the request by adoption of an ordinance or resolution, as appropriate, which shall state the intention of the governing body to proceed or not to proceed with an application for the designation and delineation of a transportation development district under section 4 of this act. If appropriate the ordinance or resolution shall set forth the reasons for not so proceeding. The ordinance or resolution, as appropriate, shall be transmitted to the governing body of each municipality which would, in the judgment of the governing body of the county, be directly affected by the designation and delineation of a transportation development district as proposed in the request.

c. The commissioner may, especially in the case of a corridor or area traversed by a State highway, request the governing bodies of two or more counties to establish adjoining transportation development districts in accordance with the procedures provided for in subsections a. and b. of this section.

d. If the governing body of the county or counties has received a request from the commissioner to initiate an application, or to establish adjoining transportation development districts, and has failed to respond to the commissioner's request within the time permitted or has stated that it does not intend to proceed with an application or otherwise fails to take action to establish the requested district or districts, the commissioner may, upon 90 days' notice to

the governing bodies of the county and each municipality directly affected by the designation and delineation of the proposed district, and the holding of a public hearing, where the creation of such a district or districts is critically important, by order designate such a district or districts and delineate its boundaries. The functions, powers and duties of the governing body of the county concerning transportation development districts as authorized by this act shall be exercised by the commissioner through regulations and orders concerning a district created under this subsection in substantially the same manner as would be exercised by the governing body of the county pursuant to this act. In a district so created, development fees shall be assessed by order of the commissioner upon notice and public hearing. These fees shall only be assessed, and disbursed from the transportation development district trust fund, for projects other than county transportation projects. Appeals from these assessments shall be referred to the Office of Administrative Law by the commissioner for a hearing. If the commissioner modifies or rejects the resultant report and decision, the action of the commissioner may be appealed to the Appellate Division of the Superior Court as provided in subsection i. of section 7 of this act. Notwithstanding that a governing body of the county may not have participated in the establishment of a district, the governing body by ordinance or resolution may request the commissioner to permit it to participate fully in the operation of the district. Upon the granting of this request by the commissioner on whatever terms and conditions the commissioner deems appropriate, the governing body of the county shall assume full responsibility for the operation of the district and the assessment of fees, as if the district were established pursuant to an application by the governing body under subsection a. of section 4 of this act.

e. In designating and delineating a district, and in establishing district transportation improvement and financial plans therefor, the commissioner shall act in accordance with regulations adopted as provided in section 18 of this act.

C.27:1C-14 Application for dissolution.

14. a. The governing body of a county within which a transportation development district has been designated under section 4 of this act may, by ordinance or resolution, as appropriate, apply to the commissioner for the dissolution of the district. The application shall include the reasons for the proposed dissolution and a plan for disbursing any funds remaining in the transportation development district trust fund, whether by refunds to owners of property on which

the fees were assessed or otherwise, and for concluding the business of the district generally.

b. The commissioner shall, within 60 days of the receipt of a completed application, (1) by order dissolve the district and approve the county's plan for concluding the business of the district or (2) disapprove the application and inform the governing body of the county in writing of the reasons for the disapproval and any conditions or changes in the plan for concluding the business of the district which the commissioner believes to be necessary in the public interest.

C.27:1C-15 Petition by municipal governing body; response by county governing body.

15. a. The governing body of any municipality or municipalities may, by resolution, petition the governing body of the county to initiate an application for the designation and delineation of a transportation development district under section 4 of this act. The resolution shall set forth in detail the reasons which, in the judgment of the governing body or bodies, justify the creation of a transportation development district in conformity with the purpose of this act.

b. The governing body of the county shall, within 90 days of the receipt of a petition submitted under subsection a. above, respond to the petition by adoption of an ordinance or resolution, as appropriate, which shall state the intention of the governing body to proceed or not to proceed with an application for the designation and delineation of a transportation development district under section 4 of this act. If appropriate, the ordinance or resolution shall set forth the reasons for not so proceeding. The ordinance or resolution, as appropriate, shall be transmitted to the governing body or bodies submitting the petition and to the governing body of each municipality which would, in the judgment of the governing body of the county, be directly affected by the designation and delineation of a transportation development district as proposed in the petition.

C.27:1C-16 Limitations.

16. a. Except as provided by this act, no county or municipality may establish or operate a district within the boundaries delineated by the commissioner for a transportation development district under section 4 of this act if the district is for the purpose of consolidating the required contributions for transportation improvements of applicants for development within the district.

b. Approval of a development application by any State, county or municipal body shall not be withheld or delayed because the

proposed development is within a proposed or pending transportation development district. The development application shall be considered in accordance with the applicable law, rule, regulation, ordinance or resolution in effect at the time of application.

c. The provisions of this act shall not be construed as affecting municipal reviews and approvals of proposed developments under the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

C.27:1C-17 Pre-existing districts.

17. a. If a county has, before the effective date of this act, established a district or districts for the purpose of consolidating the required contributions of applicants for development and implementing a coordinated program of transportation improvements in an area based on these contributions, the governing body of the county may, by ordinance or resolution, as appropriate, apply to the commissioner for the designation and delineation of a transportation development district incorporating the district or districts so established. The application shall include, in addition to the information required under subsection a. of section 4 of this act, a full description and account of the operations of the district or districts so established and any recommendations for alterations to the regulations and procedures of the district or districts the governing body finds necessary or appropriate to conform with the purposes of this act.

b. If a municipality has established a district or districts prior to the effective date of this act, the governing body of the municipality may request the governing body of the county to apply to the commissioner for designation and delineation of a transportation development district to incorporate that district or districts. If the county rejects a request by a municipality to make application to the commissioner for approval of a pre-existing district, or fails to respond to a request within 90 days of receipt of the request, the municipality may apply directly to the commissioner for approval of the district and any transportation improvement and financial plan then in existence pursuant to the procedures set forth in subsection b. of section 4 of this act and subsection b. of section 6 of this act.

c. The operation and financing of any pre-existing districts may continue pending action by the commissioner. In addition, the provisions of section 9 of this act shall not be applicable to projects in pre-existing districts which were the subject of agreements or funding commitments made prior to the effective date of this act.

Furthermore, any such project, or any such agreement, shall not be construed to exempt any party from compliance with departmental rules, regulations, or orders.

d. The commissioner shall, within 90 days of receipt of a completed application and upon review of the application as to sufficiency and conformity with the purposes of this act, (1) by order designate a district and delineate its boundaries in conformance with the application, or (2) disapprove the application and inform the governing body of the county in writing of the reasons for the disapproval. The governing body may, in the case of a disapproval of its application, resubmit an application incorporating whatever revisions it deems appropriate, taking into consideration the commissioner's reasons for disapproval.

e. The commissioner may, in an order made under subsection d. of this section designating a district and delineating its boundaries, provide for the waiver or consolidation of any requirements of sections 5 and 6 of this act where, in the commissioner's judgment, that waiver or consolidation is justified by the public interest and by the purposes of this act. The commissioner may also include in the order any other provisions which the commissioner believes to be necessary and desirable for effecting an orderly transition from the operation of a district or districts previously established to the operation of a transportation development district under this act.

C.27:1C-18 Rules, regulations.

18. The commissioner upon notice and the holding of a public hearing shall adopt the rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act, except that any transportation development district trust fund established under section 7 of this act shall be administered in accordance with all of the regulations adopted by the Local Finance Board or the Division of Local Government Services of the Department of Community Affairs which are applicable to county funds generally, and that the Local Finance Board shall have authority to adopt, after consultation with the commissioner, regulations specifically governing the administration of transportation development district trust funds.

19. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read as follows:

C.40A:4-45.3 Limitation on increase in budget to 5% over previous year; exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less,

over the previous year's final appropriations subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements, or by payments in lieu of taxes made by a tax-exempt public entity to the extent that the payment received for any single property exceeds the amount of property taxes received on that property in the year immediately preceding the acquisition of that property by the public entity, or, in the case of State property subject to the provisions of P.L.1977, c.272 (C.54:4-2.2a et seq.), to the extent that the total State payment exceeds the amount received in the 1982 budget year;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c.(1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) An increase based upon special emergency appropriations made pursuant to N.J.S.40A:4-53, N.J.S.40A:4-54, section 1 of P.L.1961, c.22 (C.40A:4-55.1) or section 1 of P.L.1968, c.194 (C.40A:4-55.13). Special emergency appropriations shall be approved by at least two-thirds of the governing body and the Director of the Division of Local Government Services. Neither approval procedure in paragraph (1) or (2) of this subsection shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

g. Expenditures mandated after the effective date of this act pursuant to State or federal law;

h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance, or derived from the sale of municipal assets;

i. Any amount approved by any referendum or any amount expended to conduct a special election required by law to be held at a time other than the time of a general election or regular municipal election, as appropriate;

j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; and (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

k. (Deleted by amendment, P.L.1987, c.74.)

l. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal or State funds, only the amount of the match which is required by law to be provided by the municipality shall be excepted;

m. (Deleted by amendment, P.L.1987, c.74.)

n. (Deleted by amendment, P.L.1987, c.74.)

- o. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;
- p. (Deleted by amendment, P.L.1987, c.74.)
- q. Expenditures of amounts to fund the purchase of vehicles used solely for police purposes by the municipal police department and all equipment installed in or on the vehicles;
- r. Amounts expended to fund a free public library established pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;
- s. Any additional expenditures for the testing of water supplies pursuant to P.L.1983, c.443 (C.58:12A-12 et al.) or any expenditures necessary to comply with an order or permit issued by the Department of Environmental Protection for the construction, improvement, repair or rehabilitation of public water supply systems pursuant to P.L.1981, c.262 (C.58:1A-1 et seq.);
- t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;
- u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- v. Amounts appropriated for the cost of providing insurance coverage for the municipality, its departments, boards, agencies, commissions, officers and employees, which exceed the amount appropriated therefor, in the 1985 local budget;
- w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);
- x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;
- y. Amounts appropriated for the cost of purchasing, leasing and maintaining enhanced 9-1-1 termination equipment pursuant to the provisions of P.L.1989, c.3 (C.52:17C-1 et al.); or

z. Amounts appropriated for a project in a transportation development district as may be provided in a project agreement pursuant to the provisions of P.L.1989, c.100 (C.27:1C-1 et seq.).

20. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read as follows:

C.40A:4-45.4 Limitation on increase in tax levies to 5% over previous year; exceptions.

4. In the preparation of its budget, a county may not increase the county tax levy to be apportioned among its constituent municipalities in excess of 5% or the index rate, whichever is less, of the previous year's county tax levy, subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations within the county, based solely on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements within the county, and such increase shall be levied in direct proportion to said valuation;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditures would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) An increase based upon special emergency appropriations made pursuant to N.J.S.40A:4-53, N.J.S.40A:4-54, section 1 of P.L. 1961, c.22 (C.40A:4-55.1) or section 1 of P.L.1968, c.194 (C.40A:4-55.13). Special emergency appropriations shall be approved by at least two-thirds of the governing body, and, where appropriate, approved by the chief executive officer of the county and the Director of the Division of Local Government Services. Neither approval procedure in paragraph (1) or (2) of this subsection shall

apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service;

e. Expenditures mandated after the effective date of this act pursuant to State or federal law;

f. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a county and any other county, municipality, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; and (2) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

g. That portion of the county tax levy which represents funding to participate in any federal or State aid program and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures. If a county provides matching funds in order to receive the federal or State funds, only the amount of the match which is required by law to be provided by the county shall be excepted;

h. (Deleted by amendment, P.L.1987, c.74.)

i. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

j. Amounts expended for the conduct of any special election required by law to be held at a time other than the time of the general election;

k. Any additional expenditures for the testing of water supplies pursuant to P.L.1983, c.443 (C.58:12A-12 et al.);

l. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

m. Amounts appropriated for the cost of providing insurance coverage for the county, its departments, boards, agencies, commissions, officers and employees, which exceed the amount appropriated therefor in the 1985 local budget;

n. Amounts appropriated for the cost of purchasing, leasing and maintaining enhanced 9-1-1 termination equipment pursuant to the provisions of P.L.1989, c.3 (C.52:17C-1 et al.); or

o. Amounts appropriated for a project in a transportation development district as may be provided in a project agreement pursuant to the provisions of P.L.1989, c.100 (C.27:1C-1 et seq.).

21. This act shall be interpreted liberally to effect the purposes set forth herein.

22. There is appropriated from the General Fund to the Department of Transportation the sum of \$250,000 for the implementation of this act.

23. This act shall take effect immediately.

Approved June 26, 1989.

CHAPTER 101

AN ACT concerning the purchase of credit for service in a municipal or county retirement system or pension fund by members of the Teachers' Pension and Annuity Fund and amending N.J.S. 18A:66-15.1.

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

1. N.J.S.18A:66-15.1 is amended to read as follows:

Transfer to teachers' fund; purchase of credit for service.

18A:66-15.1. a. A person who has been or is a member of a State-administered retirement system or pension fund and who has taken or shall take office, position or employment in any position covered by the Teachers' Pension and Annuity Fund and is a member of said fund shall be entitled, upon application, to service credited in such retirement system or pension fund in the Teachers' Pension and Annuity Fund upon transfer of his contributions from the State-

administered retirement system or pension fund to the fund. If he has withdrawn his contributions from the State-administered retirement system or pension fund, he may purchase credit for all of his service in such retirement system or pension fund by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase, to his salary at that time. The terms of the purchase and the credit granted shall be identical to those stipulated for the purchase of previous membership service by members of the fund as provided by section 18A:66-9.

b. A member of the retirement system who had established service credit in a municipal or county retirement system or pension fund, and who was ineligible to transfer the service credit to the retirement system and withdrew contributions from the municipal or county retirement system or pension fund, may purchase credit for all of the member's service in that retirement system or pension fund by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to the member's age at the time of the purchase, to the member's salary at that time, or to the highest annual compensation for service in this State for which contributions were made during any prior fiscal year of membership, whichever is greater. The terms of the purchase and the credit granted shall be identical, except as otherwise herein provided, to those stipulated for the purchase of previous membership service by members of the retirement system as provided by section 18A:66-9.

2. This act shall take effect immediately.

Approved June 26, 1989.

CHAPTER 102

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, 1989 and regulating the disbursement thereof," approved June 30, 1988 (P.L.1988, c.47).

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.1988, c.47,

there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
62 Public Transportation

04-6050 Railroad and Bus	
Operations	\$6,000,000
Special Purpose:	
Passenger service subsidies for	
rail and bus operations	(\$6,000,000)

2. This act shall take effect immediately.

Approved June 26, 1989.

CHAPTER 103

AN ACT concerning special disability retirement and health benefits for certain 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.) and P.L.1961, c.49 (C.52:14-17.25 et seq.).

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

C.43:16A-6.1 Special disability retirement allowance.

1. a. Upon the written application by a member in service, by one acting in behalf of the member or by the employer of the member, any member, under 55 years of age, who has had five or more years of creditable service and who has received a heart transplant may be retired, not less than one month next following the date of filing the application, on a special disability retirement allowance.

b. Upon retirement for special disability, a member shall receive a special disability retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of the member's aggregate contributions and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 50% of final compensation.

c. Upon the receipt of proper proofs of the death of a member who has retired on a special disability retirement allowance, there shall be paid to the member's beneficiary, an amount equal to $3\frac{1}{2}$ times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service; provided, however, that if the death shall occur after the member shall have attained 55 years of age, the amount payable shall equal one-half of the compensation instead of $3\frac{1}{2}$ times the compensation.

C.52:14-17.38a Continuation of coverage.

2. Notwithstanding any other law to the contrary, the employer of a member of the Police and Firemen's Retirement System of New Jersey who retires under the provisions of special disability retirement pursuant to section 1 of P.L.1989, c.103 (C.43:16A-6.1) shall pay the premium or periodic charges for a continuation of all coverages provided to the member and any dependent of the member under section 5 of P.L.1961, c.49 (C.52:14-17.29) which are in effect at the time of retirement.

3. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 104

AN ACT concerning the qualifications of school bus drivers and revising the statutory law.

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

1. N.J.S.18A:39-17 is amended to read as follows:

Names and certain information re bus drivers to be filed by secretary of board.

18A:39-17. In each school year, prior to the assignment of any driver or substitute driver to any vehicle operated by the board of education of any district as a school bus, there shall be filed by the secretary of such board with the county superintendent the name and social security number of each such driver or substitute driver and certification of a valid school bus driver's license and criminal background check.

2. N.J.S.18A:39-18 is amended to read as follows:

Names and certain information re bus drivers to be furnished by contractor.

18A:39-18. In each school year, prior to the beginning of transportation of school pupils under a contract awarded by a board of education, the contractor shall furnish to the county superintendent the name, social security number, and certification of a valid school bus driver's license and criminal background check of each driver or substitute driver to be assigned to any vehicle in the performance of his contract.

3. N.J.S.18A:39-20 is amended to read as follows:

Approval of bus drivers, provisional employment; compliance with law prerequisite.

18A:39-20. No board of education or contractor shall approve or assign a driver, as a driver or substitute driver of a school bus, without first complying with the provisions of this chapter, and any person violating, or failing to comply with, such provisions shall be guilty of a misdemeanor and subject to a fine of not more than \$500.00.

However, a board of education or a contractor may employ a bus driver provisionally for a period not to exceed six months, pending completion of a criminal history record check required pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1); provided that the candidate submits to the commissioner a sworn statement attesting that the candidate has not been convicted of any crime or disorderly persons offense as described in that section.

4. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to read as follows:

C.18A:6-7.1 Criminal record check.

1. No facility, center, school, school system under the supervision of the Department of Education and board of education which cares for, or is involved in the education of children under the age of 18, other than on a voluntary basis, shall employ or contract for the services of any teaching staff member or substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, school law enforcement officer, school secretary or clerical worker or any other person serving in a position which involves regular contact with pupils except individuals serving as school bus drivers unless the employer has first determined consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify

that individual from being employed or utilized in such capacity or position. An individual employed by a board of education or a school bus contractor holding a contract with a board of education, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1). An individual other than a school bus driver shall be disqualified from employment or service under this act if the individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense:

(1) bearing upon or involving sexual offense or child molestation as set forth in N.J.S.2C:14-1 et seq.; or

(2) endangering the welfare of children or incompetents, as set forth in N.J.S.2C:24-4 and N.J.S.2C:24-7; or

b. In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section of this act.

c. Notwithstanding the provisions of this subsection, no individual shall be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal record check performed pursuant to this act if the individual has affirmatively demonstrated to the Commissioner of Education clear and convincing evidence of his or her rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense;

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment

received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

5. R.S.39:3-10.1 is amended to read as follows:

Licensing of bus drivers.

39:3-10.1. No person shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers used for the transportation of passengers for hire or for the transportation of passengers to or from summer day camps or summer residence camps or any bus as defined by the director used for the transportation of passengers, except vehicles used in ride-sharing arrangements, taxicabs, or any bus used to transport children to and from school pursuant to N.J.S.18A:39-1 et seq. or when being used by a private school to transport children to and from school, unless specially licensed so to do by the director or in the case of a nonresident, licensed pursuant to the laws of his resident state with respect to the licensing of bus drivers. Such license shall not be granted by the director until the applicant therefor is at least 18 years of age and has passed a satisfactory examination in ascertainment of his driving ability and familiarity with the mechanism of said vehicle and has presented evidence, satisfactory to the director of his previous experience (including proof that he has had at least three years of driving experience), good character and physical fitness. Said license shall be effective until suspended or revoked by the director; provided, the special licensee is also the holder of a license as provided for in R.S.39:3-10.

Every holder of a special license issued pursuant to this section shall furnish to the director satisfactory evidence of continuing physical fitness, good character and experience once in every 24 months after the issuance of the special license. In addition, any person applying for a special license pursuant to this section for the transporting of children to and from schools, pursuant to N.J.S.18A:39-1 et seq., shall comply with the provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1).

The director may suspend or revoke a license granted under authority of this section for a violation of any of the provisions of this subtitle, or on other reasonable grounds, or where, in his opinion, the licensee is either physically or morally unfit to retain the same. Notwithstanding the provisions of any law to the contrary the director shall, upon notice of disqualification from the Commissioner of

Education pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1), immediately revoke the special license granted under authority of this section without the necessity of a further hearing.

The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

C.18A:39-19.1 Names and certain information re bus drivers submitted to Commissioner of Education.

6. Prior to employment as a school bus driver, and upon application for renewal of a school bus driver's license, a bus driver shall submit to the Commissioner of Education his or her name, address and fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency. No criminal history record check shall be furnished without his or her written consent to such a check.

Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, the Commissioner of Education shall notify the applicant, in writing, of the applicant's qualification or disqualification as a school bus driver. A school bus driver shall be disqualified from employment or service if the individual's criminal history record reveals a record of conviction of any of the following crimes and offenses:

- a. A crime or offense bearing upon or involving a sexual offense or child molestation or endangering the welfare of children or incompetents, as specified in section 1 of P.L.1986, c.116 (C.18A:6-7.1).
- b. A crime or offense involving the manufacture, transportation, sale, possession, or habitual use of a "controlled dangerous substance" as defined in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.).
- c. A crime or offense involving the use of force or the threat of force to or upon a person or property including: armed robbery, assault, kidnapping, arson, manslaughter and murder.

A school bus driver shall also be disqualified if the individual's bus driver's license is currently revoked or suspended by the Division of Motor Vehicles in accordance with R.S.39:3-10.1.

The applicant shall have 30 days from the date of the written notice of disqualification to petition the Commissioner of Education for a hearing on the accuracy of the criminal history record information or to establish the applicant's rehabilitation under subsection c. of section 1 of P.L.1986, c.116 (C.18A:6-7.1). If the applicant is dis-

qualified, the convictions which constitute the basis for disqualification shall be identified in the written notice with copies forwarded to the Division of Motor Vehicles. The local board of education, the school bus contractor and the County Superintendent of Schools shall also be notified of the disqualification. Notwithstanding the provisions of any law to the contrary, the Director of the Division of Motor Vehicles shall, upon notice of disqualification from the Commissioner of Education, immediately revoke the applicant's special license issued pursuant to R.S.39:3-10.1 without necessity of a further hearing. Candidates' records shall be maintained in accordance with the provisions of section 4 of P.L.1986, c.116 (C.18A:6-7.4).

Repealer.

7. N.J.S.18A:39-19 is repealed.

8. This act shall take effect July 1 next following enactment.

Approved June 29, 1989.

CHAPTER 105

AN ACT concerning the New Jersey State Firemen's Association and amending R.S.43:17-9.

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

1. R.S.43:17-9 is amended to read as follows:

Qualifications for membership.

43:17-9. The membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of firewardens, as shall be under the supervision or control of the governing board or body of the municipality or fire district and who, at the time of their becoming eligible for membership in the New Jersey State Firemen's Association, shall be not less than 18 years of age and not more than 40 years of age and shall furnish evidence of good health in accordance with such reasonable rules and regulations as the executive committee of the association shall from time to time establish; also, such of the officers and members of any salvage corps

(doing duty therein, which corps is provided and maintained by corporations created by virtue of chapter 9 of Title 15, Corporations and Associations Not for Profit); also of the officers and members of any association therein of exempt firemen. The whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

2. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 106

AN ACT concerning the duties of directors of corporations and the protection of shareholder rights and amending N.J.S.14A:6-1 and P.L.1986, c.74.

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

1. N.J.S.14A:6-1 is amended to read as follows:

Board of directors.

14A:6-1. Board of directors.

(1) The business and affairs of a corporation shall be managed by or under the direction of its board, except as in this act or in its certificate of incorporation otherwise provided. Directors shall be at least 18 years of age and need not be United States citizens or residents of this State or shareholders of the corporation unless the certificate of incorporation or by-laws so require. The certificate of incorporation or by-laws may prescribe other qualifications for directors.

(2) In discharging his duties to the corporation and in determining what he reasonably believes to be in the best interest of the corporation, a director may, in addition to considering the effects of any action on shareholders, consider any of the following: (a) the effects of the action on the corporation's employees, suppliers, creditors and customers; (b) the effects of the action on the community in which the corporation operates; and (c) the long term as well as the short-term interests of the corporation and its shareholders, including the possibility that these interests may best be served by the continued independence of the corporation.

(3) If on the basis of the factors described in subsection (2) of this section, the board of directors determines that any proposal or offer to acquire the corporation is not in the best interest of the corporation, it may reject such proposal or offer. If the board of directors determines to reject any such proposal or offer, the board of directors shall have no obligation to facilitate, remove any barriers to, or refrain from impeding the proposal or offer.

2. Section 3 of P.L.1986, c.74 (C.14A:10A-3) is amended to read as follows:

C.14A:10A-3 Definitions.

3. As used in this act:

a. "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, a specified person.

b. "Announcement date," when used in reference to any business combination, means the date of the first public announcement of the final, definitive proposal for that business combination.

c. "Associate," when used to indicate a relationship with any person, means (1) any corporation or organization of which that person is an officer or partner or is, directly or indirectly, the beneficial owner of 10% or more of any class of voting stock, (2) any trust or other estate in which that person has a substantial beneficial interest or as to which that person serves as trustee or in a similar fiduciary capacity, or (3) any relative or spouse of that person, or any relative of that spouse, who has the same home as that person.

d. "Beneficial owner," when used with respect to any stock, means a person:

(1) that, individually or with or through any of its affiliates or associates, beneficially owns that stock, directly or indirectly;

(2) that, individually or with or through any of its affiliates or associates, has (a) the right to acquire that stock (whether that right is exercisable immediately or only after the passage of time), pursuant to any agreement, arrangement or understanding (whether or not in writing), or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise; provided, however, that a person shall not be deemed the beneficial owner of stock tendered pursuant to a tender or exchange offer made by that person or any of that person's affiliates or associates until that tendered stock is accepted for purchase or exchange; or (b) the right to vote that stock

pursuant to any agreement, arrangement or understanding (whether or not in writing); provided, however, that a person shall not be deemed the beneficial owner of any stock under this subparagraph if the agreement, arrangement or understanding to vote that stock (i) arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the Exchange Act, and (ii) is not then reportable on a Schedule 13D under the Exchange Act (or any comparable or successor report); or

(3) that has any agreement, arrangement or understanding (whether or not in writing), for the purpose of acquiring, holding, voting (except voting pursuant to a revocable proxy or consent as described in subparagraph (b) of paragraph (2) of this subsection), or disposing of that stock with any other person that beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, that stock.

e. "Business combination," when used in reference to any resident domestic corporation and any interested stockholder of that resident domestic corporation, means:

(1) any merger or consolidation of that resident domestic corporation or any subsidiary of that resident domestic corporation with (a) that interested stockholder or (b) any other corporation (whether or not it is an interested stockholder of that resident domestic corporation) which is, or after a merger or consolidation would be, an affiliate or associate of that interested stockholder;

(2) any sale, lease, exchange, mortgage, pledge, transfer or other disposition (in one transaction or a series of transactions) to or with that interested stockholder or any affiliate or associate of that interested stockholder of assets of that resident domestic corporation or any subsidiary of that resident domestic corporation (a) having an aggregate market value equal to 10% or more of the aggregate market value of all the assets, determined on a consolidated basis, of that resident domestic corporation, (b) having an aggregate market value equal to 10% or more of the aggregate market value of all the outstanding stock of that resident domestic corporation, or (c) representing 10% or more of the earning power or income, determined on a consolidated basis, of that resident domestic corporation;

(3) the issuance or transfer by that resident domestic corporation or any subsidiary of that resident domestic corporation (in one transaction or a series of transactions) of any stock of that resident

domestic corporation or any subsidiary of that resident domestic corporation which has an aggregate market value equal to 5% or more of the aggregate market value of all the outstanding stock of that resident domestic corporation to that interested stockholder or any affiliate or associate of that interested stockholder, except pursuant to the exercise of warrants or rights to purchase stock offered, or a dividend or distribution paid or made, pro rata to all stockholders of that resident domestic corporation;

(4) the adoption of any plan or proposal for the liquidation or dissolution of that resident domestic corporation proposed by, on behalf of or pursuant to any agreement, arrangement or understanding (whether or not in writing) with that interested stockholder or any affiliate or associate of that interested stockholder;

(5) any reclassification of securities (including, without limitation, any stock split, stock dividend, or other distribution of stock in respect of stock, or any reverse stock split), or recapitalization of that resident domestic corporation, or any merger or consolidation of that resident domestic corporation with any subsidiary of that resident domestic corporation, or any other transaction (whether or not with, or into, or otherwise involving that interested stockholder), proposed by, on behalf of or pursuant to any agreement, arrangement or understanding (whether or not in writing) with that interested stockholder or any affiliate or associate of that interested stockholder, which has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of any class or series of stock or securities convertible into voting stock of that resident domestic corporation or any subsidiary of that resident domestic corporation which is directly or indirectly owned by that interested stockholder or any affiliate or associate of that interested stockholder, except as a result of immaterial changes due to fractional share adjustments; or

(6) any receipt by that interested stockholder or any affiliate or associate of that interested stockholder of the benefit, directly or indirectly (except proportionately as a stockholder of that resident domestic corporation), of any loans, advances, guarantees, pledges or other financial assistance or any tax credits or other tax advantages provided by or through that corporation; provided, however, that the term "business combination" shall not be deemed to include the receipt of any of the foregoing benefits by that resident domestic corporation or any of that corporation's affiliates arising from transactions (such as intercompany loans or tax sharing arrangements)

between that resident domestic corporation and its affiliates in the ordinary course of business.

- f. "Common stock" means any stock other than preferred stock.
- g. "Consummation date," with respect to any business combination, means the date of consummation of that business combination.
- h. "Control," including the terms "controlling," "controlled by" and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting stock, by contract, or otherwise. A person's beneficial ownership of 10% or more of the voting power of a corporation's outstanding voting stock shall create a presumption that that person has control of that corporation. Notwithstanding the foregoing in this subsection, a person shall not be deemed to have control of a corporation if that person holds voting power, in good faith and not for the purpose of circumventing this section, as an agent, bank, broker, nominee, custodian or trustee for one or more beneficial owners who do not individually or as a group have control of that corporation.
- i. "Exchange Act" means the "Securities Exchange Act of 1934," 48 Stat. 881 (15 U.S.C. § 78a et seq.) as the same has been or hereafter may be amended from time to time.
- j. "Interested stockholder," when used in reference to any resident domestic corporation, means any person (other than that resident domestic corporation or any subsidiary of that resident domestic corporation) that:
 - (1) is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that resident domestic corporation; or
 - (2) is an affiliate or associate of that resident domestic corporation and at any time within the five-year period immediately prior to the date in question was the beneficial owner, directly or indirectly, of 10% or more of the voting power of the then outstanding stock of that resident domestic corporation. For the purpose of determining whether a person is an interested stockholder pursuant to this subsection, the number of shares of voting stock of that resident domestic corporation deemed to be outstanding shall include shares deemed to be beneficially owned by the person through application of subsection d. of this section but shall not include any other unissued shares of voting stock of that resident domestic corporation which may be

issuable pursuant to any agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options, or otherwise.

k. "Market value," when used in reference to property of any resident domestic corporation, means:

(1) in the case of stock, the highest closing sale price during the 30-day period immediately preceding the date in question of a share of that stock on the composite tape for New York Stock Exchange-listed stocks, or, if that stock is not quoted on that composite tape or if that stock is not listed on that exchange, on the principal United States securities exchange registered under the Exchange Act on which that stock is listed, or, if that stock is not listed on any such exchange, the highest closing bid quotation with respect to a share of that stock during the 30-day period preceding the date in question on the National Association of Securities Dealers, Inc. Automated Quotations System, or any system then in use, or if no such quotations are available, the fair market value on the date in question of a share of that resident domestic stock as determined by the board of directors of that corporation in good faith; and

(2) in the case of property other than cash or stock, the fair market value of that property on the date in question as determined by the board of directors of that resident domestic corporation in good faith.

l. "Preferred stock" means any class or series of stock of a resident domestic corporation which under the bylaws or certificate of incorporation of that resident domestic corporation is entitled to receive payment of dividends prior to any payment of dividends on some other class or series of stock, or is entitled in the event of any voluntary liquidation, dissolution or winding up of the resident domestic corporation to receive payment or distribution of a preferential amount before any payments or distributions are received by some other class or series of stock.

m. "Resident domestic corporation" means an issuer of voting stock which is organized under the laws of this State and, as of the stock acquisition date in question, has its principal executive offices located in this State or significant business operations located in this State.

n. "Stock" means:

(1) any stock or similar security, any certificate of interest, any

participation in any profit sharing agreement, any voting trust certificate, or any certificate of deposit for stock; and

(2) any security convertible, with or without consideration, into stock, or any warrant, call or other option or privilege of buying stock without being bound to do so, or any other security carrying any right to acquire, subscribe to or purchase stock.

o. "Stock acquisition date," with respect to any person and any resident domestic corporation, means the date that person first becomes an interested stockholder of that resident domestic corporation.

p. "Subsidiary" of any resident domestic corporation means any other corporation of which voting stock having a majority of the votes entitled to be cast is owned, directly or indirectly, by that resident domestic corporation.

q. "Voting stock" means shares of capital stock of a corporation entitled to vote generally in the election of directors.

3. Section 6 of P.L.1986, c.74 (C.14A:10A-6) is amended to read as follows:

C.14A:10A-6 Exemptions.

6. a. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder if the resident domestic corporation did not have a class of voting stock registered or traded on a national securities exchange or registered with the Securities and Exchange Commission pursuant to section 12(g) of the Exchange Act, 48 Stat. 892 (15 U.S.C. § 78l) on that interested stockholder's stock acquisition date.

b. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination with an interested stockholder who was an interested stockholder prior to the effective date of this act unless subsequent thereto that interested stockholder increased his or its interested stockholder's proportion of the voting power of the resident domestic corporation's outstanding voting stock to a proportion in excess of the proportion of voting power that interested stockholder held prior to the effective date of this act.

c. (Deleted by amendment, P.L.1987, c.380.)

d. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder inadvertently, if such interested stockholder (1) as soon as practicable divests itself or himself of a sufficient amount of the voting stock of that resident domestic corporation so that he or it no longer is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that corporation, or a subsidiary of that resident domestic corporation, and (2) would not at any time within the five-year period preceding the announcement date with respect to that business combination have been an interested stockholder but for that inadvertent acquisition.

e. (Deleted by amendment, P.L.1989, c.106.)

f. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which, prior to August 5, 1986, became the beneficial owner of more than 50% of the voting power of the outstanding voting stock of that resident domestic corporation by reason of a purchase of voting stock directly from that resident domestic corporation in a transaction approved by the board of directors of that resident domestic corporation, provided that, at the time of the approval, none of the directors of the resident domestic corporation was an employee, officer, director, shareholder, affiliate or associate of the interested stockholder.

g. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder on or after August 5, 1986 and before January 1, 1987.

4. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 107

AN ACT concerning share rights or options issued by corporations chartered in this State and amending N.J.S.14A:7-7.

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

1. N.J.S.14A:7-7 is amended to read as follows:

Share rights and options.

14A:7-7. Share rights and options.

(1) Subject to any provisions in respect thereof set forth in its certificate of incorporation in effect before the authorization and issuance of the rights or options, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or bonds, rights or options entitling the holders thereof to purchase from the corporation shares of any class or series for such consideration and upon such terms and conditions as may be fixed by the board. Such rights or options shall be evidenced in such manner as the board shall approve and, without limiting the generality of the foregoing, may be evidenced by warrants attached to or forming part of bond instruments or share certificates or existing independently thereof. The instruments evidencing such rights or options shall set forth or incorporate by reference the terms and conditions of their exercise, including the time or times, which may be limited or unlimited in duration, within which, and the price or prices at which such shares may be purchased from the corporation, and any limitations on the transferability of any such right or option. The rights or options may contain provisions which adjust the rights or options in the event of an acquisition of shares or a reorganization, merger, consolidation, sale of assets or other occurrence. The consideration for shares to be purchased upon the exercise of any such right or option shall comply with the requirements of sections 14A:7-4 and 14A:7-5. A good faith judgment of the board as to the adequacy of the consideration received for such rights or options is conclusive.

- (2) (Deleted by amendment, P.L.1988, c.94.)

(3) Notwithstanding N.J.S.14A:7-1 and N.J.S.14A:7-2 and any other provision of chapter 7 of Title 14A of the New Jersey Statutes, and unless otherwise provided in the certificate of incorporation in effect before the authorization and issuance of the rights or options,

a corporation may before, on or after the effective date of this 1989 amendatory act, authorize and issue rights or options which include conditions that prevent the holder of a specified percentage of the outstanding shares of the corporation, including subsequent transferees of the holder, from exercising those rights or options or which invalidate any rights or options beneficially owned by the holder of a specified percentage of the outstanding shares of the corporation, including subsequent transferees of the holder.

2. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 108

AN ACT concerning litter control, and amending and supplementing P.L.1985, c.533.

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

1. Section 7 of P.L.1985, c.533 (C.13:1E-99.2) is amended to read as follows:

C.13:1E-99.2 Clean Communities Account.

7. The Clean Communities Account is established as a nonlapsing, revolving fund in the Department of the Treasury to carry out the purposes of this act. The Clean Communities Account shall be administered by the Department of Environmental Protection and credited, in addition to any appropriations made thereto, with all taxes and penalties levied or imposed pursuant to sections 6 and 10 of P.L.1985, c.533 (C.13:1E-99.1 and 13:1E-99.5), and any sums received as voluntary contributions from private sources. Interest received on moneys in the account shall be credited to the account. Moneys in the Clean Communities Account shall be appropriated annually for the following purposes and no others:

a. 5% of the estimated annual balance of the account shall be used for a program of litter pickup and removal, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances in State owned places and areas that are accessible to the public;

b. 50% of the estimated annual balance of the account shall be distributed as State aid to eligible municipalities with total housing units of 200 or more for programs of litter pickup and removal, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances. The amount of State aid due each municipality shall be solely calculated based on the proportion which the housing units of a qualifying municipality bear to the total housing units in the State. Total housing units shall be determined using the most recent federal decennial population estimates for New Jersey and its municipalities, filed in the office of the Secretary of State;

c. 30% of the estimated annual balance of the account shall be distributed as State aid to eligible municipalities with total housing units of 200 or more for programs of litter pickup and removal, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances. The amount of State aid due each municipality shall be solely calculated based on the proportion which the municipal road mileage of a qualifying municipality bears to the total municipal road mileage within the State. For the purposes of this subsection, "municipal road mileage" means that road mileage under the jurisdiction of municipalities, as determined by the Department of Transportation;

d. 10% of the estimated annual balance of the account shall be distributed as State aid to eligible counties for programs of litter pickup and removal, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances. The amount of State aid due each county shall be solely calculated based on the proportion which the county road mileage of an eligible county bears to the total county road mileage within the State. For the purposes of this subsection, "county road mileage" means that road mileage under the jurisdiction of counties, as determined by the Department of Transportation;

e. The Department of Environmental Protection shall develop model municipal and county litter control programs. A model county or municipal litter control program shall provide that funds distributed from the Clean Communities Account to a county or municipality will be used to supplement existing litter pickup and removal activities, and that that portion of the litter picked up with State aid made available pursuant to this subsection which is recyclable shall be recycled. To be eligible for State aid under this section, a municipality or county must certify to the Department of En-

Environmental Protection the adoption of one of the programs. Upon certification by the municipality or county of the enactment of an ordinance or resolution or regional plan establishing one of the model programs, the department shall distribute the State aid based upon the percentage distribution specified in this section subject to the appropriation made therefor. Failure by a municipality or county to certify to the department the adoption by resolution, ordinance, or regional plan, the required model program by a date to be determined by the department shall result in that municipality's or county's State aid being added to the total amount to be allocated among all eligible recipients during that year. Every county, and each municipality receiving \$30,000.00 or more in State aid, shall submit an annual report to the Department of Environmental Protection on the implementation of the model program and the expenditure of funds. Failure to submit a report or submission of an unsatisfactory report will result in a denial of future funds and an obligation to return the funds received. A municipality receiving less than \$30,000.00 in State aid shall not be required to make an annual report, but shall maintain records of the use of the funds.

No eligible municipality shall receive less than \$4,000.00 in State aid as apportioned pursuant to subsections b. and c. of this section. A municipality or county may use up to 5% of its State aid for administrative expenses;

f. 5% of the estimated annual balance of the account shall be used by the department for State administrative expenses and a public information and education program concerning antilittering activities and other aspects of responsible solid waste handling behavior;

g. The department shall annually submit a report to the Governor and the Legislature detailing the administration of and disbursements made from the Clean Communities Account during the previous calendar year.

C.13:1E-99.2a Prerequisite for distribution of State aid.

2. No contract shall be required as a prerequisite to the distribution of State aid to eligible municipalities and counties for model programs pursuant to section 7 of P.L.1985, c.533 (C.13:1E-99.2). Certification by a municipality or county to the Department of Environmental Protection of the adoption of one of the model programs shall be the only precondition for this distribution. All State aid funds for each fiscal year for which these funds are to be distributed shall be distributed by May 31 of the following year.

3. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to read as follows:

C.13:1E-99.3 Penalties for littering.

8. a. A person who throws, drops, discards or otherwise places any litter of any nature upon public or private property other than in a litter receptacle commits a petty disorderly persons offense. The Superior Court and every municipal court shall have jurisdiction to enforce this section. The State or any municipality may institute proceedings under this section. If a money judgment is rendered against a defendant, the payment made to the court shall be remitted to the chief financial officer of the municipality wherein the violation occurred, to be used by the municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. If a person violates subsection a. of this section the court, in addition to any penalty imposed under that subsection, may direct the person to perform community service, including litter pickup and removal from any public property, or any private property with permission of the owner, upon which the person deposited litter, for a term of not less than 20 hours nor more than 40 hours.

c. A person who is convicted of an offense under subsection a. of this section within one year of the date of a previous conviction thereunder may be sentenced to imprisonment for a definite term not to exceed 60 days, may in addition be sentenced to pay a fine not to exceed \$1,000 and may be directed to perform community service, including litter pickup and removal from any public property or from any private property if permission of the owner has been granted, for a term of not less than 40 nor more than 80 hours.

4. This act shall take effect immediately but section 3 shall remain inoperative until the first day of the third month following enactment.

Approved June 29, 1989.

CHAPTER 109

AN ACT permitting counties and municipalities, either separately or jointly with other counties or municipalities, or private water companies, or the State, to finance, construct, acquire and operate water supply facilities, repealing various sections of statutory law, enacting chapter 31 of Title 40A of the New Jersey Statutes, and amending P.L.1983, c.111.

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

1.

TITLE 40A
CHAPTER 31
COUNTY AND MUNICIPAL WATER SUPPLY

- 40A:31-1. Short title.
- 40A:31-2. Legislative purpose.
- 40A:31-3. Definitions.
- 40A:31-4. Acquisition, construction or operation of water supply facilities by one or more local units.
- 40A:31-5. Powers.
- 40A:31-6. Surveys, maps and other costs; reimbursement from bond funds.
- 40A:31-7. Property damaged; repair, restoration or compensation.
- 40A:31-8. Relocation of public utility property.
- 40A:31-9. Bonds and security therefor.
- 40A:31-10. Rates, rentals and other charges.
- 40A:31-11. Connection fees.
- 40A:31-12. Rates, rentals, connection fees or other charges as lien on real property; discontinuance of service.
- 40A:31-13. Improvements financed by means of local improvement assessments.
- 40A:31-14. Local improvement assessments; procedures for and manner of assessment and collection.
- 40A:31-15. Bonds issued by one or more units; debt service payments.
- 40A:31-16. Water facilities deemed a self-liquidating purpose under certain circumstances.
- 40A:31-17. Payments by local unit to another local unit.
- 40A:31-18. Contracts entered into prior to appropriations therefor.

- 40A:31-19. Right of entry onto private property to make surveys or inspections; interference therewith.
- 40A:31-20. Payments owing by private water companies.
- 40A:31-21. Municipal extension to water supply facilities of a public utility; financing of the extension; and its sale or lease.
- 40A:31-22. Bonds as legal investments.
- 40A:31-23. Nonimpairment of prior obligations to provide water supply services by public or private agencies; no facilities in utilities authority service areas; prior approval for service in other local units; control by Board of Public Utilities.
- 40A:31-24. Statutes repealed.
- 40A:31-1. Short title.

This act shall be known and may be cited as the "County and Municipal Water Supply Act."

40A:31-2. Legislative purpose.

The Legislature finds and declares it to be in the public interest and to be the policy of this State to foster and promote by all reasonable means the collection, storage and distribution of an adequate supply of water for the inhabitants and businesses of the counties and municipalities of this State. It is the purpose of this act to further implement that policy by authorizing a county or municipality, either separately or in combination with one or more other counties or municipalities, or private water companies, or the State, to acquire, construct, maintain, operate or improve facilities for the accumulation, supply or distribution of water and to provide for the financing of these facilities.

Source: C.40:14C-2 (P.L.1979, c.451, s.2).

40A:31-3. Definitions.

As used in this act:

- a. "Bonds" means bond anticipation notes or bonds issued in accordance with the "Local Bond Law," N.J.S.40A:2-1 et seq.
- b. "Cost" as applied to water supply facilities or extensions or additions thereto, means the cost of acquisition or the construction, including improvement, reconstruction, extension or enlargement, the cost of all labor materials, machinery and equipment, the cost of all lands, property, rights and easements acquired, the cost of

demolition or removal of any buildings or structures thereon, financing charges, interest on bonds issued to finance water supply facilities prior to and during construction, the cost of plans and specifications, surveys or estimates of costs and revenues, the cost of engineering, legal services, and any other expenses necessary or incident to determining the feasibility of construction, administrative expenses and such other expenses as may be necessary or incident to the construction or acquisition of water supply facilities, and the financing thereof.

c. "Local unit" means a county or municipality.

d. "Water supply facilities" means the plants, structures or other real and personal property acquired, constructed or operated, or to be financed, acquired, constructed or operated, or any parts thereof, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks, or sources of water supply, well, purification or filtration plants, or other plants or works, connections, rights of flowage or diversion, and other plants, structures, boats, conveyances and other real and personal property, or rights therein, and appurtenances necessary or useful for the accumulation, supply or distribution of water.

Source: C.40:14C-3 (P.L.1979, c.451, s.3).

40A:31-4. Acquisition, construction or operation of water supply facilities by one or more local units.

A local unit may, either separately or in combination with one or more other local units, a private water company subject to regulation by the Board of Public Utilities as a public utility, or the State, acquire, construct or operate a water supply facility upon a determination by the governing body of the local unit or each participating local unit that the public health, safety or welfare can best be assured by the acquisition, construction or operation of water supply facilities by the local unit or units. The determination shall be by ordinance or resolution, or parallel ordinances or resolutions, as the case may be, of the governing body of the local unit or each of the participating local units.

No water supply facilities may be acquired, constructed or operated pursuant to this act until all necessary permits and approvals have been received from the appropriate State agency.

Source: C.40:14C-4 (P.L.1979, c.451, s.4).

40A:31-5. Powers.

One or more local units adopting an ordinance or resolution in accordance with N.J.S.40A:31-4 are authorized and empowered:

- a. Alone or in combination with a private water company or the State, to acquire, construct, improve, extend, enlarge or reconstruct and finance water supply facilities, and to operate, manage and control all or part of these facilities and all properties relating thereto;
- b. To issue bonds of the local unit or units to pay all or part of the cost of the water supply facilities;
- c. To receive and accept from the federal or State government, or any agency or instrumentality thereof, grants or loans for, or in aid of, the planning, purchase, construction, improvement, extension, enlargement or reconstruction, or financing of water supply facilities, and to receive and accept from any source, contributions or money, property, labor or other things of value to be held, used and applied only for the purposes for which the grants or loans and contributions are made;
- d. To acquire in the name of the local unit or units by gift, purchase, or by the exercise of the right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights, and such personal property as may be deemed necessary for acquisition, construction, improvement, extension, enlargement or reconstruction, or for the efficient operation of any facilities acquired or constructed under the provisions of this act and to hold and dispose of all real and personal property so acquired;
- e. To make and enter into all contracts and agreements necessary or incidental to the performance of the local unit's or units' duties and the execution of powers authorized under this act, and to employ consulting and other engineers, superintendents, managers, attorneys, financial or other consultants or experts, and such other employees and agents as may be deemed necessary, and to fix their compensation;
- f. Subject to the provisions and restrictions set forth in the ordinance or resolution authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the federal or State government, or any agency or instrumentality thereof, or with any other local unit, private corporation, copartnership, association or individual providing for, or relating to, water supply, which contracts may provide for the furnishing of water supply services either

by or to the local unit or units, or the joint construction or operation of water supply facilities;

g. To fix and collect rates, fees, rents and other charges in accordance with this act;

h. To exercise any other powers necessary or incidental to the effectuation of the general purposes of this act.

Source: C.40:14C-5 (P.L.1979, c.451, s.5).

40A:31-6. Surveys, maps and other costs; reimbursement from bond funds.

a. Whenever a local unit pursuant to N.J.S.40A:31-4 chooses to exercise powers granted hereunder, the local unit shall make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues as may be necessary.

b. The cost of the surveys, investigations, studies, borings, maps, plans, drawings and estimates, or of any other costs relating to the acquisition or construction of a water supply facility may be paid out of the general funds of the local unit or participating local units. The local unit or units may be reimbursed for part or all of the expenditures made in accordance with this subsection from the proceeds of bonds issued pursuant to this act.

Source: C.40:14C-6 (P.L.1979, c.451, s.6).

40A:31-7. Property damaged; repair, restoration or compensation.

All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and, as nearly as practicable, placed in its original condition, or adequate compensation shall be made therefor.

Source: C.40:14C-6 (P.L.1979, c.451, s.6).

40A:31-8. Relocation of public utility property.

Whenever the local unit or units determine that it is necessary that any public utility facilities such as tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public utility, as defined in R.S.48:2-13, which are now, or hereafter may be located in, on, along, over or under any project, should be removed, the public utility owning or operating the facilities shall relocate or remove the same in accordance with the order of the local

unit or units, the cost and expense of the relocation or removal, including the cost of installing the facilities in a new location or new locations, and the cost of any lands, or any rights or interest in lands, and any other rights acquired to accomplish the relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the relocation or removal of the property, shall be ascertained and paid as a part of the cost of the project. In case of any relocation or removal of facilities pursuant to this section, the public utility owning or operating the same, its successors or assigns, may maintain and operate the facilities, with the necessary appurtenances, in the new location, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the facilities in their former location.

Source: New.

40A:31-9. Bonds and security therefor.

A local unit having adopted an ordinance or resolution pursuant to N.J.S.40A:31-4 may issue bonds pursuant to the provisions of the "Local Bond Law," N.J.S.40A:2-1 et seq. for all or part of the cost of water supply facilities. Proceeds from the bonds shall be used solely for the payment of the costs of the water supply facilities for which the bonds have been authorized.

Bonds issued by a local unit or local units may be:

- a. General obligation bonds payable from unlimited ad valorem taxes which may additionally be secured by a pledge of revenues from rates, rentals or other charges levied and collected pursuant to the provisions of N.J.S.40A:31-10 and 40A:31-11;
- b. Local improvement assessment bonds payable from local improvement assessments as provided in N.J.S.40A:31-13, additionally secured by unlimited ad valorem taxes; or
- c. General obligation bonds secured and payable from rates, rental and other charges levied and collected pursuant to N.J.S.40A:31-10 and 40A:31-11, and additionally secured by unlimited ad valorem taxes. Bonds may additionally be secured by a pledge of any grant, subsidy or contribution received by the issuing local unit from the United States or the State of New Jersey, or any agency, instrumentality or political subdivision thereof.

Source: C.40:14C-7 (P.L.1979, c.451, s.7) and New.

40A:31-10. Rates, rentals and other charges.

After the commencement of operation of water supply facilities, the local unit or units may prescribe and, from time to time, alter rates or rentals to be charged to users of water supply services. Rates or rentals being in the nature of use or service charges or annual rental charges, shall be uniform and equitable for the same type and class of use or service of the facilities. Rates or rentals and types and classes of use and service may be based on any factors which the governing body or bodies of that local unit or units shall deem proper and equitable within the region served.

In fixing rates, rental and other charges for supplying water services, the local unit or units shall establish a rate structure that allows, within the limits of any lawful covenants made with bondholders, the local unit to:

a. Recover all costs of acquisition, construction or operation, including the costs of raw materials, administration, real or personal property, maintenance, taxes, debt service charges, fees and an amount equal to any operating budget deficit occurring in the immediately preceding fiscal year;

b. Establish a surplus in an amount sufficient to provide for the reasonable anticipation of any contingency that may affect the operation of the utility, and, at the discretion of the local unit or units, allow for the transfer of moneys from the budget for the water supply facilities to the local budget in accordance with section 5 of P.L.1983, c.111 (C.40A:4-35.1).

No local unit or units shall, however, impose any rates or rentals in excess of the cost of water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the "Health Care Facilities Planning Act," P.L.1979, c.136 (C.26:2H-1 et seq.) and regulations promulgated thereunder or in any rooming or boarding house pursuant to the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) and regulations promulgated thereunder.

Source: C.40:14C-8 (P.L.1979, c.451, s.8) and C.40:62-85.2.

40A:31-11. Connection fees.

In addition to rates and rentals, a separate charge in the nature of a connection fee or tapping fee for each connection of any property with the water supply system may be imposed upon the owner or

occupant of the property so connected. The connection charges shall be uniform within each class of users and the amount thereof shall not exceed the actual cost of the physical connection plus an amount computed in the following manner to represent a fair payment towards the cost of the system:

a. The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and the interest thereon, paid by the local unit or units to defray the capital cost of developing the system as of the end of the immediately preceding budget year shall be added to all capital expenditures made by a local unit or units not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding budget year.

b. Any gifts, contributions or subsidies to the local unit or units received from, and not reimbursed or reimbursable to, any federal, State, county or municipal government or agency or any private person, and that portion of amounts paid to the local unit or units by a public entity under a service agreement or service contract which is not repaid to the public entity by the local unit or units, shall then be subtracted.

c. The remainder shall be divided by the total number of service units served by the local unit or units at the end of the immediately preceding budget year, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector. In attributing service units to each connector, the estimated average daily flow of water for the connector shall be divided by the average daily flow of water to the average single family residence in the area served by the local unit or units, to produce the number of service units to be attributed.

The connection fee shall be recomputed at the end of each budget year, after a public hearing is held. The revised connection fee may be imposed upon those who subsequently connect in that budget year to the system.

The combination of the connection fee or tapping fee and the aforesaid water service charges shall be such that the revenues of water supply facilities shall be adequate to pay the expenses of operation and maintenance of the water supply facilities, including improvements, extensions, enlargements and replacements to water supply facilities, reserves, insurance, principal and interest on any bonds, and to maintain such reserves or sinking funds therefor as may

be required under the bond covenants or any contracts, or as may be deemed necessary or desirable.

Source: New.

40A:31-12. Rates, rentals, connection fees or other charges as lien on real property; discontinuance of service.

Rates, rentals, connection fees or other charges levied in accordance with N.J.S.40A:31-10 and 40A:31-11, shall be a first lien or charge against the property benefited therefrom. If any part of the amount due and payable in rates, rentals, connection fees or other charges remains unpaid for 30 days following the date for the payment thereof, interest upon the amount unpaid shall accrue at a rate of interest to be determined in accordance with N.J.S.40A:31-17. The governing body or bodies of the local unit or units may authorize payment of delinquent assessments on an installment basis in accordance with R.S.54:5-19. Liens levied in accordance with this section shall be enforceable in the manner provided for real property tax liens in chapter 5 of Title 54 of the Revised Statutes.

Nothing in this section shall be construed to limit the right of a local unit or local units to discontinue service to any property for the failure to pay any amount owing within 30 days after the date the amount is due and payable, if written notice of the proposed discontinuance of service and of the reasons therefor has been given, within at least 10 days prior to the date of discontinuance, to the owner of record of the property. In the event that notice is provided by mail, the notice requirements shall be satisfied if the mailing is made to the last known address of the owner of record and is postmarked at least 10 days prior to the date of discontinuance.

Source: R.S.40:62-78, 40:62-79 and New.

40A:31-13. Improvements financed by means of local improvement assessments.

If the governing body of one or more local units determines that all or any part of the cost of construction of water supply facilities acquired or constructed pursuant to this act should be financed by local improvement assessments on real properties located within the local unit or units, the local unit or units shall pass a resolution or parallel resolutions on the intention to undertake and finance the water supply facilities and shall give notice thereof by advertising in one or more newspapers of general circulation in the local unit or units, and by notifying each concerned property owner by certified

mail. The notice shall fix a date, time and place for a public hearing on the proposed action; except that the date of the hearing shall not be earlier than two weeks after the mailing of notices to concerned property owners. If, after the hearing, the governing body or bodies decide to carry out the proposed local improvement, an ordinance or resolution, or parallel ordinances or resolutions shall be adopted declaring that determination.

Source: New.

40A:31-14. Local improvement assessments; procedures for and manner of assessment and collection.

Upon completion of the improvements made pursuant to N.J.S.40A:31-13, the governing body or governing bodies shall assess the costs and expenses of the water supply facilities on the lands specially benefited therefrom in proportion to the benefits received; however, no county may levy local improvement assessments within a municipality without the approval of that municipality.

When completed, the assessments shall be filed as a report with the clerk or clerks of the governing body or bodies who shall give notice, by advertising in one or more newspapers of general circulation in the local unit or units, and by notifying each concerned property owner by certified mail, of the fact that the report has been filed and that the governing body or bodies will meet at a time and place designated in the notice to hear remonstrances against the report. The governing body or bodies shall meet at the time and place designated in the notice to hear remonstrances and may revise the report as may be deemed appropriate after which the report shall be filed with the clerk or clerks of the governing body or bodies, and the assessments shall constitute liens upon the lands so assessed for special benefits.

The clerk or clerks shall deliver a duplicate copy of the report to the appropriate officer or officers of the local unit or units who shall immediately thereafter send out by mail or deliver to owners of lands bills for the assessments. The officer or officers shall mail or deliver bills for an assessment in the manner required in connection with local improvements and shall keep a record and books of assessments in the same manner required for local improvements under R.S.40:56-31, at the expense of the local unit or units. The governing body or bodies may make additional requirements for recording, accounting for and collecting assessments.

The governing body of a participating local unit may, by resolution, provide that the owner of any real estate located within the local unit upon which a local improvement assessment has been made may pay the assessment in installments pursuant to the procedures contained in R.S.40:56-35.

When an unpaid assessment, interest thereon or other charges for collection thereof remain in arrears on July 4 of the calendar year following the calendar year when the amount becomes in arrears, the appropriate officer of the local unit shall enforce the lien by selling the property in the manner set forth in chapter 5 of Title 54 of the Revised Statutes.

Source: New.

40A:31-15. Bonds issued by one or more units; debt service payments.

A local unit, pursuant to an agreement with one or more other local units or the State, may bear the entire cost of the acquisition or construction of water supply facilities and issue bonds therefor, or may share all or part of these costs with the other government. If the cost of acquisition or construction is shared, bonds may be issued by each of the participating governments for part or all of each government's respective costs, or a local unit may issue bonds for the entire cost of the water supply facilities to be acquired or constructed, with the share of the costs of each of the other participating governments to be repaid to the issuing local unit in annual installments within a period agreed to by the parties but not to exceed 40 years. The agreement shall prescribe the rate or rates of interest on the annual installments and such other terms and conditions as agreed to by the parties. Agreements made hereunder shall be authorized by resolution of the governing bodies of the participating parties, or in the case of the State, the Commissioner of the Department of Environmental Protection. Annual installment payments may include payment of the agreed share of a participating government's operating and maintenance costs, including the costs of any improvements, extensions, enlargements or reconstruction.

Source: C.40:14C-9 (P.L.1979, c.451, s.9).

40A:31-16. Water facilities deemed a self-liquidating purpose under certain circumstances.

a. Principal and interest payments on bonds issued in accordance with subsection c. of N.J.S.40A:31-9 and operating and maintenance

costs for the water supply facilities, shall not be included in computing the gross or net indebtedness of the local unit issuing the bonds, if the cash receipts from fees, rents and other charges in a fiscal year are sufficient to meet operating and maintenance expenses. In such cases, water supply facilities shall be deemed a self-liquidating purpose and interest and debt redemption charges, and maintenance and operating costs payable or accruing in that fiscal year shall be treated in the manner prescribed in N.J.S.40A:2-45 through 40A:2-47;

b. (1) Annual installment payments to a local unit made pursuant to N.J.S.40A:31-15 shall not be included in computing the gross or net indebtedness of the other participating government or governments, except that a self-liquidating purpose facility shall be subject to the provisions of N.J.S.40A:2-48; nor

(2) Shall the principal and interest on bonds issued by a local unit to finance, pursuant to an agreement made in accordance with N.J.S.40A:31-15, the share of the cost of the construction or acquisition, or of maintenance or operation of another government, be included in any computation of gross or net indebtedness of the local unit.

Source: New.

40A:31-17. Payments by local unit to another local unit.

The chief fiscal officer of another government having entered into a contract pursuant to this act, shall cause to be paid to the local unit such amounts of money at such times as shall be stipulated in the contract and certified by the local unit. The power and obligation to make payments in accordance with the terms of the contract shall be unlimited, and the sums necessary therefor shall be included in the annual budget of the other government, which shall be irrevocably and unconditionally obligated to levy ad valorem taxes on all taxable property therein, without limits as to rate or amount, to the extent necessary to make payments in full as due.

Any part of a payment that remains unpaid for 30 days following the date payment is due, shall be assessed an interest charge at a rate of interest at least equal to the monthly index for the immediately preceding month for 20 year tax exempt bond yields as compiled by the Bond Buyer or any similar index agreed to by the parties.

Source: C.40:14C-12 (P.L.1979, c.451, s.12).

40A:31-18. Contracts entered into prior to appropriations therefor.

A local unit shall have the power to authorize, by resolution, officials to enter into and execute a contract pursuant to this act for such periods of time and under such terms and conditions as are deemed proper and necessary, notwithstanding that no appropriation was made or provided to cover the estimated cost of the contract. The governing body of each contracting local unit shall have full power and authority to do and perform all acts and things provided under the terms and conditions of the contract.

Source: C.40:14C-10 (P.L.1979, c.451, s.10).

40A:31-19. Right of entry onto private property to make surveys and investigations; interference therewith.

A local unit or local units may authorize officials or other agents of the local unit or units to enter upon any land or water for the purpose of making surveys, studies, investigations or inspections, and, at reasonable hours, to enter any building or other structure using or suspected of using water supplied by the local unit or units. The officials or other agents are empowered to examine meters, service pipes or any equipment connected to the water supply facilities or service pipes for compliance with established standards and other requirements.

The supply of water to any property may be discontinued if the owner, lessee or other user of that property opposes or obstructs an authorized official or other agent in the performance of his duties. The discontinuance shall continue until the required investigations or inspections are made, and any alterations or repairs found to be necessary have been made and approved by the appropriate official or agent.

Source: R.S.40:62-82.

40A:31-20. Payments owing by private water companies.

A private water company or industry which shall have entered into a contract with a local unit or local units pursuant to this act, shall pay at such time as may be provided in the contract, the sum of money certified to it on or before the date provided for payment in the contract. Any sum of money so certified by the local unit or units shall be a lien in favor of the local unit or units on and against the property of the private water company or industry. If the sum of money or any part thereof is not paid on or before the contract payment date, the unpaid amount shall bear interest at the rate to be determined in accordance with the provisions of N.J.S.40A:31-17,

until payment is complete and, the local unit or local units shall make and record, in the same manner as conveyances of interest in real property are recorded, a certificate setting forth the facts and giving notice of the existence and amount of the lien remaining unsatisfied. The lien shall have priority over all other liens theretofore or thereafter attaching, except those for federal, State and local taxes.

Source: C.40:14C-13 (P.L.1979, c.451, s.13).

40A:31-21. Municipal extension to water supply facilities of a public utility; financing of the extension; and its sale or lease.

A municipality in which water supply facilities are furnished by a private water company may, in accordance with the provisions of this act, provide for the construction, or construction and operation of an extension to an existing water supply system of a private water company for the purpose of supplying water services for the public and private uses of the municipality and its inhabitants. The cost of construction of the extension may be financed from the tax revenues of the municipality or by the issuance of general obligation bonds secured in any manner provided in N.J.S.40A:31-9.

The extension may be leased or sold by the municipality pursuant to an ordinance adopted by its governing body to the private water company upon approval of the terms and conditions of the lease or sale by the Board of Public Utilities. If the extension has been financed pursuant to subsection b. or c. of N.J.S.40A:31-9, the proceeds from the lease or sale shall be refunded or credited pro rata to the ratepayers or the owners of property assessed, or their legal representatives or assigns, in such manner as may be determined by the governing body of the municipality.

Source: C.40:62-61.2 through 40:62-61.5 (P.L.1981, c.497, §§1-4).

40A:31-22. Bonds as legal investments.

Notwithstanding any restrictions contained in any other law, the State and all public officers, local units, political subdivisions and public bodies, or agencies thereof, banks, trust companies, savings banks, savings and loan associations, investment companies, insurance companies, insurance businesses, and executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking fund moneys or other funds belonging to them or within their control in any bonds authorized pursuant to this act, which bonds shall be authorized security for any and all public deposits.

The bonds and the interest thereon shall be exempt from taxation except for transfer and inheritance taxes.

Source: C.40:14C-11 (P.L.1979, c.451, s.11).

40A:31-23. Nonimpairment of prior obligations to provide water supply services by public or private agencies; no facilities in utilities authority service areas; prior approval for service in other local units; control by Board of Public Utilities.

a. Nothing contained in this act shall in any way impair the obligations previously assumed by any other public or private agency for the provision of water supply services and facilities to the citizens and industries of this State, or for any other purpose authorized by any law repealed by N.J.S.40A:31-24.

b. In the event a municipal utilities authority has been established in a local unit pursuant to the provisions of the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), no local unit or units shall establish any facility within the territory of that local unit which is competitive with any water supply facility operated by that authority.

c. No water supply services shall be provided in accordance with this act to users in another local unit without the prior approval of the governing body of that other local unit.

d. Subject to the terms of any agreement entered into by participating local units or between a supplying and receiving local unit or units and the provisions of this act, a local unit or local units owning and operating water supply facilities in accordance with the provisions of N.J.S.40A:31-4, which supply water to more than 1,000 billed customers within another local unit, shall be subject to the jurisdiction, regulation and control of the Board of Public Utilities in accordance with the provisions of Title 48 of the Revised Statutes. The provisions of this subsection shall not apply where water is supplied to customers in another local unit at bulk rates.

Source: C.40:14C-14 (P.L.1979, c.451, s.14), R.S.40:62-83, C.40:62-85.2 (P.L.1975, c.184, s.1) and New.

40A:31-24. Statutes repealed.

The following acts are repealed:

P.L.1979, c.451 (C.40:14C-1 through 40:14C-15);
R.S.40:62-47 through 40:62-59;

R.S.40:62-62 through 40:62-95; and
P.L.1981, c.497, §§1-4 (C.40:62-61.2 through 40:62-61.5); and
P.L.1975, c.184, s.1 (C.40:62-85.2).

2. Section 5 of P.L.1983, c.111 (C.40A:4-35.1) is amended to read as follows:

C.40A:4-35.1 Transfer of surplus revenue.

5. To the extent there is available surplus revenue collected by a municipality pursuant to chapter 62 of Title 40 of the Revised Statutes for supplying a utility service which is regulated by the Board of Public Utilities pursuant to subsection d. of N.J.S.40A:31-23, an amount not to exceed 5% of the annual costs of operation of the utility may be transferred annually from the accounts of the municipal utility and included in the local budget pursuant to N.J.S.40A:4-35.

3. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 110

AN ACT concerning use of real property held by certain State departments and supplementing Title 52 of the Revised Statutes.

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

C.52:31-1.6 Findings, declarations.

1. The Legislature finds and declares that:

a. The Department of Human Services and the Department of Corrections possess real property, all of which is to be maintained and used in furtherance of department goals and functions.

b. Pursuant to P.L.1962, c.220 (C.52:31-1.1 et seq.), the department heads, with the approval of the Governor and the State House Commission, may dispose of the State's interest in real property if it is deemed appropriate by the department head.

c. Unused property held by the departments and considered surplus property is often transferred from one department to another and sold without adequate legislative oversight and review.

d. The resultant lack of guidelines and directives for the use and control of real property in the Department of Human Services and the Department of Corrections precludes any coherent, long-range planning and policy formation for the use of real property in those departments and by the Department of the Treasury.

e. Consequently, to centralize and organize the real property inventory of each of these departments and to provide for the maintenance of general legislative oversight for the efficient functioning of these departments, it is in the State's best interests to require these departments to develop and promulgate a master plan which shall be updated annually in a report to the Legislature.

f. Furthermore, it is in the best interests of the Department of the Treasury to assist in the development and promulgation of such a master plan and annual update.

C.52:31-1.7 Master plan; submission, updating.

2. a. The Commissioners of the Department of Human Services and the Department of Corrections shall each, in conjunction with the Department of the Treasury, develop and promulgate, and update annually, a comprehensive master plan listing property held by the department and its control and usage by the department. The plan shall: (1) specify the current use of all real property held by the department; (2) provide a five-year projection of the department's use of the property, including anticipated sales, transfers to other departments and changes in intradepartmental use; and (3) provide a five-year projection of any anticipated acquisitions of additional property by the department.

b. The Department of Human Services and the Department of Corrections shall submit the master plan and each annual update thereto concurrently to the General Assembly State Government Committee, the Senate State Government Committee, the General Assembly Appropriations Committee, and the Senate Revenue, Finance and Appropriations Committee. The master plan shall be submitted no longer than one year after the effective date of this act and each update shall be submitted annually on or before July 1.

c. The Department of Human Services and the Department of Corrections, in conjunction with the Department of the Treasury, shall also report to the committees described in subsection b. of this section the transfer or sale of any surplus real property prior to the transfer or sale.

The departments shall provide such notification to the committees simultaneous with any scheduled action by the State House Commission to authorize the sale of the surplus State properties, or in the case of a transfer, 30 days prior to the transfer, whether or not that sale or transfer is identified in or contemplated by the master plan or the most recently submitted update thereof.

3. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 111

AN ACT concerning persons who are authorized to solemnize marriage and amending R.S.37:1-13.

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

1. R.S.37:1-13 is amended to read as follows:

Persons authorized to solemnize marriages.

37:1-13. Each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court and any mayor or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, and every minister of every religion, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons according to the rules and customs of the society, institution or organization.

2. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 112

AN ACT concerning theft of services and amending N.J.S.2C:20-8.

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

1. N.J.S.2C:20-8 is amended to read as follows:

Theft of services.

2C:20-8. Theft of Services.

a. A person is guilty of theft if he purposely obtains services which he knows are available only for compensation, by deception or threat, or by false token, slug, or other means, including but not limited to mechanical or electronic devices or through fraudulent statements, to avoid payment for the service. "Services" include labor or professional service; transportation, telephone, telecommunications, electric, water, gas, cable television, or other public service; accommodation in hotels, restaurants or elsewhere; entertainment; admission to exhibitions; use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

b. A person commits theft if, having control over the disposition of services of another, to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

c. Any person who, without permission and for the purpose of obtaining electric current, gas or water with intent to defraud any vendor of electricity, gas or water or a person who is furnished by a vendor with electric current, gas or water:

- (1) Connects or causes to be connected by wire or any other device with the wires, cables or conductors of any such vendor or any other person; or

- (2) Connects or disconnects the meters, pipes or conduits of such vendor or any other person or in any other manner tampers or interferes with such meters, pipes or conduits, or connects with such meters, pipes or conduits by pipes, conduits or other instruments—is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this subsection, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through such meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created with reference to such meters, pipes, conduits or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

A violation of this subsection shall be deemed to be a continuing offense as long as the conditions described in this subsection exist.

d. Any person who, without permission or authority, connects or causes to be connected by wires or other devices, any meter erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any vendor of electricity within this State, or changes or shunts the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tampers with any such meter so that the meter will not measure or record the full amount of electric current supplied to such customer, is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters or attachments described in this subsection is presumptive evidence that the person to whom electricity is at the time being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with electricity for less than 31 days or until there has been at least one meter reading.

A violation of this subsection shall be deemed to be a continuing offense as long as the conditions described in this subsection exist.

e. Any person who, with intent to obtain cable television service without payment, in whole or in part, of the lawful charges therefor, or with intent to deprive another of the lawful receipt of such service, damages, cuts, tampers with, installs, taps or makes any connection with, or who displaces, removes, injures or destroys any wire, cable, conduit, apparatus or equipment of a cable television company operating a CATV system; or who, without authority of a cable television company, intentionally prevents, obstructs or delays, by any means

or contrivance, the sending, transmission, conveyance, distribution or receipt of programming material carried by equipment of the cable television company operating a CATV system, is a disorderly person.

The existence of any of the conditions with reference to wires, cables, conduits, apparatus or equipment described in this subsection is presumptive evidence that the person to whom cable television service is at the time being furnished has, with intent to obtain cable television service without authorization or compensation or to otherwise defraud, created or caused to be created the condition so existing.

f. Any person who purposely or knowingly manufactures, constructs, sells, offers for sale, distributes or installs any equipment, device or instrument designed or intended to facilitate the interception, decoding or receipt of any cable television service with intent to obtain such service and avoid the lawful payment of the charges therefor to the provider, in whole or in part, is a disorderly person.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N.J.S.2C:64-1 et seq.

g. Any person who purposely or knowingly maintains or possesses any equipment, device or instrument of the type described in subsection f. of this section or maintains or possesses any equipment, device or instrument actually used to facilitate the interception, decoding or receipt of any cable television service with intent to obtain such service and avoid the lawful payment, in whole or in part, of the charges therefor to the provider, is a disorderly person.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N.J.S.2C:64-1 et seq.

h. Any person who, with the intent of depriving a telephone company of its lawful charges therefor, purposely or knowingly makes use of any telecommunications service by means of the unauthorized use of any electronic or mechanical device or connection, or by the unauthorized use of billing information, or by the use of misidentifying or misleading information given to a representative of the telephone company is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to electronic

or mechanical devices described in this subsection is presumptive evidence that the person to whom telecommunications service is at the time being furnished has, with intent to obtain telecommunications service without authorization or compensation or to otherwise defraud, created or caused to be created the condition so existing.

i. Any person who purposely or knowingly manufactures, constructs, sells, offers for sale, distributes, installs, or otherwise provides any service, equipment, device or instrument designed or intended to facilitate the receipt of any telecommunications service and avoid the lawful payment of the charges therefor to the provider, in whole or in part, is guilty of a disorderly persons offense.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N.J.S.2C:64-1 et seq.

j. Any person who purposely or knowingly maintains or possesses any equipment, device or instrument of the type described in subsection i. of this section, or maintains or possesses any equipment, device or instrument actually used to facilitate the receipt of any telecommunications service with intent to obtain such service and avoid the lawful payment, in whole or in part, of the charges therefor to the provider, is guilty of a disorderly persons offense.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N.J.S.2C:64-1 et seq.

k. In addition to any other disposition authorized by law, and notwithstanding the provisions of N.J.S.2C:43-3, every person who violates this section shall be sentenced to make restitution to the vendor and to pay a minimum fine of \$500.00 for each offense. In determining the amount of restitution, the court shall consider the costs expended by the vendor, including but not limited to the repair and replacement of damaged equipment, the cost of the services unlawfully obtained, investigation expenses, and attorney fees.

l. The presumptions of evidence applicable to offenses defined in subsections c., d., e. and h. of this section shall also apply in any prosecution for theft of services brought pursuant to the provisions of subsection a. or b. of this section.

2. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 113

AN ACT concerning certain joint contracts of municipalities and counties and amending P.L.1952, c.72.

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

1. Section 2 of P.L.1952, c.72 (C.40:48B-2) is amended to read as follows:

C.40:48B-2 Authority to enter into contract for joint operation of public services, improvements, facilities, etc.

2. a. The governing bodies of any two or more municipalities or counties or combination of municipality or municipalities and county or counties may enter into a joint contract for a period not to exceed 40 years to provide for the formation of a joint meeting for the joint operation of any public services, public improvements, works, facilities or undertakings which any such local unit is empowered to operate. Such contract shall be entered into in accordance with the procedures set forth for the entering into of joint service contracts in section 4 of P.L.1973, c.208 (C.40:8A-4) of the "Interlocal Services Act".

b. A joint contract may provide for joint services in any service which any contracting local unit on whose behalf such services are to be performed is legally authorized to provide for itself. Such services shall include but not be limited to general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental protection, joint municipal courts, youth, senior citizens and social welfare programs.

c. The joint contract shall set forth the public services, public improvements, works, facilities or undertakings which the contracting local units desire to operate jointly, and shall provide in general terms the manner in which the public services, public improvements, works, facilities or undertakings shall be jointly operated, and the respective duties and responsibilities of the contracting local units.

d. No such joint contract shall authorize the operation of any property or service defined as a "public utility" by R.S.48:2-13, except as may otherwise be provided by law.

2. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 114

AN ACT concerning fines for the violation of municipal ordinances, and amending R.S.40:49-5 and P.L.1950, c.210.

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

1. R.S.40:49-5 is amended to read as follows:

Penalties for violation of municipal ordinances.

40:49-5. The governing body may prescribe penalties for the violation of ordinances it may have authority to pass, by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$1,000.00; or by a period of community service not exceeding 90 days.

The governing body may prescribe that for the violation of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100.00. The court before which any person is convicted of violating any ordinance of a municipality shall have power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum fixed in such ordinance.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

Any municipality which chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance may waive the additional fine by ordinance or resolution.

Any person convicted of the violation of any ordinance may, in the discretion of the court by which he was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the county jail or place of detention provided by the municipality, for any term not exceeding 90 days, or be required to perform community service for a period not exceeding 90 days.

2. Section 2-4 of P.L.1950, c.210 (C.40:69A-29) is amended to read as follows:

C.40:69A-29 Powers of municipality.

2-4. Each municipality governed by an optional form of government pursuant to this act shall, subject to the provisions of this act or other general laws, have full power to:

(a) Organize and regulate its internal affairs, and to establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their terms, tenure and compensation;

(b) Adopt and enforce local police ordinances of all kinds and impose one or more of the following penalties: fines not exceeding \$1,000.00 or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days for the violation thereof; prescribe that for the violation of particular ordinances at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100.00; to construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law, and to exercise all powers of local government in such manner as its governing body may determine;

(c) Sue and be sued, to have a corporate seal, to contract and be contracted with, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(d) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

Any municipality which chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance may waive the additional fine by ordinance or resolution.

3. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 115

AN ACT concerning parole certification in certain circumstances and amending section 11 of P.L.1979, c.441.

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

1. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to read as follows:

C.30:4-123.55 Review of reports; certification of parole release; denial; time limitations; waiver; majority concurrence.

11. a. Prior to the parole eligibility date of each adult inmate, a designated hearing officer shall review the reports required by section 10 of this act, and shall determine whether there is a basis for denial of parole in the preparole report or the inmate's statement, or an indication, reduced to writing, that additional information providing a basis for denial of parole would be developed or produced at a hearing. If the hearing officer determines that there is no basis in the preparole report or the inmate's statement for denial of parole and that there is no additional relevant information to be developed or produced at a hearing, he shall at least 60 days prior to the inmate's parole eligibility date recommend in writing to the assigned member of the board panel that parole release be granted.

b. If the assigned member of the board panel or in the case of an inmate sentenced to a county penal institution, the assigned member concurs in the hearing officer's recommendation, he shall certify parole release pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board. In the case of an inmate sentenced to a county penal institution the board shall certify parole release or deny parole as provided by this section, except with regard to time periods for notice and parole processing which are authorized by or otherwise adopted pursuant to subsection g. of section 7 of P.L.1979, c.441 (C.30:4-123.51g.). If the designated hearing officer does not recommend release on parole or if the assigned member does not concur in a recommendation of the designated hearing officer in favor of release, then the parole release of an inmate in a county penal institution shall be treated under the provisions of law otherwise applicable to an adult inmate. In the case of an inmate sentenced to a county penal institution, the performance of public service for the remainder of the term of the sentence shall be a required condition of parole, where appropriate.

c. If the hearing officer or the assigned member determines that there is a basis for denial of parole, or that a hearing is otherwise necessary, the hearing officer or assigned member shall notify the appropriate board panel and the inmate in writing of his determination, and of a date for a parole consideration hearing. The board panel shall notify the victim of the crime, if the crime for which the inmate is incarcerated was a crime of the first or second degree, or the victim's nearest relative if the crime was murder, as appropriate, who was previously contacted by the board and who has indicated his intention to the board to testify at the hearing, of the opportunity to testify or submit written statements at the hearing. Said hearing shall be conducted by the appropriate board panel at least 30 days prior to the eligibility date. At the hearing, which shall be informal, the board panel shall receive as evidence any relevant and reliable documents or testimony, including that of the victim of the crime or the members of the family of a murder victim if the victim or a family member so desires. A senior hearing officer of the parole board, on behalf and under the direction of the board panel, may receive the testimony. The senior hearing officer shall prepare a report or a transcript of the testimony for presentation to the board panel at the hearing. All such evidence not classified as confidential pursuant to rules and regulations of the board or the Department of Corrections shall be disclosed to the inmate and the inmate shall be permitted

to rebut such evidence and to present evidence on his own behalf. The decision of the board panel shall be based solely on the evidence presented at the hearing.

d. At the conclusion of the parole consideration hearing, the board panel shall either (1) certify the parole release of the inmate pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board, or (2) deny parole and file with the board within 30 days of the hearing a statement setting forth the decision, the particular reasons therefor, except information classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, a copy of which statement shall be served upon the inmate together with notice of his right to appeal to the board.

e. Upon request by the hearing officer or the inmate, the time limitations contained in sections 10 and 11 may be waived by the appropriate board panel for good cause.

f. Notwithstanding the provision of any other law to the contrary, if an inmate incarcerated for murder is recommended for parole by the assigned board member or the appropriate board panel, parole shall not be certified until a majority of the full parole board, after conducting a hearing, concurs in that recommendation.

The provisions of this subsection shall not apply to an inmate who has his parole revoked and is returned to custody pursuant to the provisions of section 19 of P.L.1979, c.441 (C.30:4-123.63).

2. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 116

AN ACT reducing certain fees charged for motor fuels markers and permits, and amending P.L.1963, c.44.

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

1. Section 10 of P.L.1963, c.44 (C.54:39A-10) is amended to read as follows:

C.54:39A-10 Identification cards, markers; registration fee; permit.

10. The director shall issue to every user a motor fuels user identification card, which shall be safely preserved in the user's offices for as long as the card is valid. The user shall place a photographic copy of said card in the cab of each motor vehicle used in his operations. The director shall also issue for each vehicle operated by the user an identification marker, which shall be affixed to the vehicle in such manner as shall be prescribed by the director. The fee for each original such marker and any replacement marker shall be \$5.00. Every identification card and marker shall remain the property of the State and may be recalled for any violation of this act or of the regulations promulgated hereunder, or for failure to pay any monies due the State under this act or any other law administered by the director. Identification cards and markers shall be issued on an annual basis as of April 1 of the year and shall be valid through the next succeeding March 31. The form and content of the card and marker shall be as prescribed by the director. Any card and marker issued pursuant to this act may be deemed by the director as satisfying the equivalent requirements of any other law administered by him, and any marker and card issued by him pursuant to any other law, regulation, reciprocity agreement or arrangement, or declaration may be deemed as satisfying the equivalent requirements of this act. It shall be illegal to operate or cause to be operated in this State any motor vehicle, unless the vehicle bears the identification marker and carries the copy of the identification card required by this section; provided, however, that upon the request of a user the director may issue by mail or telecommunication a permit valid for the operation of a vehicle for a period not exceeding 25 days, pending the application for and issuance of an identification card or marker, or both. The fee for such permit shall be \$5.00, which may be credited against the identification marker fee applicable to the same vehicle. A user whose vehicles in the aggregate make not more than six trips into or through this State in a 12-month period may

be issued single trip permits valid for 96 hours for each round trip so made. The fee for such trip permit shall be \$2.50, which shall be in lieu of reports, fees and taxes which may otherwise be applicable to said trip under this act.

2. This act shall take effect immediately and shall apply to any marker or permits issued after the effective date of this act.

Approved June 29, 1989.

CHAPTER 117

AN ACT concerning special license plates for the surviving spouses of former prisoners of war and purple heart veterans, amending P.L.1981, c.236 and supplementing P.L.1987, c.374 (C.39:3-27.35 et seq.).

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

1. Section 1 of P.L.1981, c.236 (C.39:3-27.24) is amended to read as follows:

C.39:3-27.24 Special "P.O.W." plates; plates to surviving spouse.

1. Upon the application of any person who served in the armed forces of the United States and who was held as a prisoner of war by an enemy of the United States during any armed conflict, as certified by the Department of Military and Veterans' Affairs, the Director of the Division of Motor Vehicles shall issue for the motor vehicle owned by such person special plates bearing the letters "P.O.W.," in addition to the registration number and other markings or identification otherwise prescribed by law. There shall be no cost to the applicant for these special plates. The applicant is required to pay the fees otherwise prescribed by law for the registration of motor vehicles.

The surviving spouse of a former prisoner of war 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 provision of R.S.39:3-4.

2. Section 2 of P.L.1981, c.236 (C.39:3-27.25) is amended to read as follows:

C.39:3-27.25 Rules, regulations.

2. The Director of the Division of Motor Vehicles and the Adjutant General of the Department of Military and Veterans' Affairs shall promulgate and adopt rules and regulations governing the issuance and use of such registration plates.

C.39:3-27.41 Special purple heart veteran plates; plates to surviving spouse.

3. The surviving spouse of a purple heart veteran who is eligible to operate a motor vehicle in this State under the provision of R.S.39:3-10 may retain the special organization vehicle registration plates obtained by the deceased spouse pursuant to P.L.1987, c.374 (C.39:3-27.35 et seq.) for display on a motor vehicle registered to the surviving spouse under the provision of R.S.39:3-4.

4. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 118

AN ACT concerning the unlawful disposal of solid waste, amending P.L.1970, c.40, and supplementing P.L.1970, c.39 (C.13:1E-1 et seq.).

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

1. Section 13 of P.L.1970, c.40 (C.48:13A-12) is amended to read as follows:

C.48:13A-12 Penalties; injunctive relief.

13. a. Any person or any officer or agent thereof who shall knowingly violate any of the provisions of this act or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation, is guilty of a misdemeanor and shall be punished by imprisonment for not more than three years or by a fine of not more than \$50,000.00, or both; and if a corporation by a fine of not more than \$100,000.00. Each day during which the violation continues constitutes an additional, separate and distinct offense.

b. Any person who shall violate any provision of this act or any rule, regulation or administrative order adopted or issued hereunder, including an interdistrict waste flow order issued in conjunction with the Department of Environmental Protection, or under any applicable provision of Title 48 of the Revised Statutes, or who shall engage in the solid waste collection business or solid waste disposal business without having been issued a certificate of public convenience and necessity, shall be liable to a penalty of not more than \$10,000.00 for a first offense, not more than \$25,000.00 for a second offense and not more than \$50,000.00 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense. The penalties herein provided shall be enforced by summary proceedings instituted by the board under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court and the municipal courts shall all have jurisdiction to enforce "the penalty enforcement law" in connection with this act.

c. Whenever it shall appear to the Board, a municipality, local board of health, or county health department, as the case may be, that any person has violated, intends to violate, or will violate any provision of this act or any rule, regulation or administrative order duly promulgated hereunder, or under any applicable provision of Title 48 of the Revised Statutes, the Board, the municipality, local board of health or county health department may institute a civil action in the Superior Court for injunctive relief and for such other relief as may be appropriate in the circumstances, and the said court may proceed in any such action in a summary manner.

C.13:1E-9.3 Authorization for collection, disposal, transportation of solid waste.

2. a. No person shall, regardless of intent, engage, or be permitted to engage, in the collection or disposal of solid waste in excess of 0.148 cubic yards of solids or 30 United States gallons of liquids, whether for profit or otherwise, except at a disposal site or any other place which has authorization from the Department of Environmental Protection or the Board of Public Utilities to accept solid waste.

b. No person shall, regardless of intent, transport or cause or permit to be transported any solid waste in excess of 0.148 cubic yards of solids or 30 United States gallons of liquids, whether for profit or otherwise, to a disposal site or any other place which does not have authorization from the Department of Environmental Protection or the Board of Public Utilities to accept solid waste.

c. The provisions of this section shall be enforced by the Department of Environmental Protection or the Board of Public Utilities and by every municipality, local board of health, or county health department, as the case may be.

C.13:1E-9.4 Penalties.

3. a. Any person who violates the provisions of section 2 of P.L.1989, c.118 (C.13:1E-9.3) commits a disorderly persons offense.

b. Any person convicted of a violation of the provisions of section 2 of P.L.1989, c.118 (C.13:1E-9.3) is subject to a fine of not less than \$2,500.00 for a first offense, not more than \$5,000.00 for a second offense and not more than \$10,000.00 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.

c. If a person is convicted of a violation of the provisions of section 2 of P.L.1989, c.118 (C.13:1E-9.3), the court shall, in addition to the penalties provided under subsection b. of this section, require the person to perform community service for a term of not more than 90 days, and the person shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than six months nor more than one year.

d. All conveyances used or intended for use in the unlawful transportation or disposal of solid waste in violation of the provisions of section 2 of P.L.1989, c.118 (C.13:1E-9.3) are subject to forfeiture to the State pursuant to the provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

e. The provisions of P.L.1981, c.387 (C.13:1K-1 et seq.) or any other law to the contrary notwithstanding, whenever a conveyance is forfeited to the State pursuant to subsection d. of this section, the proceeds from the disposal and sale of such conveyance shall be remitted to the chief financial officer of the municipality wherein the violation occurred, to be used by the municipality to help finance enforcement activities undertaken pursuant to section 13 of P.L.1970, c.40 (C.48:13A-12) or section 2 of P.L.1989, c.118 (C.13:1E-9.3).

4. This act shall take effect immediately.

Approved June 29, 1989.

CHAPTER 119

AN ACT concerning discharges into the waters of the State, and supplementing Title 58 of the Revised Statutes.

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

1. The Legislature finds and declares that the ocean waters of the State constitute one of the State's most precious and ecologically delicate natural resources; that the preservation and enhancement of the ocean waters of the State is of paramount importance and is in the interest of the public health and safety; and that the direct discharge of industrial wastes into the ocean waters of the State imperils the ecological integrity of the marine environment and presents a threat to the public health and safety.

The Legislature therefore determines that it is in the public interest to prohibit the direct discharge of industrial wastes into the ocean waters of the State.

C.58:10A-7.1 Discharging waste in ocean waters prohibited after Dec. 31, 1991.

2. After December 31, 1991, the department may not issue a permit to any private, commercial, or industrial applicant for the discharge of any solid, semi-solid, or liquid wastes into the ocean waters of the State, the provisions of any other law, or rule or regulation to the contrary notwithstanding. Any permit issued by the department for the discharge of any such waste prior to January 1, 1992 shall expire on January 1, 1992, the provisions of any such permit to the contrary notwithstanding. The provisions of this act shall not apply to permits applied for, or issued to, municipal treatment works or seafood processing facilities. As used in this act, "ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

3. The Commissioner of the Department of Labor shall establish a special program to provide job replacement and relocation assistance, and job retraining to any person who suffers a loss of employment as a direct result of the implementation of this act.

4. This act shall take effect immediately.

Approved June 30, 1989.

CHAPTER 120

AN ACT concerning imitation firearms and amending N.J.S.2C:39-1 and N.J.S.2C:39-4.

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

1. N.J.S.2C:39-1 is amended to read as follows:

Definitions.

2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any firearm and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the firearm or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings

or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

2. N.J.S.2C:39-4 is amended to read as follows:

Possession of weapons for unlawful purposes.

2C:39-4. Possession of weapons for unlawful purposes.

a. Firearms. Any person who has in his possession any firearm with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

b. Explosives. Any person who has in his possession or carries any explosive substance with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

c. Destructive devices. Any person who has in his possession any destructive device with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

d. Other weapons. Any person who has in his possession any weapon, except a firearm, with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the third degree.

e. Imitation firearms. Any person who has in his possession an imitation firearm under circumstances that would lead an observer

to reasonably believe that it is possessed for an unlawful purpose is guilty of a crime of the fourth degree.

3. This act shall take effect on the first day of the second month after enactment.

Approved June 30, 1989.

CHAPTER 121

AN ACT concerning the employment of minors in certain occupations and amending P.L.1940, c.153.

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

1. Section 3 of P.L.1940, c.153 (C.34:2-21.3) is amended to read as follows:

C.34:2-21.3 Limitations on minors' working hours.

3. Except as provided in section 15 of P.L.1940, c.153 (C.34:2-21.15) and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. of any day, except a minor who is 14 or 15 years of age may work in a restaurant, supermarket or other retail establishment, or in any occupation not prohibited by the provisions of this act, P.L.1940, c.153 (C.34:2-21.1 et seq.) or by regulations promulgated by the commissioner pursuant to this act, P.L.1940, c.153 (C.34:2-21.1 et seq.), during the period beginning on the last day of a minor's school year and ending on Labor Day of each year until 9 p.m. of any day with written permission from a parent or legal guardian; nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a.m. or after 11 p.m. of any day; provided that minors between 16 and 18 years of age may be employed after 11 p.m. during any regular vacation season, and on days which do not precede a regularly scheduled school day, with a special written permit from their parents or

legal guardian stating the hours they are permitted to work; provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p.m. and following 12:01 a.m. of the next day, if that employment is a continuation of a workday which began before 11 p.m., either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work, except that in no case shall minors between 16 and 18 years of age be employed after 3 a.m. or before 6 a.m. on a day which precedes a regularly scheduled school day; provided, further, that minors may be employed in a concert or a theatrical performance up to 11:30 p.m.; and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters, lane attendants, or busboys in public bowling alleys up to 11:30 p.m., but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal, as the case may be, which permit must state that the minor has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal, may be so employed, without injury to health or interference with progress in school, such special permits to be good for a period of three months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the minor has had a physical examination and the minor's health is not being injured by said work; and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p.m. during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The hours of work of minors under 16 employed outside school hours shall not exceed three hours in any one day when school is in session and shall not exceed in any one week when school is in session the maximum number of hours permitted for that period under the federal "Fair Labor Standards Act of 1938," 29 U.S.C. § 201 et seq., and regulations promulgated pursuant to that federal act.

This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless

the employment is primarily general maintenance work or food service activities.

2. Section 17 of P.L.1940, c.153 (C.34:2-21.17) is amended to read as follows:

C.34:2-21.17 Prohibited employment.

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

The manufacture or packing of paints, colors, white lead, or red lead;

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes;

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

The manufacture, transportation or use of explosives or highly inflammable substances;

Oiling, wiping, or cleaning machinery in motion or assisting therein;

Operation or helping in the operation of power-driven woodworking machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

Grinding, abrasive, polishing or buffing machines; provided, that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds 1/4 inch;

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

Paper lace machines;

Dough brakes or mixing machines in bakeries or cracker machinery;

Calender rolls or mixing rolls in rubber manufacturing;

Centrifugal extractors, or mangles in laundries or dry cleaning establishments;

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;

Mines or quarries;

Steam boilers carrying a pressure in excess of 15 pounds;

Construction work of any kind;

Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

The transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this paragraph shall not apply to minors 16 years of age or over, employed as pinsetters, lane attendants, or busboys in public bowling alleys as provided in section 3 of P.L.1940, c.153 (C.34:2-21.3) or to minors employed in theatrical productions where alcoholic beverages are sold on the premises.

Minors 14 years of age or over may be employed as golf course caddies and pool attendants.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.

None of the provisions of this section regarding employment in connection with alcoholic liquors shall be construed to prevent the employment of minors 16 years of age or more in a restaurant as defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a public bowling

alley as provided in this section, or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guesthouse; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the preparation of photographs, nor in any dancing or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, while so employed; and provided, further, that any minor so employed shall be closely supervised while engaged in the clearing of alcoholic beverages.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools, or to a minor who is 17 years of age employed in the type of work in which such minor majored under the conditions of the special vocational school graduate permit provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

Nothing in this section shall be construed to prevent minors 16 years of age or older who are members of a Junior Firemen's Auxiliary, created pursuant to N.J.S.40A:14-95, from engaging in any activities authorized by N.J.S.40A:14-98.

Notwithstanding any provision of this section to the contrary, a minor who is 15 years of age or older may work as a cashier or bagger on or near a supermarket or retail establishment cash register conveyor belt.

3. This act shall take effect immediately, except that the provisions of section 1 of this act related to the employment of a minor in a restaurant shall be applicable to employment occurring on or after August 22, 1988.

Approved June 30, 1989.

CHAPTER 122

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1990 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1989-90
GENERAL FUND

Undesignated fund balance, July 1, 1989 ...	<u>\$290,000,000</u>
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Major Taxes

Sales	\$3,411,000,000
Corporation business	1,322,000,000
Motor fuels	422,000,000
Motor vehicle fees	361,000,000
Cigarette	205,000,000
Transfer inheritance	198,000,000
Public utility excise	127,000,000
Insurance premiums	173,000,000
Alcoholic beverage wholesale sales	89,000,000
Alcoholic beverage excise	52,000,000
Corporation business—Banks and financial institutions	132,000,000
Business personal property	15,000,000
Realty transfer	55,000,000
Motor fuel use—Motor carrier	5,000,000
Pari-mutuel	8,000,000
Savings institutions	15,000,000
Total—Major Taxes	<u>\$6,590,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal health—laboratory test fees	\$50,000
Fertilizer inspection fees	152,000
Milk control licenses and fees	375,000
Other animal, plant disease and pest control fees	7,000
Seed certification programs	5,000

Department of Banking:

Bank assessments	2,112,000
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Examination fees	1,700,000
Licenses and other fees	877,000
New Jersey Cemetery Board	90,000
Department of Community Affairs:	
Affordable housing and neighborhood preservation—Fair housing	24,800,000
Boarding home fees	500,000
Construction fees	3,096,000
Fire safety	5,963,000
Housing inspection fees	2,400,000
Local government services	15,000
Planned real estate development fees ..	1,000,000
Truth in renting	33,000
Department of Education:	
Academy for the advancement of teaching and administration	920,000
Katzenbach School for the Deaf— Tuition	2,630,000
Licensing fees—Miscellaneous	475,000
Non-public schools textbook recoveries	360,000
State Board of Examiners	1,494,000
Department of Environmental Protection:	
Air pollution fees	4,125,000
Environmental Cleanup Responsibility Act	3,500,000
Environmental Services Fund	5,150,000
Hazardous waste facilities inspection	1,625,000
Hunters' and Anglers' License Fund	8,255,000
Marina rentals	478,000
Marine lands management—Delineation and title determination	884,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
New Jersey Pollutant Discharge Elimination System	10,000,000
New Jersey Water Supply Authority debt service repayments	770,000
Parks management	3,271,000
Radiation protection	633,000
Pesticide control	170,000
Pesticide fines	210,000

Sanitary landfill closure fund, administration	210,000
Shellfish and marine fisheries management	130,000
Solid waste management fees	1,065,000
Toxic catastrophe prevention- fines	300,000
Water pollution judgements	1,400,000
Miscellaneous receipts	24,000
Department of Health:	
Animal control act	600,000
Consumer health penalties	810,000
HealthStart program—Title XIX	245,000
Hospital rate setting	2,387,000
Medicare health facility inspection fees	1,158,000
Narcotic fees	705,000
Rabies control	500,000
Vital statistics registration	150,000
Miscellaneous revenues	385,000
Department of Higher Education:	
Bond interest recoveries	358,000
Higher Education Assistance Authority	2,910,000
Department of Human Services:	
Adoption law fees	150,000
Marriage license fees	300,000
Title XIX health facility rate setting and inspection	1,000,000
Patients' and residents' cost recoveries:	
Developmental centers	79,650,000
Psychiatric hospitals	70,700,000
Special residential services	17,700,000
Department of Insurance:	
Actuarial services	1,505,000
Licensing and enforcement	9,300,000
Real Estate Commission	4,335,000
Department of Labor:	
Licenses, permits and fines	1,088,000
Special Compensation Fund	1,298,000
Department of Law and Public Safety:	
Amusement games control fees	270,000
Athletic control board fees	307,000
Beverage licenses	3,840,000

Bus excise tax	369,000
Drunk driving fines	1,100,000
Racing commission fees	180,000
Violent crime compensation	3,000,000
Division of Consumer Affairs:	
General revenues:	
Bureau of Securities	155,000
Charities registration section	3,000
Legalized games of chance control	370,000
Private employment agencies	490,000
Ticket brokers	1,000
Weights and measures—General	175,000
Professional examining boards:	
State Board of Architects	232,000
State Board of Audiology and Speech-Language Pathology Advisory	50,000
State Board of Certified Public Accountants	470,000
State Board of Cosmetology and Hairstyling	952,000
State Board of Dentistry	355,000
State Board of Electrical Contractors	246,000
State Board of Examiners of Master Plumbers	127,000
State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	105,000
State Board of Marriage Counselor Examiners	63,000
State Board of Medical Examiners	1,960,000
State Board of Mortuary Science	142,000
State Board of Nursing	1,266,000
State Board of Optometrists	109,000
State Board of Pharmacy	581,000
State Board of Physical Therapy	127,000
State Board of Professional Engineers and Land Surveyors	317,000

State Board of Professional Planners	107,000
State Board of Psychological Examiners	103,000
State Board of Public Movers and Warehousemen	195,000
State Board of Shorthand Reporting	27,000
State Board of Veterinary Medical Examiners	120,000
Securities Enforcement Fund	5,000,000
Division of State Police:	
Fingerprint fees	1,514,000
Private detective licenses	550,000
Other licenses	345,000
Moped Enforcement	50,000
Motor Vehicle Security—Responsibility	
Law administration	5,226,000
Autobody repair shop licensing	400,000
Motor vehicle surcharge program	20,000,000
Parking offense adjudication	686,000
Pleasure boat licenses	1,400,000
Other boating fees	787,000
Reimbursement for Division of	
Law services	5,630,000
Salvage title program	573,000
Uninsured motorists program	1,500,000
Department of Military and Veterans' Affairs:	
Soldiers' Homes:	
Soldiers' Home—Menlo Park	4,800,000
Soldiers' Home—Paramus	3,100,000
Soldiers' Home—Vineland	3,600,000
Department of the Public Advocate:	
Rate counsel	4,106,000
Department of State:	
Office of Administrative Law—Fees	1,837,000
Commissions	750,000
General revenue—Fees	16,500,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and highway permits	600,000
Outdoor advertising	225,000
Autonomous transportation authorities .	25,000,000

Petitions and motor carrier inspections	250,000
Department of the Treasury:	
Assessments—Cable TV	1,747,000
Assessments—Public Utility	19,807,000
Board of Public Utilities	200,000
Coin-operated telephones	65,000
Escrow interest-construction accounts	250,000
Interest on deposits	1,000,000
Investment earnings	8,000,000
Municipal Purposes Tax Assistance Fund	61,600,000
Nuclear emergency response assessment	3,753,000
Public Utility Gross Receipts and Franchise Taxes (combined)	161,800,000
Public Utility Tax—Administration	250,000
Railroad Tax:	
Class II	2,300,000
Franchise	1,950,000
Reimbursement for DBC services	250,000
Surplus property	75,000
Vending machine commissions	30,000
Other Sources:	
Miscellaneous revenue	2,100,000
Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	54,525,000
Employee maintenance deductions	1,400,000
Health benefits contribution reimbursement from special funds	30,000,000
Indirect cost recovery—Federal	8,000,000
Other fringe benefit reimbursement from special funds	1,500,000
Pension contribution reimbursement from special funds	36,000,000
Public employers' contribution reimbursement	21,000,000
Reimbursement from Rutgers—Employer's share of employees' benefits	5,400,000
Rent of State building space	1,391,000
Social Security contribution from special funds	28,000,000

Uncompensated Care Offset	
Account-Employee	100,000,000
Sale of State Vehicles	2,000,000
Judicial Branch—	
Court fees	16,678,000
Superior Court Trust Fund	12,000,000
Violent Crimes Compensation Act	3,420,000
Total—Miscellaneous Taxes, Fees, Revenues	<u>\$998,443,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$550,000
Clean Communities Account Fund	400,000
Clean Waters Fund	1,430,000
Community Development Bond Fund	50,000
Correctional Facilities Construction Fund ...	800,000
Correctional Facilities Construction Fund (Act of 1987)	3,000,000
Economic Development Fund	7,500,000
Emergency Flood Control Fund	70,000
Energy Conservation Fund	550,000
Farmland Preservation Fund	500,000
Fund for Support of Free Public Schools ...	4,250,000
General Trust Fund	1,000
Higher Education Buildings Construction Fund (Act of 1971)	25,000
Housing Assistance Fund	240,000
Human Services Facilities Construction Fund	400,000
Jobs, Science and Technology Fund	325,000
Mortgage Assistance Fund	430,000
Motor Vehicle Security—Responsibility Fund	14,000
Natural Resources Fund	529,000
New Jersey Bridge Rehabilitation and Improvement Fund	2,300,000
New Jersey Insurance Development Fund	50,000,000
1987 Green Acres Cultural Centers and Historic Preservation Fund	20,000
1983 New Jersey Green Acres Fund	800,000
Outstanding Checks Account	850,000

Outstanding Checks (6 years and over)	1,350,000
Public Purpose Buildings Construction Fund	600,000
Resource Recovery Investment Fund	465,000
Sanitary Landfill Closure Fund Administration	250,000
Shore Protection Fund	650,000
Solid Waste Services Tax Fund	100,000
Spill Fund Administrative Costs	2,579,000
State Disability Benefits Fund	18,751,000
State Land Acquisition and Development Fund	250,000
State Lottery Fund	540,000,000
State Lottery Fund Administration	21,359,000
State of New Jersey Cash Management Fund	610,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974)	400,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	30,000
State Recycling Fund	848,000
Transportation Rehabilitation and Improvement Fund of 1979	2,800,000
Unclaimed Bank Deposits Escheat Reserve Fund	3,400,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	1,155,000
Unclaimed Personal Property Trust Fund ..	12,000,000
Unemployment Compensation Auxiliary Fund	31,549,000
Unsatisfied Claim and Judgment Fund	1,128,000
Water Conservation Fund	653,000
Water Supply Fund	5,100,000
Worker and Community Right to Know Fund	3,592,000
Total—Interfund Transfers	<u>\$724,653,000</u>
Total Revenues, General Fund	<u>\$8,313,096,000</u>
Total Resources, General Fund	<u>\$8,603,096,000</u>

Property Tax Relief Fund

Undesignated fund balance, July 1, 1989 ...	\$63,500,000
Gross Income Tax	<u>3,266,000,000</u>

Total Resources, Property Tax Relief Fund	<u>\$3,329,500,000</u>
<i>Gubernatorial Elections Fund</i>	
Undesignated fund balance, July 1, 1989 ...	(\$6,000,000)
Taxpayers' Designations	<u>1,600,000</u>
Total Resources, Gubernatorial Elections Fund	<u>(\$4,400,000)</u>
<i>Casino Control Fund</i>	
License Fees	<u>\$59,950,000</u>
Total Resources, Casino Control Fund	<u>\$59,950,000</u>
<i>Casino Revenue Fund</i>	
Undesignated fund balance, July 1, 1989 ...	\$183,000,000
Gross Revenue Tax	235,000,000
Investment Income	<u>15,000,000</u>
Total Resources, Casino Revenue Fund	<u>\$433,000,000</u>
Grand Total, Resources, All Funds	<u>\$12,421,146,000</u>

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, 1990. 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 contracts on file as of June 30, 1990 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1990 with the Director of the Division of Budget and Accounting, provided that

contracts covering such requisitions are filed with the director by July 31, 1990. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years. On or before December 1, 1989, 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, 1989, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1989.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

01 Legislature

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

01-0001 Senate		<u>\$6,253,000</u>
Total Appropriation,		
Senate		<u>\$6,253,000</u>
Personal Services:		
Senators (40)	(\$1,009,000)	
Salaries and wages	(2,200,000)	
Members' staff services	(2,400,000)	
Materials and Supplies	(198,000)	
Services Other Than Personal	(391,000)	
Maintenance and Fixed Charges .	(45,000)	
Additions, Improvements and		
Equipment	(10,000)	

The unexpended balance as of June 30, 1989 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly		<u>\$9,826,000</u>
Total Appropriation,		
General Assembly		<u>\$9,826,000</u>
Personal Services:		
Members (80)	(\$2,009,000)	
Salaries and wages	(2,195,000)	
Members' staff services	(4,350,000)	

Materials and Supplies	(158,000)
Services Other Than Personal	(992,000)
Maintenance and Fixed Charges .	(80,000)
Additions, Improvements and Equipment	(42,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

Total Appropriation, Legislature	<u>\$16,079,000</u>
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0003 Office of Legislative Services

03-0003 Legislative Support

Services	<u>\$20,353,000</u>
Total Appropriation, Office of Legislative Services	<u>\$20,353,000</u>
Personal Services:	
State Auditor	(\$65,000)
Salaries and wages	(13,252,000)
Materials and Supplies	(1,227,000)
Services Other Than Personal	(3,631,000)
Maintenance and Fixed Charges .	(1,771,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(23,000)
Additions, Improvements and Equipment	(384,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

The sums appropriated for the continuation and expansion of data processing systems shall be available 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, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Information Systems Committee of the Legislative Services Commission and the Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data

processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

09 Legislative Commissions
0010 Intergovernmental Relations Commission

09-0010 Intergovernmental	
Relations Commission	<u>\$648,000</u>
Total Appropriation,	
Intergovernmental Relations	
Commission	<u>\$648,000</u>
Special Purpose:	
Expenses of Commission	(\$8,000)
The Council of State	
Governments	(95,000)
Atlantic States Marine	
Fisheries Commission	(20,000)
National Conference of	
Commissioners on Uniform	
State Laws	(22,000)
Education Commission of	
the States	(74,000)
National Governors'	
Association	(148,000)
Advisory Commission on	
Intergovernmental Relations ..	(11,000)
National Conference of	
State Legislatures	(128,000)
Governmental Accounting	
Standards Board	(38,000)
Northeast-Midwest Research	
Institute	(40,000)
Coalition of Northeastern	
Governors	(56,000)
Northeast Directors of	
Employee Relations	(8,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

0014 Joint Committee on the Public Schools

The unexpended balance as of June 30, 1989 in this account is appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation	<u>\$2,875,000</u>
Total Appropriation, State Commission of Investigation	<u>\$2,875,000</u>
Special Purpose:	
Expenses of Commission	(\$2,875,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination in the Statutes	<u>\$104,000</u>
Total Appropriation, Commission to Study Sex Discrimination in the Statutes	<u>\$104,000</u>
Special Purpose:	
Expenses of Commission	(\$104,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

The unexpended balance as of June 30, 1989 in this account is appropriated.

0037 Emergency Response System Study Commission

The unexpended balance as of June 30, 1989 in this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039 County and Municipal Government Study Commission	<u>\$235,000</u>
Total Appropriation, County and Municipal Government Study Commission	<u>\$235,000</u>

Special Purpose:

Expenses of Commission (\$235,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

0042 New Jersey Monorail Legislative Commission

The unexpended balance as of June 30, 1989 in this account is appropriated.

*0049 Christopher Columbus Quincentennial
Observance Commission*

The unexpended balance as of June 30, 1989 in this account is appropriated.

*0052 Commission on Legal and Ethical Problems in the
Delivery of Health Care*

09-0052 Commission on Legal and Ethical Problems in the Delivery of Health Care	<u>\$105,000</u>
Total Appropriation, Commission on Legal and Ethical Problems in the Delivery of Health Care	<u>\$105,000</u>

Special Purpose:

Expenses of Commission (\$105,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

0053 New Jersey Law Revision Commission

The unexpended balance as of June 30, 1989 in this account is appropriated.

*0054 New Jersey Olympian Development and
Recognition Study Commission*

The unexpended balance as of June 30, 1989 in this account is appropriated.

*0055 Commission to Study Services and Programs
Available to Hearing Impaired Children*

The unexpended balance as of June 30, 1989 in this account is appropriated.

Total Appropriation, Legislative	
Commissions	<u>\$3,967,000</u>
Total Appropriation, Legislative	
Branch	<u><u>\$40,399,000</u></u>

EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

07 Government Direction, Management and Control

76 Management and Administration

0300 Chief Executive's Office

01-0300 Executive Management	<u>\$5,279,000</u>
Total Appropriation, Chief	
Executive's Office	<u>\$5,279,000</u>
Personal Services:	
Salaries and wages	(\$4,130,000)
Materials and Supplies	(214,000)
Services Other Than Personal	(680,000)
Maintenance and Fixed Charges .	(130,000)
Special Purpose:	
Brian Stack intern program	(10,000)
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	(75,000)
Additions, Improvements and	
Equipment	(40,000)

The unexpended balances as of June 30, 1989 in the accounts herein-
above are appropriated.

10 DEPARTMENT OF AGRICULTURE
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management*

01-3310 Animal Disease	
Control	\$901,000
02-3320 Plant Pest	
and Disease Control	1,877,000
03-3330 Resource Development	
Services	<u>1,124,000</u>
Total Appropriation, Natural	
Resource Management	<u>\$3,902,000</u>
Personal Services:	
Salaries and wages	(\$2,864,000)
Positions established from	
lump sum appropriation	(79,000)
Materials and Supplies	(123,000)
Services Other Than Personal	(173,000)
Maintenance and Fixed Charges .	(200,000)
Special Purpose:	
Indemnities—cattle, swine and	
fowl diseases	(11,000)
Grants to soil conservation	
districts	(206,000)
Agricultural water use	
certification	(50,000)
Fish and seafood development	
and promotion	(100,000)
Future farmers' youth	
development	(30,000)
Additions, Improvements and	
Equipment	(66,000)

The unexpended balance as of June 30, 1989 in the Gypsy moth control account is appropriated for the same purpose. Receipts from laboratory test fees in excess of \$50,000 are appropriated to support the animal health laboratory program.

The unexpended balance as of June 30, 1989 in the Indemnities-cattle, swine and fowl diseases account is appropriated for the same purpose.

Receipts in excess of \$5,000 from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the sale of beneficial insects are appropriated to support the biological control laboratory.

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services		<u>\$1,581,000</u>
Total Appropriation, Economic Planning and Development		<u>\$1,581,000</u>
Personal Services:		
Salaries and wages	(\$591,000)	
Material and Supplies	(9,000)	
Services Other Than Personal	(55,000)	
Maintenance and Fixed Charges .	(37,000)	
Special Purpose:		
Promotion/market development	(825,000)	
Wine promotion program	(30,000)	
Temporary emergency food assistance program	(32,000)	
Additions, Improvements and Equipment	(2,000)	

Receipts for the Poultry Products Promotion Council, P.L.1957, c.47 (C.54:47A-1), White Potato Industry Promotion Council, P.L.1957, c.169 (C.54:47B-1), Asparagus Industry Promotion Council, P.L.1959, c.18 (C.54:47C-1), Apple Industry Promotion Council, P.L.1959, c.80 (C.54:47D-1), Sweet Potato Commission, P.L.1966, c.283 (C.54:47E-1), Soybean Industry Promotion Council, P.L.1971, c.308 (C.4:10-43 et seq.), South Jersey Dairy Industry Advisory Council, P.L.1971, c.308 (C.4:10-43 et seq.), Sire Stakes Fund, P.L.1971, c.85 (C.5:5-91 et seq.), Dairy Industry Advisory Council, P.L.1971, c.308 (C.4:10-43 et seq.), New Jersey Horse Breeding and Development, P.L.1940, c.17 (C.5:5-22 et seq.) as amended by P.L.1941, c.137 and the unexpended balances as of June 30, 1989 of such receipts are appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1989 are appropriated for expenses of Commodity Distribution.

52 Economic Regulation

04-3340 Dairy Industry	
Regulation	\$509,000
05-3350 Other Commodity	
Regulation	<u>856,000</u>
Total Appropriation,	
Economic Regulation	<u>\$1,365,000</u>

Personal Services:

Salaries and wages	(\$1,206,000)
Materials and Supplies	(21,000)
Services Other Than Personal	(82,000)
Maintenance and Fixed Charges .	(55,000)
Additions, Improvements and	
Equipment	(1,000)

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1989 of such receipts, are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

*70 Government Direction, Management and Control**76 Management and Administration*

99-3370 Management and	
Administrative Services	<u>\$2,108,000</u>
Total Appropriation,	
Management and	
Administration	<u>\$2,108,000</u>

Personal Services:

Salaries and wages	(\$1,440,000)
Materials and Supplies	(26,000)
Services Other Than Personal	(201,000)
Maintenance and Fixed Charges .	(52,000)

Special Purpose:

Expenses of State Board of	
Agriculture	(18,000)
Affirmative action and equal	
employment opportunity	
programs	(28,000)
Additions, Improvements and	
Equipment	(343,000)

Total Appropriation,	
Department of	
Agriculture	<u><u>\$8,956,000</u></u>

14 DEPARTMENT OF BANKING
50 Economic Planning, Development and Security
52 Economic Regulation

01-3010 Regulation of Banking	
Industry	\$2,105,000
02-3020 Regulation of Savings	
and Loan Associations	1,072,000
03-3030 Consumer Complaints,	
Legal and Economic	
Research	699,000
99-3040 Management and	
Administrative Services	676,000
Total Appropriation, Economic	
Regulation	<u>\$4,552,000</u>
Personal Services:	
Salaries and wages	(\$3,871,000)
Materials and Supplies	(63,000)
Services Other Than Personal	(519,000)
Maintenance and Fixed Charges .	(23,000)
Special Purpose:	
Affirmative action and equal	
employment opportunity	
program	(10,000)
Additions, Improvements and	
Equipment	(66,000)
Total Appropriation,	
Department of Banking	<u>\$4,552,000</u>

Receipts in excess of the amount anticipated from examination and licensing fees and bank assessments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1989 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

20 DEPARTMENT OF COMMERCE, ENERGY
 AND ECONOMIC DEVELOPMENT
30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting	
Services	<u>\$8,891,000</u>

Total Appropriation, Cultural and Intellectual Development Services		<u>\$8,891,000</u>
Personal Services:		
Salaries and wages	(\$6,262,000)	
Materials and Supplies	(515,000)	
Services Other Than Personal	(1,101,000)	
Maintenance and Fixed Charges .	(500,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(20,000)	
Grant from the State to produce the daily lottery drawing program	(150,000)	
Program Development Fund	(100,000)	
Grant to WBGO	(50,000)	
Additions, Improvements and Equipment	(193,000)	
Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to nonprofit organizations and sales or reproduction of authority-produced programs, and the unexpended balance as of June 30, 1989 of such receipts are appropriated.		

40 Community Development and Environmental Management
42 Natural Resource Management

05-2820 Energy Resource Management		<u>\$104,000</u>
Total Appropriation, Natural Resource Management		<u>\$104,000</u>
Personal Services:		
Salaries and wages	(\$73,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(22,000)	
Maintenance and Fixed Charges .	(1,000)	
Additions, Improvements and Equipment	(3,000)	

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Department of Commerce, Energy and Economic Development with respect to

assessment of public utilities, P.L.1968, c.173 (C.48:2-59 et seq.) or other applicable laws.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

50 Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development ...	\$2,790,000
20-2840 New Jersey Motion Picture and TV Development Commission	317,000
21-2850 International Trade	3,918,000
22-2860 Travel and Tourism	8,133,000
23-2870 Economic Planning	310,000
23-2880 Economic Research	241,000
25-2830 Urban Programs	345,000
26-2810 Development for Small Businesses and Women's and Minority Businesses	2,007,000
99-2910 Management and Administrative Services	<u>2,073,000</u>
Total Appropriation, Economic Planning and Development ...	<u>\$20,134,000</u>
Personal Services:	
Salaries and wages	(\$5,718,000)
Positions established from lump sum appropriation	(536,000)
Materials and Supplies	(273,000)
Services Other Than Personal	(1,576,000)
Maintenance and Fixed Charges ..	(269,000)
Special Purpose:	
Economic development, advertising and promotion	(1,402,000)
Small Business Development Center	(250,000)
Advertising and promotion	(50,000)
Expand procurement opportunities for minority and women owned businesses	(150,000)

New Jersey Products	
Trade Show	(200,000)
Office of Sister State	
Relations	(150,000)
International trade advertising	
and promotion	(939,000)
Foreign trade office	(650,000)
Business tourism development .	(150,000)
Governor's Commission on	
International Trade	(125,000)
International education center ..	(300,000)
Tourist welcome centers	(100,000)
Travel and tourism, advertising	
and promotion	(6,911,000)
Historical site and cultural	
promotion	(50,000)
Affirmative action and equal	
employment opportunity	
program	(30,000)
Grants:	
Tourist matching grants	
for counties	(250,000)
Additions, Improvements and	
Equipment	(55,000)

The unexpended balance as of June 30, 1989, in the Employee stock option plan account is appropriated.

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1989 in the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises account is appropriated.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology		<u>\$24,951,000</u>
Total Appropriation, New Jersey Commission on Science and Technology		<u>\$24,951,000</u>
Personal Services:		
Salaries and wages	(\$570,000)	
Materials and Supplies	(32,000)	
Services Other Than Personal	(100,000)	
Maintenance and Fixed Charges .	(23,000)	
Special Purpose:		
Business development	(685,000)	
Grants:		
Biotechnology Programs:		
Center for Advanced Biotechnology and Medicine	(3,153,000)	
Innovation partnerships in biotechnology	(500,000)	
TEX center for cancer research	(300,000)	
Center for Biomolecular Agriculture	(725,000)	
Material Sciences Programs:		
Center for Photonics and Opto-Electronic Materials	(475,000)	
Center for Ceramics Research	(3,427,000)	
Center for Surface Engineered Materials	(500,000)	
TEX center for polymer processing	(400,000)	
Plastics recycling center	(600,000)	
Telematics Programs:		
Center for Computer Aids to Industrial Productivity	(1,085,000)	
Innovation partnerships in telematics	(600,000)	

TEX center for information services	(250,000)
Center for Advanced Food Technology	(1,650,000)
Center for Hazardous Substance Management Research	(2,936,000)
Center for manufacturing engineering sciences	(450,000)
Fisheries development and aquaculture	(300,000)
Advanced scientific computer center	(2,405,000)
Advanced technology centers—new equipment	(3,775,000)
Additions, Improvements and Equipment	(10,000)
The unexpended balances as of June 30, 1989 from the Science and Technology Special Purpose and Grants accounts are appropriated.	
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$54,080,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management*

01-8010 Housing Code Enforcement	\$3,643,000
02-8020 Housing Services	11,151,000
04-8030 Local Government Services	3,745,000
06-8015 Uniform Construction Code	1,791,000
12-8025 Boarding Home Regulation and Assistance	1,814,000
17-8017 Fire Safety	1,024,000
18-8017 Fire Safety Inspection Program	4,172,000

20-8035 Hackensack Meadowlands	
Development	3,119,000
Total Appropriation, Community	
Development Management	<u>\$30,459,000</u>
Personal Services:	
Board members (7 @ \$12,000) ..	(\$84,000)
Salaries and wages	(11,347,000)
Materials and Supplies	(282,000)
Services Other Than Personal	(1,705,000)
Maintenance and Fixed Charges .	(489,000)
Special Purpose:	
Cooperative housing	
inspection	(800,000)
Boarding House Rental	
Assistance Fund	(135,000)
Truth in Renting	(40,000)
Planned Real Estate	
Development Full	
Disclosure Act	(195,000)
Council on Affordable	
Housing	(1,600,000)
Neighborhood preservation—	
fair housing	(1,125,000)
Grants:	
Shelter assistance	(2,000,000)
Prevention of homelessness	(4,800,000)
Fire safety inspection and	
enforcement-LEA rebates	(2,718,000)
Hackensack Meadowlands	
Development Commission—	
Debt service	(315,000)
Hackensack Meadowlands	
Development Commission—	
Special project	(466,000)
Hackensack Meadowlands	
Development Commission—	
Municipal Committee	(110,000)
Hackensack Meadowlands	
Development Commission—	
Environmental Center	(125,000)
Hackensack Meadowlands	
Development Commission	
operations	(2,103,000)

Additions, Improvements and
Equipment (20,000)

Receipts in excess of the amount anticipated for Housing Code Enforcement, not to exceed \$450,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1989 in the Truth in Renting account together with any receipts in excess of the amount anticipated are appropriated. The amount hereinabove for the Truth in Renting account is payable out of the revenue derived from the sale of Truth in Renting statements, including fees, fines and penalties. If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1989 in the Planned Real Estate Development Full Disclosure Act account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Planned Real Estate Development Full Disclosure Act account is payable out of those receipts, fees, fines, and penalties supporting the "Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.), and out of any amount remaining therein. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L.1983, c.530 (C.55:14K-17) and subject to the approval of the Director of the Division of Budget and Accounting.

Local government authority audit fees are appropriated for expenses of audits, subject to the approval of the Director of the Division of Budget and Accounting.

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 Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7).

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to mu-

municipalities and the unexpended balance of such receipts as of June 30, 1989 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

The unexpended balance as of June 30, 1989 in Local fire fighters training account is appropriated.

The unexpended balance as of June 30, 1989 in the Revolving Housing Development and Demonstration Grant Fund, not to exceed \$1,500,000, is appropriated for grants to support non-profit housing development organizations.

The unexpended balance as of June 30, 1989 in the Uniform Construction Code program account, together with any receipts in excess of the amount anticipated are appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), a sum not to exceed \$2,000,000 is appropriated from the Uniform Construction Code Revolving Fund for training and non-training purposes of the Uniform Construction Code program; provided however, that any receipts and balances as of June 30, 1989 in excess of \$1,000,000 in the Uniform Construction Code Revolving Fund shall lapse.

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 appropriations made from the General Fund to the Boarding House Rental Assistance Fund created pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) may be used by the commissioner to make payments to the Housing and Mortgage Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing and Mortgage Finance Agency Life Safety Improvement Loans.

The unexpended balance as of June 30, 1989 in the Fire Safety Inspection Program classification 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.

The amount hereinabove for the Fire Safety Inspection Program classification is payable out of the fees and penalties derived from bureau activities. If those receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any provisions of law to the contrary, 70% of fees received under the Fire Safety Inspection Program shall be paid to local enforcement agencies and 30% shall be retained by the department for the costs of operating the program.

Additional sums, not to exceed \$250,000, required to allow the Local Finance Board to exercise supervisory responsibility over municipalities subject to section 21 of P.L.1981, c.211 (C.52:27BB-95.1), in the fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Council on Affordable Housing and Neighborhood preservation-fair housing accounts are 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).

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, reports on January 1, 1990 and March 1, 1990 containing written statistical and financial information on the expenditure of funds from the Shelter assistance account, specifically including the number, location and costs of beds available for occupancy and occupancy rates.

The Continuing Care Retirement Communities program shall be reclassified and moved from the Housing Services program classification and be placed within the Uniform Construction Code program classification.

50 Economic Planning, Development and Security
55 Related Social Services Programs

05-8050 Community Resources	\$5,011,000
07-8052 Sports and Recreation	624,000
08-8060 Programs for the Aging ..	1,210,000
14-8061 Ombudsman's Office	1,248,000
15-8051 Women's Programs	2,225,000
16-8062 Office of the Public	
Guardian	<u>800,000</u>

New Jersey State Library

Total Appropriation, Related	
Social Services	
Programs	<u>\$11,118,000</u>
Personal Services:	
Salaries and wages	(\$3,059,000)
Materials and Supplies	(146,000)
Services Other Than Personal	(828,000)
Maintenance and Fixed Charges ..	(145,000)
Special Purpose:	
Federal programs for the	
aging (State share)	(331,000)
Expenses of the Commission	
on Aging	(3,000)
Conference on Aging	(15,000)
Ombudsman's Office	
expansion	(70,000)
New program initiatives	
for women	(21,000)
Expenses of the New Jersey	
Commission on Women	(7,000)
Job Training Center for	
Urban Women Act	(324,000)
New Jersey Service Corps	(300,000)
Grants:	
Governor's Office on	
Volunteerism	(163,000)
State Legal Services	
Office	(2,000,000)
Office of Hispanic	
Affairs	(1,250,000)
Governor's Council on	
Physical Fitness and	
Sports	(86,000)
Special Olympics	(375,000)
Recreation for the	
handicapped	(500,000)
Women's Referral	
Central	(35,000)
Grants to women's	
shelters	(50,000)
Garden State Games	(250,000)
Health Insurance Options	
for the Elderly	(100,000)

Senior Games	(80,000)
Grants to displaced homemaker centers	(945,000)
Additions, Improvements and Equipment	(35,000)

Receipts from the Office of the Public Guardian and the unexpended balance in the Office of the Public Guardian account as of June 30, 1989 are appropriated.

70 Government Direction, Management and Control
76 Management and Administration

99-8070 Management and Administrative Services	<u>\$3,372,000</u>
Total Appropriation, Management and Administration	<u>\$3,372,000</u>
Personal Services:	
Salaries and wages	(\$2,624,000)
Materials and Supplies	(27,000)
Services Other Than Personal	(556,000)
Maintenance and Fixed Charges .	(103,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(60,000)
Additions, Improvements and Equipment	(2,000)
Total Appropriation, Department of Community Affairs	<u>\$44,949,000</u>

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7025 System-Wide Program Support

07-7025 Institutional Control and Supervision	\$7,684,000
13-7025 Institutional Program Support	<u>68,010,000</u>
Total Appropriation, System-Wide Program Support	<u>\$75,694,000</u>

Personal Services:	
Salaries and wages	(\$10,638,000)
Positions established from lump sum appropriation	(233,000)
Materials and Supplies	(24,000)
Services Other Than Personal	(5,924,000)
Special Purpose:	
Integrated information systems development	(851,000)
Augment medical care at institutions	(607,000)
Farm operations subsidy	(750,000)
Adult post-secondary and college programs	(240,000)
Social services block grant support	(83,000)
Computerized menu planning	(16,000)
Institutional law libraries	(16,000)
Radio conversion program	(693,000)
Central office transportation unit	(150,000)
Recruit screening program	(347,000)
Expansion of Mutual Agreement Program	(350,000)
Additional trunk lines	(480,000)
Grants:	
Purchase of services for inmates incarcerated in county penal facilities	(46,635,000)
Purchase of services for inmates incarcerated in out-of-State facilities	(200,000)
Purchase of community services	(7,025,000)
Joint Connection program	(196,000)
Transportation assistance for inmates' families' visitations	(226,000)
Additions, Improvements and Equipment	(10,000)

The unexpended balance as of June 30, 1989 in the Expanded State and county correction and juvenile detention officer training account established pursuant to P.L.1988, c.176 is appropriated for the same purpose.

A portion of the total amount appropriated for Purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmate housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1989 in the Purchase of service for inmates incarcerated in county penal facilities account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989 in the Commission on Vocational and Technical Training account is appropriated for the same purpose.

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$34,905,000
08-7040 Institutional Care Program	12,718,000
09-7040 Institutional Treatment Program	2,461,000
10-7040 Education Program	1,322,000
19-7040 Physical Plant and Support Services	4,451,000
99-7040 Management and Administrative Services	<u>1,391,000</u>
Total Appropriation, New Jersey State Prison	<u>\$57,248,000</u>
Personal Services:	
Salaries and wages	(\$41,930,000)
Positions established from lump sum appropriation	(143,000)
Food in lieu of cash	(264,000)
Materials and Supplies	(6,959,000)
Services Other Than Personal	(6,837,000)
Maintenance and Fixed Charges .	(605,000)
Special Purpose:	
Claims	(3,000)

Additions, Improvements and
Equipment (507,000)

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision	\$24,373,000
08-7050 Institutional Care Program	9,396,000
09-7050 Institutional Treatment Program	2,631,000
10-7050 Education Program	845,000
19-7050 Physical Plant and Support Services	3,784,000
99-7050 Management and Administrative Services	<u>1,018,000</u>
Total Appropriation, East Jersey State Prison	<u>\$42,047,000</u>
Personal Services:	
Salaries and wages	(\$29,533,000)
Positions established from lump sum appropriation	(135,000)
Food in lieu of cash	(198,000)
Materials and Supplies	(6,630,000)
Services Other Than Personal	(4,562,000)
Maintenance and Fixed Charges .	(611,000)
Special Purpose:	
State Use custody staffing	(125,000)
Additions, Improvements and Equipment	(253,000)

7060 Bayside State Prison

07-7060 Institutional Control and Supervision	\$18,309,000
08-7060 Institutional Care Program	7,432,000
09-7060 Institutional Treatment Program	2,074,000
10-7060 Education Program	853,000
19-7060 Physical Plant and Support Services	2,632,000

99-7060 Management and Administrative Services		<u>901,000</u>
Total Appropriation, Bayside State Prison		<u>\$32,201,000</u>
Personal Services:		
Salaries and wages	(\$21,389,000)	
Positions established from lump sum appropriation	(100,000)	
Food in lieu of cash	(155,000)	
Materials and Supplies	(4,522,000)	
Services Other Than Personal	(3,310,000)	
Maintenance and Fixed Charges .	(618,000)	
Special Purpose:		
Expanded capacity	(1,900,000)	
Additions, Improvements and Equipment	(207,000)	

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision		\$18,130,000
08-7065 Institutional Care Program		5,562,000
09-7065 Institutional Treatment Program		1,700,000
10-7065 Education Program		1,030,000
19-7065 Physical Plant and Support Services		2,071,000
99-7065 Management and Administrative Services		<u>1,076,000</u>
Total Appropriation, Southern State Correctional Facility		<u>\$29,569,000</u>
Personal Services:		
Salaries and wages	(\$22,527,000)	
Positions established from lump sum appropriation	(25,000)	
Food in lieu of cash	(162,000)	
Materials and Supplies	(3,418,000)	
Services Other Than Personal	(2,645,000)	
Maintenance and Fixed Charges .	(677,000)	
Additions, Improvements and Equipment	(115,000)	

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$7,640,000
08-7070 Institutional Care Program	3,499,000
09-7070 Institutional Treatment Program	935,000
10-7070 Education Program	474,000
19-7070 Physical Plant and Support Services	1,199,000
99-7070 Management and Administrative Services	<u>745,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$14,492,000</u>
Personal Services:	
Salaries and wages	(\$10,340,000)
Positions established from lump sum appropriation	(75,000)
Food in lieu of cash	(79,000)
Materials and Supplies	(1,750,000)
Services Other Than Personal	(1,845,000)
Maintenance and Fixed Charges ..	(237,000)
Additions, Improvements and Equipment	(166,000)

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision	\$8,793,000
08-7075 Institutional Care Program	2,809,000
09-7075 Institutional Treatment Program	795,000
10-7075 Education Program	505,000
19-7075 Physical Plant and Support Services	1,298,000
99-7075 Management and Administrative Services	<u>731,000</u>
Total Appropriation, Riverfront State Prison	<u>\$14,931,000</u>

Personal Services:

Salaries and wages	(\$10,991,000)
Food in lieu of cash	(81,000)
Materials and Supplies	(1,764,000)
Services Other Than Personal	(1,115,000)
Maintenance and Fixed Charges .	(241,000)
Special Purpose:	
Expanded capacity	(669,000)
Additions, Improvements and	
Equipment	(70,000)

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision	\$11,080,000
08-7080 Institutional Care Program	5,047,000
09-7080 Institutional Treatment Program	1,174,000
10-7080 Education Program	567,000
19-7080 Physical Plant and Support Services	1,562,000
99-7080 Management and Administrative Services	<u>637,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women	<u>\$20,067,000</u>

Personal Services:

Salaries and wages	(\$11,890,000)
Positions established from lump sum appropriation	(1,606,000)
Food in lieu of cash	(109,000)
Materials and Supplies	(1,863,000)
Services Other Than Personal	(2,336,000)
Maintenance and Fixed Charges .	(210,000)
Special Purpose:	
Expanded capacity	(1,942,000)
Additions, Improvements and	
Equipment	(111,000)

7085 Northern State Prison

07-7085 Institutional Control and Supervision	\$14,467,000
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08-7085 Institutional Care	
Program	4,475,000
09-7085 Institutional Treatment	
Program	1,458,000
10-7085 Education Program	969,000
19-7085 Physical Plant and	
Support Services	2,354,000
99-7085 Management and	
Administrative Services	1,062,000
Total Appropriation, Northern	
State Prison	<u>\$24,785,000</u>
Personal Services:	
Salaries and wages	(\$17,725,000)
Positions established from	
lump sum appropriation	(412,000)
Food in lieu of cash	(141,000)
Materials and Supplies	(3,430,000)
Services Other Than Personal	(1,896,000)
Maintenance and Fixed Charges .	(239,000)
Special Purpose:	
Expanded capacity	(857,000)
Additions, Improvements and	
Equipment	(85,000)
<i>7090 Adult Diagnostic and Treatment Center, Avenel</i>	
07-7090 Institutional Control	
and Supervision	\$10,657,000
08-7090 Institutional Care	
Program	2,479,000
09-7090 Institutional Treatment	
Program	1,328,000
10-7090 Education Program	238,000
11-7090 Outpatient Diagnostic and	
Treatment Services	154,000
19-7090 Physical Plant and	
Support Services	723,000
99-7090 Management and	
Administrative Services	625,000
Total Appropriation, Adult	
Diagnostic and Treatment	
Center, Avenel	<u>\$16,204,000</u>

Personal Services:

Salaries and wages	(\$9,199,000)
Food in lieu of cash	(67,000)
Materials and Supplies	(1,268,000)
Services Other Than Personal	(1,018,000)
Maintenance and Fixed Charges .	(142,000)
Special Purpose:	
Expanded capacity	(4,425,000)
Additions, Improvements and	
Equipment	(85,000)

7110 Garden State Reception and Youth Correctional Facility

07-7110 Institutional Control and Supervision	\$13,585,000
08-7110 Institutional Care Program	5,053,000
09-7110 Institutional Treatment Program	2,338,000
10-7110 Education Program	702,000
19-7110 Physical Plant and Support Services	1,679,000
99-7110 Management and Administrative Services	<u>886,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility	<u>\$24,243,000</u>

Personal Services:

Salaries and wages	(\$17,642,000)
Positions established from lump sum appropriation	(70,000)
Food in lieu of cash	(116,000)
Materials and Supplies	(3,132,000)
Services Other Than Personal	(2,012,000)
Maintenance and Fixed Charges .	(276,000)
Special Purpose:	
Expanded capacity	(829,000)
Additions, Improvements and	
Equipment	(166,000)

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$15,543,000
08-7120 Institutional Care Program	5,494,000
09-7120 Institutional Treatment Program	1,688,000
10-7120 Education Program	764,000
19-7120 Physical Plant and Support Services	2,728,000
99-7120 Management and Administrative Services	<u>1,073,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility	<u>\$27,290,000</u>
Personal Services:	
Salaries and wages	(\$15,305,000)
Positions established from lump sum appropriation	(4,461,000)
Food in lieu of cash	(142,000)
Materials and Supplies	(3,655,000)
Services Other Than Personal	(2,366,000)
Maintenance and Fixed Charges ..	(377,000)
Special Purpose:	
Expanded capacity	(847,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(136,000)

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision	\$14,713,000
08-7130 Institutional Care Program	4,271,000
09-7130 Institutional Treatment Program	1,559,000
10-7130 Education Program	311,000
19-7130 Physical Plant and Support Services	1,873,000
99-7130 Management and Administrative Services	<u>683,000</u>

Total Appropriation, Mountainview Youth Correctional Facility		<u>\$23,410,000</u>
Personal Services:		
Salaries and wages	(\$14,793,000)	
Positions established from lump sum appropriation	(69,000)	
Food in lieu of cash	(105,000)	
Materials and Supplies	(2,969,000)	
Services Other Than Personal	(1,834,000)	
Maintenance and Fixed Charges .	(333,000)	
Special Purpose:		
Expanded capacity	(3,200,000)	
Additions, Improvements and Equipment	(107,000)	

*18 Juvenile Correctional Services**7210 Lloyd McCorkle Training School for Boys and Girls*

07-7210 Institutional Control and Supervision		\$3,956,000
08-7210 Institutional Care Program		943,000
09-7210 Institutional Treatment Program		521,000
19-7210 Physical Plant and Support Services		870,000
99-7210 Management and Administrative Services		<u>576,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls		<u>\$6,866,000</u>
Personal Services:		
Salaries and wages	(\$5,662,000)	
Positions established from lump sum appropriation	(22,000)	
Food in lieu of cash	(38,000)	
Materials and Supplies	(626,000)	
Services Other Than Personal	(339,000)	
Maintenance and Fixed Charges .	(144,000)	
Additions, Improvements and Equipment	(35,000)	

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision	\$6,922,000
08-7220 Institutional Care Program	1,747,000
09-7220 Institutional Treatment Program	1,118,000
19-7220 Physical Plant and Support Services	1,939,000
99-7220 Management and Administrative Services	<u>645,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$12,371,000</u>
Personal Services:	
Salaries and wages	(\$9,569,000)
Food in lieu of cash	(70,000)
Materials and Supplies	(1,294,000)
Services Other Than Personal	(618,000)
Maintenance and Fixed Charges ..	(216,000)
Special Purpose:	
Expanded capacity	(467,000)
Additions, Improvements and Equipment	(137,000)

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$3,216,000
08-7225 Institutional Care Program	659,000
09-7225 Institutional Treatment Program	311,000
19-7225 Physical Plant and Support Services	433,000
99-7225 Management and Administrative Services	<u>303,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$4,922,000</u>
Personal Services:	
Salaries and wages	(\$4,256,000)
Food in lieu of cash	(31,000)

Materials and Supplies	(356,000)
Services Other Than Personal	(164,000)
Maintenance and Fixed Charges .	(79,000)
Additions, Improvements and Equipment	(36,000)

7270 Juvenile Community Programs

12-7270 Juvenile Community Programs	<u>\$11,575,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$11,575,000</u>
Personal Services:	
Salaries and wages	(\$6,580,000)
Food in lieu of cash	(14,000)
Special Purpose:	
Community centers	(3,559,000)
Voorhees residential group center/south	(458,000)
Waterloo juvenile residential treatment center	(406,000)
Juvenile female programs	(311,000)
Hudson day program	(80,000)
Atlantic day program	(50,000)
Newark explorers program	(40,000)
Grants:	
Juvenile Resource Center, Camden	(25,000)
Somerfields Treatment Center	(30,000)
Additions, Improvements and Equipment	(22,000)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole	\$13,807,000
04-7010 Community Programs	<u>1,677,000</u>
Total Appropriation, Office of Parole and Community Programs	<u>\$15,484,000</u>
Personal Services:	
Salaries and wages	(\$11,681,000)

Positions established from lump sum appropriation	(538,000)
Food in lieu of cash	(10,000)
Materials and Supplies	(169,000)
Services Other Than Personal	(462,000)
Maintenance and Fixed Charges .	(707,000)
Special Purpose:	
Parolee electronic monitoring program	(280,000)
Payments to inmates discharged from facilities	(146,000)
Increased parole supervision	(666,000)
Intensive supervision/ surveillance program assumption	(463,000)
Community Residence Center, Jersey City	(57,000)
Community Service Center, Newark	(191,000)
Community Service Center, Essex	(89,000)
Additions, Improvements and Equipment	(25,000)

7280 State Parole Board

05-7280 State Parole Board	<u>\$6,733,000</u>
Total Appropriation, State Parole Board	<u>\$6,733,000</u>
Personal Services:	
Salaries and wages	(\$5,076,000)
Positions established from lump sum appropriation	(624,000)
Materials and Supplies	(157,000)
Services Other Than Personal	(480,000)
Maintenance and Fixed Charges .	(151,000)
Additions, Improvements and Equipment	(245,000)

*19 Central Planning, Direction and Management
7000 Division of Management and General Support*

01-7000 Planning, Management and General Support		\$1,708,000
02-7000 Program Operations Support		2,962,000
19-7000 Physical Plant and Support Services		953,000
99-7000 Management and Administrative Services		<u>9,539,000</u>
Total Appropriation, Division of Management and General Support		<u>\$15,162,000</u>
Personal Services:		
Salaries and wages	(\$12,421,000)	
Materials and Supplies	(526,000)	
Services Other Than Personal	(1,221,000)	
Maintenance and Fixed Charges .	(416,000)	
Special Purpose:		
Return of escapees and absconders	(245,000)	
Affirmative action and equal employment opportunity program	(125,000)	
Additions, Improvements and Equipment	(208,000)	
Total Appropriation, Department of Corrections		<u>\$475,294,000</u>

Balances on hand as of June 30, 1989 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 appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.

34 DEPARTMENT OF EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 31 *Direct Educational Services and Assistance*

03-5120 Miscellaneous	
Grants-In-Aid	\$2,200,000
04-5064 Adult and Continuing	
Education	769,000
05-5066 Bilingual Education	223,000
06-5066 Compensatory	
Education	328,000
07-5065 Special Education	1,574,000
Total Appropriation, Direct	
Educational Services and	
Assistance	<u>\$5,094,000</u>
Personal Services:	
Salaries and wages	(\$2,543,000)
Materials and Supplies	(50,000)
Services Other Than Personal	(192,000)
Maintenance and Fixed Charges .	(9,000)
Special Purpose:	
Plan to revise special	
education	(100,000)
Grants:	
Teacher recognition	
program	(2,200,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach	
School for the Deaf	\$7,601,000
15-5010 Project COED	<u>2,828,000</u>
Total Appropriation,	
Operation and Support	
of Educational	
Institutions	<u>\$10,429,000</u>
Personal Services:	
Salaries and wages	(\$8,518,000)
Materials and Supplies	(1,140,000)
Services Other Than Personal	(291,000)
Maintenance and Fixed Charges .	(265,000)
Special Purpose:	
Transportation expenses	
for students	(135,000)

Additions, Improvements and
Equipment (80,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law, \$2,630,000 of the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1989, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1989 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for operating expenses.

33 Supplemental Education and Training Programs

20-5062 General Vocational	
Education	<u>\$1,517,000</u>
Total Appropriation,	
Supplemental Education	
and Training Programs	<u>\$1,517,000</u>
Personal Services:	
Salaries and wages	(\$1,379,000)
Materials and Supplies	(36,000)
Services Other Than Personal	(102,000)

34 Educational Support Services

30-5063 General Academic	
Education	\$6,979,000
31-5091 Academy for the	
Advancement of Teaching	
and Management	875,000
32-5061 Certification Programs	1,806,000

33-5067 Service to Local Districts	6,462,000
33-5068 Service to Local Districts	1,756,000
34-5067 Equal Educational Opportunity	236,000
36-5120 Pupil Transportation	390,000
37-5120 School Nutrition	158,000
38-5120 Facilities Planning and School Building Aid	<u>559,000</u>
Total Appropriation, Educational Support Services	<u>\$19,221,000</u>
Personal Services:	
Salaries and wages	(\$11,767,000)
Materials and Supplies	(359,000)
Services Other Than Personal	(901,000)
Maintenance and Fixed Charges ..	(107,000)
Special Purpose:	
Pre-kindergarten/kindergarten improvement	(26,000)
Improved basic skills instruction (HSPT)	(45,000)
School improvement/effective schools	(215,000)
Partners in learning	(450,000)
Statewide testing program	(1,732,000)
Principal mentor program	(150,000)
Pre-kindergarten for urban students	(44,000)
The New Jersey report card	(150,000)
High school proficiencies	(269,000)
Blueprint for a drug-free New Jersey	(250,000)
11th grade test	(230,000)
Advisory Council on Holocaust Education	(150,000)
Regional computer training and demonstration centers project	(286,000)

Grants:

Programs for the Gifted and Talented	(150,000)
Blueprint for a drug-free New Jersey	(1,650,000)
Minority teaching scholarship	(188,000)
Additions, Improvements and Equipment	(102,000)

The unexpended balance as of June 30, 1989 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1989 are appropriated for the operation of Certification programs.

Receipts derived from charges at the Academy for the Advancement of Teaching and Management in excess of those anticipated and the unexpended balance as of June 30, 1989 of such receipts are appropriated for the costs of operation.

The unexpended balance as of June 30, 1989 in the Literacy in the Arts Task Force account is appropriated for the same purpose.

35 Education Administration and Management

42-5120 School Finance	\$982,000
43-5092 Compliance and Auditing	1,526,000
99-5095 Management and Administrative Services	<u>9,589,000</u>
Total Appropriation, Education Administration and Management	<u>\$12,097,000</u>
Personal Services:	
Salaries and wages	(\$5,415,000)
Positions established from lump sum appropriation	(199,000)
Materials and Supplies	(315,000)
Services Other Than Personal	(737,000)
Maintenance and Fixed Charges .	(202,000)

Special Purpose:

Comprehensive compliance audits	(400,000)
State Board of Education expenses	(67,000)
Microfilm service charges	(37,000)
Affirmative action and equal employment opportunity program	(48,000)
Martin Luther King, Jr. Commemorative Commission	(250,000)
Cooperative relationships projects	(221,000)

Grants:

Governor's teaching scholarships	(3,675,000)
Additions, Improvements and Equipment	(531,000)

Additional sums as may be necessary for the Department of Education in preparation for implementation of N.J.S.18A:7A-34 et seq. are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

The unexpended balance as of June 30, 1989 in the Martin Luther King, Jr. Commemorative Commission account is appropriated for the same purpose.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1989 of such receipts are appropriated for the cost of operation.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,742,000
54-5010 Support of the Arts	<u>638,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$4,380,000</u>
Personal Services:	
Salaries and wages	(\$2,717,000)
Materials and Supplies	(562,000)
Services Other Than Personal	(435,000)

Maintenance and Fixed Charges . (28,000)

Special Purpose:

New Jersey School of
the Arts (147,000)
Governor's School (466,000)
National Conference of Governor's
Schools (25,000)

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1989 of such receipts are appropriated for the costs of operation.

Total Appropriation,
Department of Education \$52,738,000

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*

42 *Natural Resource Management*

05-4840 Water Supply and
Watershed Management \$3,716,000
11-4870 Forest Resource
Management 4,796,000
13-4880 Hunters' and Anglers'
License Fund 8,255,000
14-4885 Shellfish and Marine
Fisheries Management 1,526,000
15-4890 Marine Lands
Management 5,881,000
20-4880 Wildlife Management 239,000
Total Appropriation, Natural
Resource Management \$24,413,000
Personal Services:
Salaries and wages (\$13,439,000)
Materials and Supplies (1,829,000)
Services Other Than Personal (1,077,000)
Maintenance and Fixed Charges . (718,000)

Special Purpose:

Office of the Rivermaster	(58,000)
Laboratory services	
(Department of Health)	(70,000)
Microfilm service charges	(65,000)
Fire fighting costs	(425,000)
Woodland assessment	(75,000)
Disposal of dead deer	(145,000)
Sea clam enforcement	(63,000)
Expansion of clam	
enforcement programs	(50,000)
Oyster propagation and	
disease control	(60,000)
Surf clam research	
and inventory	(30,000)
Shellfish research and	
inventory	(22,000)
Regulation of freshwater	
wetlands	(1,100,000)
Delineation and determination	
of State riparian land	(200,000)
Tidelands Resource Council	(25,000)
Pequest Resource Center	(94,000)
Well permits	(207,000)
Well drillers'/pump	
installers' licenses	(33,000)
Excess diversion fees	(325,000)
Water allocation fees	(1,085,000)
Water/wastewater	
operators' licenses	(119,000)
Waterfront development	(383,000)
Wetlands	(10,000)
CAFRA	(225,000)
Stream encroachment	(1,613,000)
Additions, Improvements and	
Equipment	(868,000)

The unexpended balance as of June 30, 1989 in the Fire fighting costs account is appropriated for the same purpose.

The amounts hereinabove for the Waterfront development, Wetlands, CAFRA, and Stream encroachment accounts are payable out of receipts received through the "Environmental Ser-

vices Fund,” established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1989, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amounts hereinabove for the Well permits, Well drillers, Excess diversion, Water allocation, and Water/Wastewater operators accounts are payable out of receipts received through the “Environmental Services Fund,” established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1989, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

Notwithstanding the provisions of P.L.1975, c.232 (C.13:1D-29 et seq.), of the amounts hereinabove for the Water Supply and Watershed Management and Marine Lands Management program classifications, an amount not to exceed \$750,000 is appropriated from the “Environmental Services Fund.”

The unexpended balance as of June 30, 1989 in the “hunters’ and anglers’ license fund” together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the “hunters’ and anglers’ license fund” shall be payable out of said fund and any amount remaining therein. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands; provided, however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, \$541,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing

and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided however, that there is appropriated from any receipts in excess of the amount anticipated, \$1,100,000 to meet peak demands of the marine lands management program.

Receipts not to exceed \$850,000 received pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 and the unexpended balances as of June 30, 1989 in the Regulation of freshwater wetlands account are appropriated for the same purpose.

Receipts derived from the sale of materials which encourage the protection of endangered and nongame wildlife species and any funds derived from the income tax refund checkoff for the "Endangered and Nongame Species of Wildlife Conservation Fund," section 1 of P.L.1981, c.170 (C.54A:9-25.2), and the unexpended balance as of June 30, 1989 of such receipts are appropriated for protection of endangered and nongame wildlife species.

The unexpended balance as of June 30, 1989 in the Storm damage for coastal towns account established pursuant to P.L.1988, c.181 is appropriated.

The unexpended balance as of June 30, 1989 in the Watershed Property Review Board account is appropriated.

43 Environmental Quality

02-4825 Air Pollution Control	\$8,763,000
03-4830 Noise Control	169,000
07-4850 Water Monitoring and Planning	1,563,000
08-4855 Water Enforcement	1,982,000
09-4860 Public Wastewater Facilities	950,000
17-4900 Solid Waste Resource Management	5,549,000
22-4861 Geological Survey	<u>11,470,000</u>
Total Appropriation, Environmental Quality	<u>\$30,446,000</u>
Personal Services:	
Salaries and wages	(\$8,733,000)
Materials and Supplies	(371,000)
Services Other Than Personal	(1,203,000)
Maintenance and Fixed Charges .	(413,000)

Special Purpose:

Air pollution monitoring and control programs	(3,600,000)
Ozone attainment	(475,000)
Acid rain study	(100,000)
Toxic air pollutants study	(148,000)
Noise control	(52,000)
Noise control education program	(60,000)
Weed control-State controlled lakes	(25,000)
Laboratory services (Department of Health)	(374,000)
Expansion of coastal sewage treatment enforcement	(500,000)
Industrial pretreatment	(1,000,000)
New Jersey Wastewater Treatment Trust	(250,000)
Administration of Wastewater Treatment Fund	(700,000)
Clean communities— administration	(400,000)
Solid waste expansion	(300,000)
Ground water discharge permits	(5,500,000)
Surface water discharge permits	(3,700,000)
Ground water investigation	(50,000)
Administration of Resource Recovery and Solid Waste Disposal Facility Fund	(235,000)
Worker and Community Right to Know	(1,022,000)
Recycling of Solid Waste	(848,000)
Sanitary Landfill Closure and Contingency Fund, Non-site specific administrative costs	(210,000)
Additions, Improvements and Equipment	(177,000)

The amount hereinabove for the Air pollution monitoring and control programs account is payable out of the receipts generated through licensing fees and penalties. Receipts in excess of the amount anticipated from the Air pollution monitoring and control programs are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the ground water discharge permits and the surface water discharge permits accounts are payable out of receipts received pursuant to the provisions of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1989 in the ground water discharge permits and the surface water discharge permits accounts, as well as receipts received in excess of the respective anticipated amounts, are appropriated for such purposes.

Receipts received pursuant to the "Toxic Catastrophe Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.), and the unexpended balance of such receipts as of June 30, 1989 are appropriated.

There is allocated from funds previously appropriated from the Water Conservation Fund the sum of \$745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Recycling of solid waste account is payable out of the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96).

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 account is payable out of the "Worker and Community Right to Know Trust Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1989 in the Worker and Community Right to Know account together with any receipts in excess of the amount anticipated, not to exceed \$178,000, are appropriated.

The amount hereinabove for the Clean communities-administration account is payable out of receipts received pursuant to section

7 of P.L.1985, c.533 (C.13:1E-99.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Clean communities-administration account are appropriated for the Clean communities account program administration.

Receipts received pursuant to the Underground Storage Tank Act, P.L.1986, c.102 (C.58:10A-21 et seq.) are appropriated.

The unexpended balance as of June 30, 1989 in the Industrial pretreatment account is appropriated.

The unexpended balance as of June 30, 1989 in the Mapping of aquifer recharge areas account is appropriated.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the trust's annual operating expenses are appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the "Clean Communities and Recycling Act," P.L.1981, c.278 (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.).

The amount hereinabove for the Sanitary Landfill Closure and Contingency Fund, Non-site specific administrative costs account is payable out of the Sanitary Landfill Facility and Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Closure and Contingency Fund, Non-site specific administrative costs account, not to exceed \$40,000, are appropriated.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

Receipts in excess of the amount anticipated from solid waste fees and the unexpended balance of such receipts as of June 30, 1989 in the Solid Waste Resource Management program classification are appropriated.

The unexpended balances as of June 30, 1989 in the Comprehensive Regulated Medical Waste Management Act account, together

with any receipts received by the Department of Environmental Protection pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$6,221,000
04-4835 Pesticide Control	964,000
18-4810 Environmental Cancer and Toxic Substances	4,618,000
19-4815 Spill Prevention, Response and Site Cleanup	14,507,000
23-4910 Waste Management	<u>3,885,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$30,195,000</u>
Personal Services:	
Salaries and wages	(\$13,066,000)
Materials and Supplies	(748,000)
Services Other Than Personal	(2,317,000)
Maintenance and Fixed Charges .	(749,000)
Special Purpose:	
Radon program	(1,200,000)
Quality assurance program	(150,000)
Environmental laboratory	(200,000)
Risk assessment	(150,000)
Geographical information system expansion	(100,000)
New Jersey Low-Level Radioactive Waste Disposal Facility Siting Act	(1,200,000)
Environmental Cleanup Responsibility Act	(3,500,000)
Environmental health assessment	(900,000)
Environmental health research	(225,000)
Nuclear emergency response	(1,500,000)

Major Hazardous Waste Facilities Siting Act— Siting Commission	(448,000)
Major Hazardous Waste Facilities Siting Act— Hazardous Waste Advisory Council	(15,000)
Spill prevention, response and site cleanup, Non- site specific administrative costs	(1,729,000)
Hazardous waste research	(850,000)
Land emplacement facility site research	(125,000)
Additions, Improvements and Equipment	(1,023,000)
Receipts in excess of the amount anticipated from laboratory certification services are appropriated.	
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.).	
The unexpended balances as of June 30, 1989 in the Nuclear emer- gency response account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts in excess of the amount anticipated from Radiation Protec- tion are appropriated.	
Receipts received pursuant to the Radon Testers Certification Act, P.L.1986, c.83 (C.26:2D-70 et seq.) and the unexpended balances of such receipts as of June 30, 1989 are appropriated.	
The unexpended balance as of June 30, 1989 in the Regional Low- Level Radioactive Waste Disposal Facility Siting Act account is appropriated.	
The amount hereinabove for the Spill prevention, response and site cleanup, non-site specific administrative costs account is pay- able out of the New Jersey Spill Compensation Fund.	
Receipts in excess of those anticipated for the Spill prevention, response and site cleanup, non-site specific administrative costs	

account, not to exceed \$546,000, are appropriated, of which an amount not to exceed \$325,000 shall be available for the purchase of protective clothing and safety equipment and the training required for its use.

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.

An amount not to exceed \$1,500,000 is appropriated from the New Jersey Spill Compensation Fund for emergency response to toxic releases, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Cleanup Responsibility Act account is payable out of receipts received pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1989 in the Environmental Cleanup Responsibility Act account, as well as any receipts received in excess of the anticipated amount, are appropriated.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects and improved cleanup criteria and removal operation methods of spills of hazardous substances, subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The unexpended balances as of June 30, 1989 in the Major Hazardous Waste Facilities Siting Act—Siting Commission, the Hazardous Waste Facilities Siting Commission—Review, the Site review and evaluation, and the Land emplacement facility site search accounts are appropriated.

All receipts, including receipts from recoveries for hazardous waste cleanup activities, except for the Spill Compensation Fund, and receipts from consent orders for past and future hazardous waste cleanups are deposited to the Hazardous Discharge Site Cleanup Fund, P.L.1985, c.247 (C.58:10-23.34) and are appropriated for hazardous waste cleanup activities, including administrative costs.

Receipts in excess of the amount anticipated from hazardous waste fees and the unexpended balance of such receipts as of June 30, 1989 are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

Of the unexpended balances as of June 30, 1989 from Resource Conservation and Recovery Act reimbursements, \$1,000,000 shall lapse to the General Fund.

45 Recreational Resource Management

10-4865 Marina Operations	\$478,000
12-4875 Parks Management	22,627,000
21-4895 Navigational Aids	<u>840,000</u>
Total Appropriation, Recreational Resource Management	<u>\$23,945,000</u>
Personal Services:	
Salaries and wages	(\$16,289,000)
Materials and Supplies	(2,253,000)
Services Other Than Personal	(1,364,000)
Maintenance and Fixed Charges .	(1,381,000)
Special Purpose:	
Liberty State Park	
Development Corporation	(100,000)
Liberty State Park	
Commission	(22,000)
Maintenance—Old Barracks,	
Trenton (State share)	(323,000)
Expenses of the Delaware and Raritan Canal	
Commission	(149,000)
Youth conservation and recreation projects	(50,000)

Day trip and camping opportunities for youngsters from lower and moderate income families	(450,000)
Natural Lands Trust	(90,000)
Natural Areas Council	(5,000)
Open lands management	(200,000)
Historic Sites Trust	(20,000)
Expansion of natural heritage program	(120,000)
Expansion of historic sites and planning	(230,000)
Morven maintenance	(50,000)
Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes	(100,000)
Additions, Improvements and Equipment	(749,000)

Receipts in excess of the amount anticipated from Marina operations are appropriated for maintenance and security of marina facilities.

Receipts in excess of the amount anticipated from the Morris Canal and Banking Company are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the rental and/or use of Liberty State Park facilities are appropriated for operation and maintenance of Liberty State Park, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1989 in the Expenses of the Delaware and Raritan Canal Commission account is appropriated.

The unexpended balance as of June 30, 1989 in the Rehabilitation and Conservation of the Dey Mansion Washington Headquarters account is appropriated.

There are appropriated from the "Cultural Centers and Historic Preservation Fund" established pursuant to the "New Jersey

Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, such sums as may be required for costs attributable to planning, administrative, organizational and operational expenses incident to the historic preservation projects authorized by the bond act, subject to the approval of the Director of the Division of Budget and Accounting.

4876 Palisades Interstate Park Commission

24-4876 Parks Management	\$1,873,000
25-4876 Patrol Activities and Crime Control	<u>1,270,000</u>
Total Appropriation, Palisades Interstate Park Commission	<u>\$3,143,000</u>
Personal Services:	
Salaries and wages	(\$2,445,000)
Materials and Supplies	(275,000)
Services Other Than Personal	(164,000)
Maintenance and Fixed Charges .	(168,000)
Additions, Improvements and Equipment	(91,000)

The receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and the unexpended balances as of June 30, 1989 of such receipts are appropriated.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$2,201,000
99-4800 Management and Administrative Services	<u>8,100,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$10,301,000</u>
Personal Services:	
Salaries and wages	(\$8,110,000)
Materials and Supplies	(86,000)
Services Other Than Personal	(1,591,000)
Maintenance and Fixed Charges .	(103,000)
Special Purpose:	
Regulatory services expansion	(160,000)

Board of New Jersey Pilot Commissioners	(73,000)
Affirmative action and equal employment opportunity program	(50,000)
Office automation	(100,000)
Additions, Improvements and Equipment	(28,000)

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts, and any receipts in excess of the amounts specifically set forth above, are appropriated.

Total Appropriation, Department of Environmental Protection	<u>\$122,443,000</u>
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46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

01-4215 Vital Statistics	\$1,250,000
02-4220 Community Health Services	17,315,000
03-4230 Epidemiology and Disease Control	9,155,000
04-4240 Narcotic and Drug Abuse Control	14,131,000
05-4250 Alcoholism Control	2,496,000
08-4280 Diagnostic Services	6,872,000
09-4290 Clinical Laboratory Services	470,000
11-4235 Occupational and Environmental Health Control	7,558,000
12-4245 AIDS Services	<u>15,462,000</u>
Total Appropriation, Health Services	<u>\$74,709,000</u>
Personal Services:	
Salaries and wages	(\$17,142,000)
Positions established from lump sum appropriation	(4,059,000)
Materials and Supplies	(4,324,000)
Services Other Than Personal	(3,973,000)

Maintenance and Fixed Charges .	(596,000)
Special Purpose:	
Worker and Community	
Right to Know	(1,674,000)
Radon study	(75,000)
Animal Population Control	
Fund	(600,000)
Rabies control program	(603,000)
Grants:	
Family planning services	(1,700,000)
Hemophilia services	(621,000)
Emergency medical services	(209,000)
Chronic disease services	(144,000)
Testing for specific	
hereditary diseases	(115,000)
Maternal and child health	(2,500,000)
Special health services for	
handicapped children	(2,000,000)
Chronic renal disease	(438,000)
Birth defects registry	(25,000)
New Jersey emergency	
medical service	
helicopter response	
program	(1,200,000)
Gerontology program	(136,000)
Tuberculosis services	(197,000)
Lead poisoning program	(395,000)
Newborn screening follow-up	
and treatment for	
hemoglobins	(133,000)
Fetal alcohol syndrome	
program	(570,000)
Sudden Infant Death	
Syndrome Assistance	
Act	(150,000)
Parolee rehabilitation	
project	(370,000)
Rape prevention	(500,000)
New Jersey State	
Commission on Cancer	
Research	(2,000,000)
Inmate residential drug	
treatment	(250,000)

Occupational/environmental disease surveillance program	(50,000)
Worker and community right to know	(413,000)
AIDS continuing grants	(9,691,000)
AIDS Communicable Disease Control	(609,000)
Alzheimer's disease program	(615,000)
Poison control center	(425,000)
Infant mortality reduction program	(1,830,000)
Cleft palate programs	(350,000)
Community drug programs (State share)	(8,092,000)
Immunization information program for new parents	(75,000)
Diabetes control program	(147,000)
Comprehensive drug and alcohol treatment system— development and expansion ..	(1,850,000)
In-State juvenile residential treatment services—development	(1,810,000)
Local alcoholism authorities— expansion	(420,000)
Compulsive gambling	(260,000)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,183,000)
Medical support services for the homeless	(75,000)
Additions, Improvements and Equipment	(20,000)

The unexpended balance as of June 30, 1989 in the Rabies control account, together with any receipts in excess of the amount anticipated, not to exceed \$125,000, is appropriated.

The unexpended balance as of June 30, 1989, in excess of \$250,000, in the Animal population control account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Animal population control 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.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and the unexpended balance as of June 30, 1989 of the fees are appropriated.

The unexpended balance of appropriations made to the Department of Health 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.

The Division of Alcoholism and Drug Abuse is authorized to bill a patient, or a patient's estate, or the person chargeable for his 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, 1989 from these billings and fees are appropriated to the Department of Health, Division of Alcoholism and Drug Abuse, for the support of the alcohol and drug abuse programs.

Any receipts in the Worker and community right to know account in excess of the amount anticipated, not to exceed \$207,000, are appropriated.

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 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.

The Department of Health shall require its subcontractors under the New Jersey emergency medical service helicopter response program established pursuant to P.L.1986, c.106 (C.26:2K-3 et seq.) to seek reimbursement through third party billing for services rendered.

Any receipts from third party reimbursements for the New Jersey emergency medical service helicopter response program, not to exceed \$200,000, are appropriated to the Department of Health.

There is 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.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health 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.

The Director of the Division of Budget and Accounting is empowered to transfer up to \$2,500,000 from the Maternal and child health grant account to the Medical Assistance program on behalf of pregnant women and children whose incomes are below the poverty level and who qualify for Title XIX benefits.

The unexpended balance as of June 30, 1989, in the Supplemental Nutrition Assistance Contingency Fund account is appropriated.

The unexpended balance as of June 30, 1989, in the Health impact on ocean pollution survey account is appropriated.

The unexpended balance as of June 30, 1989, in the New Jersey State Commission on Cancer Research account is appropriated.

Of the amount hereinabove for the New Jersey State Commission on Cancer Research, \$1,000,000 first is to be charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balances as of June 30, 1989 in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

The unexpended balance as of June 30, 1989 in the AIDS Services program account, not to exceed \$1,300,000, is appropriated to fund grants awarded by the Division of AIDS.

The unexpended balance as of June 30, 1989 in the Testing for specific hereditary diseases account, not to exceed \$500,000, is appropriated for the same purpose.

22 Health Planning and Evaluation

06-4260 Health Facilities	
Evaluation	\$4,672,000
07-4270 Health Planning and	
Resource Development	<u>5,968,000</u>
Total Appropriation,	
Health Planning and	
Evaluation	<u>\$10,640,000</u>
Personal Services:	
Salaries and wages	(\$8,065,000)
Positions converted	(201,000)
Materials and Supplies	(154,000)
Services Other Than Personal	(1,565,000)
Maintenance and Fixed Charges .	(160,000)
Grants:	
Local health planning	
agencies	(475,000)
Additions, Improvements and	
Equipment	(20,000)

Receipts derived from fees charged for the review of uniform construction code plans for health facilities, and for the Certificate of Need program and the unexpended balances of such receipts as of June 30, 1989, are appropriated for the costs of these programs.

The unexpended balance as of June 30, 1989 in the Hospital rate setting account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Hospital rate setting account is payable out of the Hospital Rate Setting Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

25 Health Administration

87-4210 Research, Policy,	
and Planning	\$1,589,000
99-4210 Management and	
Administrative Services	<u>7,152,000</u>
Total Appropriation,	
Health Administration	<u>\$8,741,000</u>
Personal Services:	
Salaries and wages	(\$6,591,000)

Positions established from lump sum appropriation	(309,000)
Materials and Supplies	(220,000)
Services Other Than Personal	(653,000)
Maintenance and Fixed Charges .	(467,000)
Special Purpose:	
Office automation	(207,000)
Affirmative action and equal employment opportunity	(77,000)
Additions, Improvements and Equipment	(217,000)
Receipts from various fees and licenses collected by the Department of Health, in excess of those anticipated, are appropriated.	
Total Appropriation, Department of Health	<u>\$94,090,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

02-5400 Support to Independent Institutions	\$31,589,000
03-5400 New Jersey Educational Opportunity Fund	24,894,000
04-5400 Student Financial Support Services	70,255,000
05-5400 Student Financial Assistance Administration	3,651,000
99-5400 Management and Administrative Services	<u>26,861,000</u>
Total Appropriation, Office of the Chancellor	<u>\$157,250,000</u>
Personal Services:	
Salaries and wages	(\$5,785,000)
Materials and Supplies	(331,000)
Services Other Than Personal	(1,561,000)
Maintenance and Fixed Charges .	(234,000)
Special Purpose:	
Educational Opportunity Fund board expenses	(4,000)

Student assistance board	
expenses	(3,000)
Student aid administration	(219,000)
Board of Higher	
Education expenses	(15,000)
Management system	
development	(200,000)
Teacher education evaluation ...	(100,000)
Affirmative action and equal	
employment opportunity	
program	(29,000)
Drug and alcohol abuse	
information clearinghouse	(355,000)
Going to college in	
New Jersey	(218,000)
Commerce building library	(84,000)
Assessment and Outcomes:	
Basic skills assessment	
program	(850,000)
College outcomes	
evaluation program	(300,000)
Grants:	
Veterinary medicine education	
program	(1,427,000)
Aid to independent colleges	
and universities	(23,805,000)
Schools of professional	
nursing	(833,000)
Dental school aid	(3,551,000)
Optometric education	(322,000)
Graduate medical education	
program	(286,000)
Research under contract	
with the Institute of Medical	
Research, Camden	(790,000)
Scholarly Chairs:	
Einstein chair for	
scholarly studies at	
the Institute for	
Advanced Study	(65,000)

Richard J. Hughes chair for constitutional and public law and service at Seton Hall University	(65,000)
Alfred E. Driscoll chair in pharmaceutical/chemical studies, Fairleigh Dickinson University	(65,000)
Women's Studies chair at Douglass College	(75,000)
Will and Ariel Durant chair in the humanities at St. Peter's College	(65,000)
Small business and entrepreneurship chair at Rutgers	(65,000)
Raoul Wallenberg visiting professorship in human rights—Rutgers University	(100,000)
Millicent Fenwick research professorship in education at Monmouth College	(75,000)
Martin Luther King Physician-Dentist Scholarship Act of 1986	(375,000)
Opportunity program grants	(14,871,000)
Supplementary education program grants	(8,819,000)
Tuition Aid Grants, P.L.1968, c.429 (C.18A:71-41 et seq.)	(61,305,000)
Garden State scholarships	(3,450,000)
Graduate fellowships	(600,000)
Distinguished scholars program	(3,500,000)
Urban scholarships	(900,000)
Part-time tuition aid grants—EOF students	(500,000)

Special Academic Programs:	
Minority academic careers	
program	(910,000)
Strengthening the college	
faculty	(750,000)
Minority Programs:	
Pre-collegiate remedial	
programs	(450,000)
Pre-collegiate academic	
programs	(2,000,000)
Fund for Improved	
Retention	(610,000)
Ethnolinguistic-academic	
preparation	(250,000)
Technology Programs:	
Math/science/computer	
teaching	(300,000)
Computers in curricula	(1,584,000)
Technical engineering	
education	(653,000)
Center for Information	
Age Technology	(500,000)
Humanities Programs:	
Humanities program	(2,300,000)
Foreign language/international	
education	(410,000)
Special Student Programs:	
Learning disabled	(750,000)
Governor's school	(484,000)
Institutional Excellence:	
Challenge for excellence/	
State colleges	(3,232,000)
Challenge for excellence/	
independents	(4,500,000)
Marine Sciences Consortium	(565,000)
Urban initiative	(250,000)
Additions, Improvements and	
Equipment	(555,000)

An amount not to exceed \$100,000 in the Aid to independent colleges and universities account is available for administrative expenses.

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 41,940 for fiscal year 1989.

The unexpended balances as of June 30, 1989 and other income from the federal loan collection and reimbursement program are appropriated.

The unexpended balances as of June 30, 1989 in the Special Purpose and Grants accounts in excess of \$2,891,000, are appropriated, and any balances from the Special Purpose appropriations which were transferred or disbursed to a higher education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated to the Tuition Aid Grants account, \$1,342,000 shall be appropriated from funds of the Higher Education Assistance Authority.

Any amounts necessary for Tuition Aid Grants in excess of the unexpended balance in the Tuition Aid Grants account as of June 30, 1989 that is appropriated hereinabove, the federal funds appropriation herein for the State student incentive grant program account, and the amount appropriated hereinabove for the Tuition Aid Grants account shall be transferred by the Chancellor of Higher Education from those senior, public institutions of higher education that have had a tuition increase of over 10% from July 1, 1989 through June 30, 1990 based upon a schedule as determined by the Chancellor. The amount collected from each institution shall be returned to that institution if the total amount of Tuition Aid Grants awards provided to the students enrolled at the institution is less than the amount collected.

Of the amounts hereinabove appropriated to the Opportunity program grants and the Supplementary education program grants accounts of the New Jersey Educational Opportunity Fund, \$659,000 shall be appropriated from funds of the Higher Education Assistance Authority.

The unexpended balance as of June 30, 1989 in the Pre-collegiate remedial programs account in excess of \$150,000 is appropriated, and any unexpended balances from the Special Purpose appropriations which were transferred or disbursed to a higher

education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove and the unexpended balance as of June 30, 1989 in the New Jersey Educational Opportunity Fund and the Student Financial Support Services account are appropriated and available for payment of liabilities applicable to prior fiscal years.

The expenditure of the amounts appropriated to each institution of higher education for the implementation of the Board of Higher Education's outcomes assessment programs is subject to the approval of the Chancellor of Higher Education.

The amount hereinabove for the Minority Academic Careers program is appropriated from funds of the Higher Education Assistance Authority.

An amount not to exceed 4% of the total of the Special Academic Programs accounts is available for the administrative expenses of these programs.

5450 Thomas A. Edison State College

17-5450 Institutional Support		<u>\$5,523,000</u>
Sub-Total General		
Operations		<u>\$5,523,000</u>
Special Funds Expense		<u>\$60,000</u>
Total All Operations		<u>\$5,583,000</u>
Less:		
General Services Income	(\$1,839,000)	
Special Funds Income	<u>(60,000)</u>	
Total Income Deductions		<u>(\$1,899,000)</u>
Total Appropriation,		
Thomas A. Edison		
State College		<u>\$3,684,000</u>
Personal Services:		
Salaries and wages	(\$3,005,000)	
Positions established from		
lump sum appropriation	(501,000)	
Positions converted	(92,000)	
Materials and Supplies	(177,000)	
Services Other Than Personal	(981,000)	
Maintenance and Fixed Charges .	(71,000)	

Special Purpose:

Affirmative action and equal employment opportunity program	(14,000)
Challenge for excellence/ State colleges	(466,000)
Additions, Improvements and Equipment	(216,000)
Special Funds Expense	(60,000)
Less:	
General Services Income	(1,839,000)
Special Funds Income	(60,000)

In the event that fees exceed \$1,900,000, the amount appropriated hereinabove for Thomas A. Edison State College may be reduced by a sum equal to the amount collected in excess of \$1,900,000, exclusive of fee increases, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5500 Glassboro State College

11-5500 Instruction	\$18,402,000
12-5500 Sponsored Programs and Research	80,000
13-5500 Extension and Public Service	727,000
15-5500 Academic Support	2,110,000
16-5500 Student Services	3,323,000
17-5500 Institutional Support	5,385,000
19-5500 Physical Plant and Support Services	<u>7,766,000</u>
Sub-Total General Operations	<u>\$37,793,000</u>
Special Funds Expense	\$3,568,000
Auxiliary Funds Expense	<u>\$14,353,000</u>
Total All Operations	<u>\$55,714,000</u>
Less:	
General Services Income	(\$8,811,000)
Special Funds Income	(3,568,000)
Auxiliary Services Income	<u>(14,353,000)</u>
Total Income Deductions	<u>(\$26,732,000)</u>

Total Appropriation, Glassboro State College		<u>\$28,982,000</u>
Personal Services:		
Salaries and wages	(\$26,613,000)	
Student aides	(300,000)	
Materials and Supplies	(2,842,000)	
Services Other Than Personal	(3,225,000)	
Maintenance and Fixed Charges .	(1,663,000)	
Special Purpose:		
Academic development	(100,000)	
Separately budgeted		
research	(80,000)	
Camden Urban Center	(727,000)	
Library enhancement	(175,000)	
College work-study program		
(State share)	(200,000)	
Affirmative action and equal		
employment opportunity		
program	(65,000)	
Compensation awards	(180,000)	
Additions, Improvements and		
Equipment	(1,623,000)	
Special Funds Expense	(3,568,000)	
Auxiliary Funds Expense	(14,353,000)	
Less:		
General Services Income	(\$8,811,000)	
Special Funds Income	(3,568,000)	
Auxiliary Services Income	(14,353,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 5,450 full-time equivalent (FTE) students at Glassboro State College. In the event that actual enrollments exceed 5,559, the amount appropriated hereinabove for Glassboro State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,559, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5510 Jersey City State College

11-5510 Instruction	\$17,597,000
12-5510 Sponsored Programs and Research	70,000
15-5510 Academic Support	1,556,000
16-5510 Student Services	2,465,000
17-5510 Institutional Support	5,875,000
19-5510 Physical Plant and Support Services	<u>5,153,000</u>
Sub-Total General Operations	<u>\$32,716,000</u>
Special Funds Expense	\$3,251,000
Auxiliary Funds Expense	<u>\$4,605,000</u>
Total All Operations	<u>\$40,572,000</u>
<i>Less:</i>	
General Services Income	(\$5,711,000)
Special Funds Income	(3,251,000)
Auxiliary Services Income	<u>(4,605,000)</u>
Total Income Deductions	<u>(\$13,567,000)</u>
Total Appropriation, Jersey City State College	<u>\$27,005,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$22,353,000)
Student aides	(150,000)
Materials and Supplies	(2,595,000)
Services Other Than Personal	(2,481,000)
Maintenance and Fixed Charges ..	(970,000)
<i>Special Purpose:</i>	
A. Harry Moore Laboratory	
School	(1,066,000)
Cooperative education	(330,000)
Basic science and technological equipment	(35,000)
Academic development	(100,000)
Challenge grant continuation	(856,000)
Separately budgeted research	(70,000)
Minority student recruitment	(135,000)

National direct student loan program (State share)	(20,000)
College work-study program (State share)	(120,000)
Affirmative action and equal employment opportunity program	(100,000)
Athletic fields	(145,000)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(1,145,000)
Special Funds Expense	(3,251,000)
Auxiliary Funds Expense	(4,605,000)
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$5,711,000)</i>
<i>Special Funds Income</i>	<i>(3,251,000)</i>
<i>Auxiliary Services Income</i>	<i>(4,605,000)</i>

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated.

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 3,400 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 3,468, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,468, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5520 Kean College of New Jersey

11-5520 Instruction	\$21,781,000
12-5520 Sponsored Programs and Research	75,000
15-5520 Academic Support	1,872,000
16-5520 Student Services	3,226,000
17-5520 Institutional Support	5,654,000

19-5520 Physical Plant		
Support Services		<u>7,136,000</u>
Sub-Total General		
Operations		<u>\$39,744,000</u>
Special Funds Expense		<u>\$2,735,000</u>
Auxiliary Funds Expense		<u>\$4,200,000</u>
Total All Operations		<u>\$46,679,000</u>
Less:		
General Services Income	(\$9,883,000)	
Special Funds Income	(2,735,000)	
Auxiliary Services Income	<u>(4,200,000)</u>	
Total Income Deductions		<u>(\$16,818,000)</u>
Total Appropriation, Kean College of New Jersey		<u>\$29,861,000</u>
Personal Services:		
Salaries and wages	(\$28,287,000)	
Student aides	(350,000)	
Materials and Supplies	(3,445,000)	
Services Other Than Personal	(2,629,000)	
Maintenance and Fixed Charges .	(1,030,000)	
Special Purpose:		
Learning assistance program	(350,000)	
Separately budgeted		
research	(75,000)	
Academic development	(120,000)	
Challenge for excellence/		
State colleges	(1,095,000)	
Minority student		
recruitment	(165,000)	
College work-study program		
(State share)	(70,000)	
Affirmative action and equal employment opportunity program	(54,000)	
Compensation awards	(50,000)	
Additions, Improvements and		
Equipment	(2,024,000)	
Special Funds Expense	(2,735,000)	
Auxiliary Funds Expense	(4,200,000)	
Less:		
General Services Income	(\$9,883,000)	
Special Funds Income	(2,735,000)	

Auxiliary Services Income (4,200,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 6,550 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 6,681, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,681, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5530 The William Paterson College of New Jersey

11-5530 Instruction	\$20,903,000
12-5530 Sponsored Programs and Research	140,000
15-5530 Academic Support	2,353,000
16-5530 Student Services	3,675,000
17-5530 Institutional Support	7,053,000
19-5530 Physical Plant Support Services	<u>7,756,000</u>
Sub-Total General Operations	<u>\$41,880,000</u>
Special Funds Expense	\$2,050,000
Auxiliary Funds Expense	<u>\$5,887,000</u>
Total All Operations	<u>\$49,817,000</u>
<i>Less:</i>	
<i>General Services Income</i>	(\$9,448,000)
<i>Special Funds Income</i>	(2,050,000)
<i>Auxiliary Services Income</i>	<u>(5,887,000)</u>
<i>Total Income Deductions</i>	<u>(\$17,385,000)</u>
Total Appropriation, The William Paterson College of New Jersey	<u>\$32,432,000</u>
Personal Services:	
Salaries and wages	(\$29,374,000)
Student aides	(275,000)
Materials and Supplies	(4,137,000)
Services Other Than Personal	(2,942,000)
Maintenance and Fixed Charges .	(728,000)

Special Purpose:

School of science	(362,000)
Academic development	(160,000)
Separately budgeted research	(140,000)
Library systems improvement	(100,000)
Minority recruitment and retention	(500,000)
College work-study program (State share)	(75,000)
Affirmative action and equal employment opportunity program	(80,000)
Outcomes assessment	(65,000)
Compensation awards	(70,000)
Additions, Improvements and Equipment	(2,872,000)
Special Funds Expense	(2,050,000)
Auxiliary Funds Expense	(5,887,000)
Less:	
General Services Income	(\$9,448,000)
Special Funds Income	(2,050,000)
Auxiliary Services Income	(5,887,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,523 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 5,633 the amount appropriated hereinabove for the William Paterson College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,633, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5540 Montclair State College

11-5540 Instruction	\$26,969,000
12-5540 Sponsored Programs and Research	100,000

13-5540 Extension and Public	
Service	600,000
15-5540 Academic Support	4,100,000
16-5540 Student Services	3,788,000
17-5540 Institutional Support	8,330,000
19-5540 Physical Plant	
Support Services	6,823,000
Sub-Total General	
Operations	<u>\$50,710,000</u>
Special Funds Expense	\$4,219,000
Auxiliary Funds Expense	<u>\$3,738,000</u>
Total All Operations	<u>\$58,667,000</u>
Less:	
General Services Income	(\$12,171,000)
Special Funds Income	(4,219,000)
Auxiliary Services Income	<u>(3,738,000)</u>
Total Income Deductions	<u>(\$20,128,000)</u>
Total Appropriation,	
Montclair State College	<u>\$38,539,000</u>
Personal Services:	
Salaries and wages	(\$35,180,000)
Student aides	(350,000)
Materials and Supplies	(3,553,000)
Services Other Than Personal	(4,057,000)
Maintenance and Fixed Charges .	(917,000)
Special Purpose:	
Challenge for excellence/	
State colleges	(1,300,000)
Opera and music theatre	
institute	(1,400,000)
Academic development	(150,000)
Separately budgeted	
research	(100,000)
New Jersey State School	
of Conservation	(600,000)
Minority recruitment and	
retention	(300,000)
College work-study program	
(State share)	(70,000)
National direct student	
loan program	
(State share)	(8,000)

Affirmative action and equal employment opportunity program	(102,000)
State college autonomy administration computing augmentation	(118,000)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(2,460,000)
Special Funds Expense	(4,219,000)
Auxiliary Funds Expense	(3,738,000)
Less:	
General Services Income	(\$12,171,000)
Special Funds Income	(4,219,000)
Auxiliary Services Income	(3,738,000)

Actual full-time and part-time undergraduate enrollments exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 6,525 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 6,656, the amount appropriated hereinabove for Montclair State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,656, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550 Instruction	\$18,936,000
12-5550 Sponsored Programs and Research	75,000
15-5550 Academic Support	3,006,000
16-5550 Student Services	4,147,000
17-5550 Institutional Support	6,042,000
19-5550 Physical Plant Support Services	<u>8,272,000</u>

Sub-Total General	
Operations	<u>\$40,478,000</u>
Special Funds Expense	<u>\$4,918,000</u>
Auxiliary Funds Expense	<u>\$11,900,000</u>
Total All Operations	<u>\$57,296,000</u>
Less:	
General Services Income	(\$9,102,000)
Special Funds Income	(4,918,000)
Auxiliary Services Income	<u>(11,900,000)</u>
Total Income Deductions	<u>(\$25,920,000)</u>
Total Appropriation,	
Trenton State College	<u>\$31,376,000</u>
Personal Services:	
Salaries and wages	(\$26,621,000)
Student aides	(511,000)
Materials and Supplies	(3,472,000)
Services Other Than Personal	(3,089,000)
Maintenance and Fixed Charges ..	(574,000)
Special Purpose:	
Improving undergraduate	
education	(125,000)
Demonstration school	
services	(80,000)
Academic development	(100,000)
Challenge for excellence/	
State colleges	(1,142,000)
Separately budgeted	
research	(75,000)
Computer graphics	(230,000)
Minority students recruitment	
and scholarships	(250,000)
College work-study program	
(State share)	(37,000)
Trustee scholarships	(596,000)
Affirmative action and equal	
employment opportunity	
program	(43,000)
Compensation awards	(70,000)
Additions, Improvements and	
Equipment	(3,463,000)
Special Funds Expense	(4,918,000)
Auxiliary Funds Expense	(11,900,000)

Less:

<i>General Services Income</i>	(9,102,000)
<i>Special Funds Income</i>	(4,918,000)
<i>Auxiliary Services Income</i>	(11,900,000)

Actual full-time and part-time undergraduate enrollments exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 5,049 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,150, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,150, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5560 Ramapo College of New Jersey

11-5560 Instruction	\$8,312,000
12-5560 Sponsored Programs and Research	50,000
15-5560 Academic Support	1,181,000
16-5560 Student Services	2,141,000
17-5560 Institutional Support	4,118,000
19-5560 Physical Plant Support Services	<u>4,495,000</u>
Sub-Total General Operations	<u>\$20,297,000</u>
Special Funds Expense	\$1,180,000
Auxiliary Funds Expense	<u>\$5,414,000</u>
Total All Operations	<u>\$26,891,000</u>
<i>Less:</i>	
<i>General Services Income</i>	(\$4,138,000)
<i>Special Funds Income</i>	(1,180,000)
<i>Auxiliary Services Income</i>	<u>(5,414,000)</u>
<i>Total Income Deductions</i>	<u>(\$10,732,000)</u>
Total Appropriation, Ramapo College of New Jersey	<u>\$16,159,000</u>
Personal Services:	
Salaries and wages	(\$13,325,000)

Student aides	(250,000)
Materials and Supplies	(2,115,000)
Services Other Than Personal	(1,579,000)
Maintenance and Fixed Charges .	(571,000)
Special Purpose:	
Instructional equipment	
for studio and	
performance programs	(102,000)
Challenge grant funding	(750,000)
Academic development	(50,000)
Separately budgeted	
research	(50,000)
Minority recruitment and	
retention	(100,000)
College work-study program	
(State share)	(55,000)
Affirmative action and equal	
employment opportunity	
program	(107,000)
Institutional outcomes	
assessment	(90,000)
Compensation awards	(13,000)
Additions, Improvements and	
Equipment	(1,140,000)
Special Funds Expense	(1,180,000)
Auxiliary Funds Expense	(5,414,000)
Less:	
General Services Income	(\$4,138,000)
Special Funds Income	(1,180,000)
Auxiliary Services Income	(5,414,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 2,574 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 2,625, the amount appropriated hereinabove for Ramapo College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 2,625, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5570 Richard Stockton State College

11-5570 Instruction	\$10,130,000
12-5570 Sponsored Programs and Research	70,000
15-5570 Academic Support	2,107,000
16-5570 Student Services	1,920,000
17-5570 Institutional Support	4,000,000
19-5570 Physical Plant Support Services	4,642,000
Sub-Total General Operations	\$22,869,000
Special Funds Expense	\$1,504,000
Auxiliary Funds Expense	\$6,409,000
Total All Operations	<u>\$30,782,000</u>
Less:	
General Services Income	(\$5,952,000)
Special Funds Income	(1,504,000)
Auxiliary Services Income	<u>(6,409,000)</u>
Total Income Deductions	<u>(\$13,865,000)</u>
Total Appropriation, Richard Stockton State College	<u>\$16,917,000</u>
Personal Services:	
Salaries and wages	(\$15,383,000)
Student aides	(160,000)
Materials and Supplies	(2,401,000)
Services Other Than Personal	(1,356,000)
Maintenance and Fixed Charges	(565,000)
Special Purpose:	
Outcomes assessment	(90,000)
Academic development	(60,000)
Separately budgeted research	(70,000)
Library collection development	(100,000)
National direct student loan program (State share)	(15,000)
College work-study program (State share)	(40,000)
Affirmative action and equal employment opportunity program	(48,000)

Compensation awards	(22,000)
Additions, Improvements and Equipment	(2,559,000)
Special Funds Expense	(1,504,000)
Auxiliary Funds Expense	(6,409,000)
Less:	
General Services Income	(5,952,000)
Special Funds Income	(1,504,000)
Auxiliary Services Income	(6,409,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 3,900 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 3,978, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,978, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

State Colleges Programs

The expenditure of the amounts hereinabove to each State College for academic development shall be subject to prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts shall be subject to approval by the Chancellor of Higher Education.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education.

*5600 Rutgers, The State University
Rutgers University Programs*

11-5600 Instruction	\$152,731,000
12-5600 Sponsored Programs and Research	13,803,000
13-5600 Extension and Public Service	3,470,000
14-5600 Auxiliary Services	5,753,000
15-5600 Academic Support	22,769,000

16-5600 Student Services	32,056,000
17-5600 Institutional Support	60,397,000
19-5600 Physical Plant	
Support Services	<u>61,382,000</u>
Sub-Total General	
Operations	<u>\$352,361,000</u>
Special Funds Expense	\$65,000,000
Auxiliary Funds Expense	<u>\$80,008,000</u>
Total All Operations	<u>\$497,369,000</u>
Less:	
General Services Income	(\$115,057,000)
Self-Sustaining Income	(5,784,000)
Special Funds Income	(65,000,000)
Auxiliary Services Income	<u>(80,008,000)</u>
Total Income Deductions	<u>(\$265,849,000)</u>
Appropriation, Exclusive of	
Land Grant Interest	(\$233,514,000)
Land Grant Interest	(6,000)
Total Appropriation	<u>\$231,520,000</u>
Personal Services:	
Salaries and wages	(\$218,828,000)
Student aides	(2,003,000)
Materials and Supplies	(34,877,000)
Services Other Than Personal	(18,104,000)
Maintenance and Fixed Charges ..	(10,789,000)
Special Purpose:	
Forum on policy research	
and public services,	
Rutgers—Camden	(75,000)
Agricultural Museum	(700,000)
Student aid	(8,014,000)
College work-study	
(State share)	(538,000)
Affirmative action and equal	
employment opportunity	
program	(139,000)
Retirement allowances	(720,000)
Special projects	(4,800,000)
Debt Service—High Technology	
Initiative	(1,800,000)
In-lieu-of-tax payments to	
New Brunswick	(700,000)

Rutgers Fund for Distinction	
Debt Service	
(State match)	(13,000,000)
Assessing outcomes	(400,000)
Excellence Initiative	(20,574,000)
Recruitment and retention of	
minority students	(2,285,000)
Enhance physical plant and	
support services	(1,139,000)
Additions, Improvements and	
Equipment	(12,876,000)
Special Funds Expense	(65,000,000)
Auxiliary Funds Expense	(80,008,000)
Less:	
General Services Income	(\$115,057,000)
Self-Sustaining Income	(5,784,000)
Special Funds Income	(65,000,000)
Auxiliary Services Income	(80,008,000)

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 28,902 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 29,480, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 29,480, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction Debt Service (State Match), Rutgers, The State University shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

Any transfer from Physical Plant Support Services to any other purpose is subject to the prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

5620 Agricultural Experiment Station

12-5620 Sponsored Programs and Research		\$12,789,000
13-5620 Extension and Public Service		<u>6,934,000</u>
Sub-Total General Operations		<u>\$19,723,000</u>
Federal Research and Extension Funds Expense		\$4,250,000
Special Funds Expense		<u>\$11,000,000</u>
Total All Operations		<u>\$34,973,000</u>
Less:		
<i>Federal Research and Extension</i>		
Funds Income	(\$4,250,000)	
Special Funds Income	<u>(11,000,000)</u>	
Total Income Deductions		<u>(\$15,250,000)</u>
Sub-Total Appropriation		<u>\$19,723,000</u>
Personal Services:		
Salaries and wages	(\$14,343,000)	
Student aides	(103,000)	
Materials and Supplies	(497,000)	
Services Other Than Personal	(1,035,000)	
Maintenance and Fixed Charges ..	(201,000)	
Special Purpose:		
Program enhancement	(200,000)	
Tomato testing	(6,000)	
Update facilities and equipment	(500,000)	
Urban gardening	(100,000)	
Integrated pest management	(350,000)	
Cooperative extension service	(125,000)	
Blueberry and cranberry research	(250,000)	
Renovate laboratories	(750,000)	
Snyder farm planning and operation	(691,000)	
Additions, Improvements and Equipment	(572,000)	
Federal Research and Extension Funds Expense	(4,250,000)	

Special Funds Expense	(11,000,000)	
Less:		
<i>Federal Research and Extension</i>		
<i>Funds Income</i>	(4,250,000)	
<i>Special Funds Income</i>	(11,000,000)	
Total Appropriation,		
Rutgers, The State		
University		<u>\$251,243,000</u>

5630 University of Medicine and Dentistry of New Jersey

11-5630 Instruction	\$84,344,000	
12-5630 Sponsored Programs		
and Research	42,126,000	
13-5630 Extension and Public		
Service	166,980,000	
14-5630 Auxiliary Services	10,601,000	
15-5630 Academic Support	1,680,000	
16-5630 Student Services	5,435,000	
17-5630 Institutional Support	21,887,000	
19-5630 Physical Plant		
Support Services	35,387,000	
20-5630 Core Affiliates	3,472,000	
Total All Operations		<u>\$371,912,000</u>

Less:

<i>General Services Income</i>	(\$20,128,000)	
<i>Hospital Services Income</i>	(104,107,000)	
<i>Capital Facilities Allowance</i>	(6,529,000)	
<i>Special Services Income</i>	(42,126,000)	
<i>Auxiliary Services Income</i>	(10,601,000)	
<i>Core Affiliates Income</i>	(3,472,000)	
Robert Wood Johnson		
<i>Community Mental Health</i>		
Center Income	(16,009,000)	
New Jersey Medical		
School Community		
Mental Health		
Center Income	(7,125,000)	
Total Income Deductions		<u>(\$210,097,000)</u>
Total Appropriation,		
University of Medicine		
and Dentistry of		
New Jersey		<u>\$161,815,000</u>

Personal Services:

Salaries and wages	(\$188,639,000)
Materials and Supplies	(42,418,000)
Services Other Than Personal	(28,286,000)
Maintenance and Fixed Charges .	(5,332,000)

Special Purpose:

Debt Service—High	
Technology Initiative	(1,593,000)
University student aid	(2,080,000)
Excellence Initiatives:	
Leadership in Health	
Science	(12,297,000)
University Hospital Debt	
Service—Equipment	
and Renovation	(1,436,000)
Core affiliate—Robert	
Wood Johnson	
Medical School—	
Piscataway	(2,237,000)
Core affiliate—New Jersey	
School of Osteopathic	
Medicine	(1,235,000)
Area Health Education	
Center	(290,000)
Emergency medical service—	
Camden	(800,000)
Dental Residency Pilot	
Program	(750,000)
Additions, Improvements and	
Equipment	(8,658,000)
Special Funds Expense	(42,126,000)
Auxiliary Funds Expense	(10,601,000)
Robert Wood Johnson	
Community Mental	
Health Center	(16,009,000)
New Jersey Medical	
School Community	
Mental Health Center	(7,125,000)
Less:	
Income	(210,097,000)

All General Services income or Hospital Services income in excess of the amounts hereinabove as income deductions shall be cred-

ited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1989-90 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

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 appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

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.

Receipts derived from the capital facilities allowance—capital cash component, inclusive of major moveable equipment, in excess of \$6,529,000, are credited to the General Fund and appropriated for expenses at the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5640 New Jersey Institute of Technology

11-5640 Instruction	\$29,458,000
12-5640 Sponsored Programs and Research	905,000
13-5640 Extension and Public Service	600,000
14-5640 Auxiliary Services	4,000,000
15-5640 Academic Support	7,628,000
16-5640 Student Services	5,053,000
17-5640 Institutional Support	10,440,000
19-5640 Physical Plant Support Services	<u>7,690,000</u>

Sub-Total General		
Operations		<u>\$65,774,000</u>
Special Funds Expense		<u>\$12,000,000</u>
Total All Operations		<u>\$77,774,000</u>
Less:		
General Services Income	(\$20,500,000)	
Auxiliary Services Income	(4,000,000)	
Special Funds Income	<u>(12,000,000)</u>	
Total Income Deductions		<u>(\$36,500,000)</u>
Total Appropriation, New Jersey Institute of Technology		<u>\$41,274,000</u>
Personal Services:		
Salaries and wages	(\$35,617,000)	
Student aides	(341,000)	
Materials and Supplies	(3,779,000)	
Services Other Than Personal	(4,562,000)	
Maintenance and Fixed Charges .	(562,000)	
Special Purpose:		
Academic development	(250,000)	
NJIT/Burlington County College engineering program	(100,000)	
Separately budgeted research	(586,000)	
Continuing education	(600,000)	
Scholarships, grants, fellowships	(2,294,000)	
Student activities	(127,000)	
Affirmative action and equal employment opportunity program	(60,000)	
Board of Trustees	(4,000)	
Fringe benefits/retirement allowances	(3,000,000)	
Excellence Initiative	(9,200,000)	
Additions, Improvements and Equipment	(692,000)	
Auxiliary Funds Expense	(4,000,000)	
Special Funds Expense	(12,000,000)	

Less:

<i>General Services Income</i>	(\$20,500,000)
<i>Auxiliary Services Income</i>	(4,000,000)
<i>Special Funds Income</i>	(12,000,000)

Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollments in Extension and Public Service programs, shall not exceed 3,880 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 3,958, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 3,958, any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove is made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to N.J.S.18A:3-14q.

Any transfer from Physical Plant Support Services to any other purpose is subject to the prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

Total Appropriation,	
Department of	
Higher Education	<u>\$836,537,000</u>

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*23 *Mental Health Services*7700 *Division of Mental Health and Hospitals*

08-7700 Community Services	\$98,891,000
99-7700 Management and Administrative Services	<u>4,055,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$102,946,000</u>
Personal Services:	
Salaries and wages	(\$5,862,000)
Materials and Supplies	(106,000)
Services Other Than Personal	(971,000)
Maintenance and Fixed Charges .	(190,000)
Special Purpose:	
Independent psychiatric evaluation and legal representation for indigent patients	(15,000)
Affirmative action and equal employment opportunity program	(30,000)
Grants:	
Improvement of children's mental health services	(6,648,000)
Community care	(56,276,000)
Community care—Cost of living adjustment	(1,000,000)
Adult community services stabilization and expansion	(5,010,000)
Children's community services stabilization and expansion	(2,000,000)
Community Mental Health Center—University of Medicine and Dentistry—Newark	(5,089,000)
Implement involuntary commitment legislation (P.L.1987, c.116)	(1,820,000)

Community Mental Health Center—University of Medicine and Dentistry—Rutgers	(9,871,000)
Contact-Morris-Passaic, Inc.	(5,000)
Statewide self-help clearinghouse	(150,000)
Community care expansion— Greystone Park Psychiatric Hospital phase-down	(7,736,000)
Additions, Improvements and Equipment	(167,000)
Federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.	
From the sum appropriated for the Improvement of children's mental health services, such sums as are necessary may be transferred to other departments and agencies in accordance with a plan for children's services approved by the Commissioner of the Depart- ment of Human Services and the Director of the Division of Budget and Accounting.	
In addition to the amount hereinabove appropriated for the Com- munity care expansion-Greystone Psychiatric Hospital phase- down account, savings from the phase-down of Greystone Park Psychiatric Hospital may be transferred to this account and shall be available for expansion of placements to accommodate the phase-down as determined by the Director of the Division of Budget and Accounting.	
The unexpended balance as of June 30, 1989 in the Implement in- voluntary commitment legislation account is appropriated for the same purpose.	

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services	\$29,311,000
98-7710 Physical Plant and Support Services	6,407,000

99-7710 Management and Administrative Services	9,096,000
Total Appropriation, Greystone Park Psychiatric Hospital	<u>\$44,814,000</u>
Personal Services:	
Salaries and wages	(\$36,403,000)
Food in lieu of cash	(64,000)
Materials and Supplies	(4,647,000)
Services Other Than Personal	(2,409,000)
Maintenance and Fixed Charges .	(754,000)
Special Purpose:	
Interim assistance	(48,000)
Affirmative action and equal employment opportunity program	(17,000)
Other special purpose	(2,000)
Additions, Improvements and Equipment	(470,000)
Savings made available from the implementation of a plan to reduce the patient population may be transferred to the Community care expansion-Greystone Psychiatric Hospital phase-down ac- count as determined by the Director of the Division of Budget and Accounting.	

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services	\$19,525,000
98-7720 Physical Plant and Support Services	4,326,000
99-7720 Management and Administrative Services	<u>5,277,000</u>
Total Appropriation, Trenton Psychiatric Hospital	<u>\$29,128,000</u>
Personal Services:	
Salaries and wages	(\$23,842,000)
Food in lieu of cash	(31,000)
Materials and Supplies	(2,311,000)
Services Other Than Personal	(1,809,000)
Maintenance and Fixed Charges .	(721,000)

Special Purpose:	
Interim assistance	(6,000)
Affirmative action and equal employment opportunity program	(23,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(384,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services	\$8,317,000
98-7725 Physical Plant and Support Services	1,214,000
99-7725 Management and Administrative Services	<u>949,000</u>
Total Appropriation, The Forensic Psychiatric Hospital	<u>\$10,480,000</u>
Personal Services:	
Salaries and wages	(\$9,412,000)
Food in lieu of cash	(19,000)
Materials and Supplies	(606,000)
Services Other Than Personal	(275,000)
Maintenance and Fixed Charges .	(76,000)
Additions, Improvements and Equipment	(92,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services	\$37,179,000
98-7730 Physical Plant and Support Services	9,028,000
99-7730 Management and Administrative Services	<u>8,244,000</u>
Total Appropriation, Marlboro Psychiatric Hospital	<u>\$54,451,000</u>
Personal Services:	
Salaries and wages	(\$41,037,000)
Positions established from lump sum appropriation	(3,087,000)

Food in lieu of cash	(69,000)
Materials and Supplies	(5,339,000)
Services Other Than Personal	(2,546,000)
Maintenance and Fixed Charges .	(1,253,000)
Special Purpose:	
Interim assistance	(97,000)
Affirmative action and equal employment opportunity program	(22,000)
Other special purpose	(3,000)
Additions, Improvements and Equipment	(998,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services	\$31,097,000
98-7740 Physical Plant and Support Services	6,266,000
99-7740 Management and Administrative Services	<u>5,650,000</u>
Total Appropriation, Ancora Psychiatric Hospital	<u>\$43,013,000</u>
Personal Services:	
Salaries and wages	(\$36,015,000)
Food in lieu of cash	(63,000)
Materials and Supplies	(3,603,000)
Services Other Than Personal	(1,828,000)
Maintenance and Fixed Charges .	(716,000)
Special Purpose:	
Interim assistance	(144,000)
Affirmative action and equal employment opportunity program	(22,000)
Other special purpose	(13,000)
Additions, Improvements and Equipment	(609,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services	\$3,880,000
98-7750 Physical Plant and Support Services	516,000

99-7750 Management and Administrative Services		761,000
Total Appropriation, Arthur Brisbane Child Treatment Center		<u>\$5,157,000</u>
Personal Services:		
Salaries and wages	(\$4,258,000)	
Food in lieu of cash	(6,000)	
Materials and Supplies	(369,000)	
Services Other Than Personal	(296,000)	
Maintenance and Fixed Charges .	(98,000)	
Special Purpose:		
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(129,000)	

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services		\$6,547,000
98-7760 Physical Plant and Support Services		1,310,000
99-7760 Management and Administrative Services		<u>1,513,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics		<u>\$9,370,000</u>
Personal Services:		
Salaries and wages	(\$7,428,000)	
Food in lieu of cash	(23,000)	
Materials and Supplies	(966,000)	
Services Other Than Personal	(551,000)	
Maintenance and Fixed Charges .	(243,000)	
Special Purpose:		
Interim assistance	(1,000)	
Additions, Improvements and Equipment	(158,000)	

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1990 are appropriated for the same purpose.

24 Special Health Services
7540 Division of Medical Assistance and Health Services

21-7540 Health Services		
Administration and Management		\$18,198,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		<u>60,664,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$78,862,000</u>
Personal Services:		
Salaries and wages	(\$8,180,000)	
Materials and Supplies	(195,000)	
Services Other Than Personal	(1,953,000)	
Maintenance and Fixed Charges ..	(144,000)	
Special Purpose:		
Legal assistance Medicare patients (P.L.1987, c.59)	(242,000)	
Payments to fiscal agents	(5,970,000)	
Eligibility determination	(2,011,000)	
Payments to fiscal agents (PAA)	(756,000)	
Affirmative action and equal employment opportunity program	(12,000)	
Professional standards review organization—utilization review	(200,000)	
Design and development—Medicaid management information system	(680,000)	
Design and development—Medicaid management information system	(146,000)	
Grants:		
Pharmaceutical Assistance to the Aged—claims	(58,090,000)	
Additions, Improvements and Equipment	(283,000)	

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged, P.L.1975, c.194 (C.30:4D-20 et

seq.), are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health Services to match its Medicaid Eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of paragraph (7) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3i.(7)), the division shall comply with the provisions of Pub.L. 97-248, 42 U.S.C. § 1396p.(c), which allows the State to deny Medicaid eligibility to individuals who divest themselves of their assets in order to obtain Medicaid benefits. The amount of the uncompensated value of the transferred asset shall be counted toward the resource maximum for 24 months from the date of disposal. If the uncompensated value of a transferred resource, combined with all other countable resources, does not exceed the applicable resource maximum, and all other eligibility requirements are met, the individual may be determined eligible for Medicaid benefits.

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, 1990 are appropriated.

Notwithstanding the provisions of P.L.1981, c.217 (C.30:4D-7.2a) to the contrary, the division is authorized to seek recovery and to file a lien against the estate of a qualified applicant or eligible person, after his death, for the amount of assistance paid or to be paid on his behalf under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.), if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse and no surviving child who is under age 21 or is blind or permanently disabled. This recovery authority shall apply to all such recoveries initiated on or after July 20, 1981 from the estates of applicants or recipients who died prior to, on, or after July 20, 1981, the effective date of P.L.1981, c.217.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) are the last resource benefits, notwithstanding any provisions contained in a contract, will, agreement or other in-

strument. 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 is void, and no PAAD payments shall be made as a result of any such provision.

The unexpended balance as of June 30, 1989 in the On-line eligibility verification system account, not to exceed \$500,000, is appropriated.

The unexpended balance as of June 30, 1989 in the Payments to fiscal agents account is appropriated.

*30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities*

01-7600 Purchased Residential	
Care	\$120,862,000
02-7600 Social Supervision	
and Consultation	17,798,000
03-7600 Adult Activities	62,884,000
04-7600 Education and Day	
Training	10,752,000
99-7600 Management and	
Administrative Services	<u>16,017,000</u>
Total, Division of	
Developmental	
Disabilities	<u>\$228,313,000</u>
Less:	
Casino Revenue Funds	
Purchased Residential	
Care	(\$14,298,000)
Social Supervision and	
Consultation	(104,000)
Adult Activities	(8,985,000)
Education and Day	
Training	<u>(600,000)</u>
Total Casino Revenue	<u>(\$23,987,000)</u>
Federal Funds	
Purchased Residential	
Care	(\$30,293,000)
Social Supervision and	
Consultation	(9,135,000)

<i>Adult Activities</i>	(25,973,000)	
<i>Education and Day</i>		
<i>Training</i>	(400,000)	
<i>Management and</i>		
<i>Administrative Services</i>	<u>(9,441,000)</u>	
<i>Total Federal Funds</i>		<u>(\$75,242,000)</u>
Total Appropriation,		
Division of		
Developmental		
Disabilities		<u>\$129,084,000</u>
Personal Services:		
Salaries and wages	(\$33,053,000)	
Employee benefits	(42,000)	
Materials and Supplies	(1,716,000)	
Services Other Than Personal	(2,233,000)	
Maintenance and Fixed Charges .	(4,494,000)	
Special Purpose:		
Homemaker services		
(State share)	(93,000)	
Social services	(32,000)	
Foster grandparents program		
(State share)	(329,000)	
Developmental disabilities		
services	(306,000)	
Social supervision and		
consultation	(812,000)	
Adult activities	(882,000)	
Dental program for		
non-institutionalized		
mentally retarded and		
handicapped children	(860,000)	
Guardianship program	(35,000)	
Dually Diagnosed Center		
at Ancora	(2,436,000)	
Social services	(89,000)	
Foster grandparents		
program	(746,000)	
Other special purpose	(2,000)	
Grants:		
Family care	(1,340,000)	
Purchased residential care	(650,000)	
Private institutional care	(37,068,000)	
Skill development homes	(4,164,000)	

Purchase of day	
training services	(2,385,000)
Group homes	(74,837,000)
Home assistance	(4,585,000)
Purchase of adult	
activity services	(51,797,000)
Developmental disabilities	(1,236,000)
Day-care services	(359,000)
Work-study training program	
for caseworkers	(950,000)
Citizen advocacy program	(145,000)
Additions, Improvements and	
Equipment	(637,000)
<i>Less:</i>	
<i>Deduction for Casino</i>	
<i>Revenue Funds</i>	(\$23,987,000)
<i>Deduction for Federal</i>	
<i>Funds</i>	(75,242,000)

The Division of Developmental Disabilities is authorized to transfer funds from the Dental program for non-institutionalized developmentally disabled and handicapped 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 developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1989 in the tuition receipt accounts established pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) in the various departments are appropriated for education related transportation costs and other day training related costs in the Division of Developmental Disabilities in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,000,000.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation		\$221,000
06-7610 Health Services		79,000
07-7610 Education and Training		21,000
98-7610 Physical Plant and Support Services		538,000
99-7610 Management and Administrative Services		<u>1,194,000</u>
Total Appropriation, Green Brook Regional Center		<u>\$2,053,000</u>
Materials and Supplies	(\$690,000)	
Services Other Than Personal	(327,000)	
Maintenance and Fixed Charges .	(200,000)	
Special Purpose:		
Green Brook mortgage	(690,000)	
Additions, Improvements and Equipment	(146,000)	

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation		\$22,586,000
06-7620 Health Services		6,772,000
07-7620 Education and Training		862,000
98-7620 Physical Plant and Support Services		4,856,000
99-7620 Management and Administrative Services		<u>5,312,000</u>
Total Appropriation, Vineland Developmental Center		<u>\$40,388,000</u>
Personal Services:		
Salaries and wages	(\$30,849,000)	
Food in lieu of cash	(54,000)	
Materials and Supplies	(6,419,000)	
Services Other Than Personal	(1,656,000)	
Maintenance and Fixed Charges .	(718,000)	
Special Purpose:		
Family care	(6,000)	

Other special purpose	(2,000)
Additions, Improvements and Equipment	(684,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$9,901,000
06-7630 Health Services	2,638,000
07-7630 Education and Training	488,000
98-7630 Physical Plant and Support Services	2,756,000
99-7630 Management and Administrative Services	<u>3,243,000</u>
Total Appropriation, North Jersey Developmental Center	<u>\$19,026,000</u>
Personal Services:	
Salaries and wages	(\$14,577,000)
Food in lieu of cash	(20,000)
Materials and Supplies	(2,677,000)
Services Other Than Personal	(859,000)
Maintenance and Fixed Charges ..	(451,000)
Special Purpose:	
Other special purpose	(1,000)
Additions, Improvements and Equipment	(441,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$13,888,000
06-7640 Health Services	3,080,000
07-7640 Education and Training	295,000
98-7640 Physical Plant and Support Services	2,991,000
99-7640 Management and Administrative Services	<u>4,354,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$24,608,000</u>

Personal Services:

Salaries and wages	(\$18,819,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(3,285,000)
Services Other Than Personal	(1,260,000)
Maintenance and Fixed Charges .	(313,000)
Special Purpose:	
Other special purpose	(4,000)
Additions, Improvements and	
Equipment	(912,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$11,535,000
06-7650 Health Services	2,498,000
07-7650 Education and Training	1,052,000
98-7650 Physical Plant and Support Services	3,079,000
99-7650 Management and Administrative Services	<u>2,506,000</u>
Total Appropriation, New Lisbon Developmental Center	<u>\$20,670,000</u>

Personal Services:

Salaries and wages	(\$15,422,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(3,295,000)
Services Other Than Personal	(897,000)
Maintenance and Fixed Charges .	(486,000)
Additions, Improvements and	
Equipment	(555,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$14,124,000
06-7660 Health Services	3,999,000
07-7660 Education and Training	180,000
98-7660 Physical Plant and Support Services	3,447,000

99-7660 Management and Administrative Services		<u>2,389,000</u>
Total Appropriation, Woodbridge Developmental Center		<u>\$24,139,000</u>
Personal Services:		
Salaries and wages	(\$18,971,000)	
Food in lieu of cash	(12,000)	
Materials and Supplies	(3,382,000)	
Services Other Than Personal	(747,000)	
Maintenance and Fixed Charges .	(488,000)	
Special Purpose:		
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(538,000)	

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation		\$13,629,000
06-7670 Health Services		5,506,000
07-7670 Education and Training		1,224,000
98-7670 Physical Plant and Support Services		3,908,000
99-7670 Management and Administrative Services		<u>2,684,000</u>
Total Appropriation, Hunterdon Developmental Center		<u>\$26,951,000</u>
Personal Services:		
Salaries and wages	(\$20,666,000)	
Food in lieu of cash	(1,000)	
Materials and Supplies	(3,764,000)	
Services Other Than Personal	(1,038,000)	
Maintenance and Fixed Charges .	(574,000)	
Special Purpose:		
Hunterdon adult education program	(300,000)	
Other special purpose	(6,000)	
Additions, Improvements and Equipment	(602,000)	

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation		\$3,903,000
06-7680 Health Services		985,000
07-7680 Education and Training		322,000
25-7680 Research		325,000
98-7680 Physical Plant and Support Services		1,476,000
99-7680 Management and Administrative Services		<u>1,398,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center		<u>\$8,409,000</u>
Personal Services:		
Salaries and wages	(\$6,758,000)	
Food in lieu of cash	(19,000)	
Materials and Supplies	(968,000)	
Services Other Than Personal	(370,000)	
Maintenance and Fixed Charges .	(177,000)	
Special Purpose:		
Other special purpose	(3,000)	
Additions, Improvements and Equipment	(114,000)	

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation		\$14,746,000
06-7690 Health Services		3,588,000
07-7690 Education and Training		507,000
98-7690 Physical Plant and Support Services		5,434,000
99-7690 Management and Administrative Services		<u>2,127,000</u>
Total Appropriation, North Princeton Developmental Center		<u>\$26,402,000</u>
Personal Services:		
Salaries and wages	(\$20,386,000)	

Food in lieu of cash	(14,000)
Materials and Supplies	(3,224,000)
Services Other Than Personal	(1,654,000)
Maintenance and Fixed Charges .	(647,000)
Special Purpose:	
Other special purpose	(2,000)
Additions, Improvements and	
Equipment	(475,000)

In addition to the amount hereinabove appropriated 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, shall be considered as appropriated on behalf of the developmental centers and available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$128,174,000; but if the ICF/MR revenues exceed \$128,174,000, 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.

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and	
Rehabilitation	\$4,990,000
12-7560 Instruction, Community	
Programs and Prevention	5,399,000
99-7560 Management and	
Administrative Services	<u>2,094,000</u>
Total Appropriation, Commission	
for the Blind and	
Visually Impaired	<u>\$12,483,000</u>
Personal Services:	
Salaries and wages	(\$6,106,000)
Positions established from	
lump sum appropriation	(239,000)
Materials and Supplies	(197,000)
Services Other Than Personal	(818,000)
Maintenance and Fixed Charges .	(244,000)

Special Purpose:	
Additional vocational rehabilitation matching funds	(922,000)
Grants:	
Coordinating Council, CBVI	(168,000)
Psychological counseling services	(121,000)
Services to rehabilitation clients	(1,310,000)
Educational services for children	(1,831,000)
State use law and private industry marketing program by rehabilitation facilities	(250,000)
Additions, Improvements and Equipment	(277,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Economic Assistance

15-7550 Income Maintenance	\$43,461,000
99-7550 Management and Administrative Services	<u>12,399,000</u>
Total Appropriation, Division of Economic Assistance	<u>\$55,860,000</u>
Personal Services:	
Salaries and wages	(\$8,172,000)
Materials and Supplies	(64,000)
Services Other Than Personal	(4,869,000)
Maintenance and Fixed Charges .	(272,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(8,000)
Realizing Economic Achievement (REACH) program	(39,663,000)
Atlantic City welfare reform pilot project	(900,000)

AFDC teenage parent program	(635,000)
Employment programs (State share)	(1,243,000)
Additions, Improvements and Equipment	(34,000)

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1989 are appropriated.

Any federal funds received by the Division of Economic Assistance 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.

Notwithstanding the provisions of the "County Welfare Per Capita Cost Limitation Act of 1981," P.L.1981, c.60 (C.44:14-1 et seq.) to the contrary, funds distributed pursuant to that act shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The State appropriation shall be based upon a federal financial participation rate of 48%; but if the federal 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.

The unexpended balances as of June 30, 1989 in the Bank Match account, which represents funding from the Inter-Departmental Account for the continuation and expansion of data processing systems, are appropriated and are to be used to fund the Income Eligibility Verification System II.

The unexpended balance as of June 30, 1989 not to exceed \$800,000 in the Automated child support enforcement system (State share) account is appropriated.

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance 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 Realizing Economic Achievement (REACH) program. The reports shall, at a mini-

mum, include the following: the number of cases participating in the program and the number of cases which are exempt from the program, the type of services provided to program participants and the cost of such services, the number of case managers employed by the program, their associated costs and any other administrative costs incurred by the program, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

55 Related Social Services Programs
7570 Division of Youth and Family Services

16-7570 Initial Response/		
Case Management		\$86,632,000
17-7570 Substitute Care		28,641,000
18-7570 General Social		
Services		78,494,000
99-7570 Management and		
Administrative Services		<u>35,444,000</u>
Total, Division of Youth		
and Family Services		<u>\$229,211,000</u>
Less:		
Casino Revenue Funds		
General Social Services	(\$1,500,000)	
Management and Administrative		
Services	<u>(3,000,000)</u>	
Total Casino Revenue		
Funds		<u>(\$4,500,000)</u>
Less:		
Federal Funds		
Initial Response/		
Case Management	(\$26,415,000)	
Substitute Care	(16,081,000)	
General Social Services	(27,342,000)	
Management and Administrative		
Services	<u>(17,601,000)</u>	
Total Federal Funds		<u>(\$87,439,000)</u>
Total Appropriation,		
Division of Youth		
and Family Services		<u>\$137,272,000</u>
Personal Services:		
Salaries and wages	(\$100,270,000)	

Food in lieu of cash	(4,000)
Materials and Supplies	(2,872,000)
Services Other Than Personal	(12,842,000)
Maintenance and Fixed Charges .	(8,914,000)
Special Purpose:	
Microfilm service charges	(100,000)
Affirmative action and equal employment opportunity program	(50,000)
Control	(932,000)
Grants:	
Public awareness and child education programs	(200,000)
Establish and maintain shelters and services for victims of domestic violence	(2,139,000)
Social services for the homeless	(6,568,000)
County Human Services Advisory Boards— formula funding	(9,176,000)
Purchase of service contracts	(10,857,000)
Protective services for the elderly and disabled	(1,500,000)
Purchase of social services	(27,775,000)
Purchase of day care services ...	(28,111,000)
Purchase of social services	(1,882,000)
Child assault prevention project	(900,000)
Child care center equipment and renovation fund	(100,000)
Fisherman's Mark for child care and support services	(113,000)
Day care salary increases	(2,000,000)
Family Day Care Provider Registration Act	(427,000)

Low income energy assistance	(104,000)
Personal attendant demonstration program	(5,100,000)
Cuban-Haitian Entrant Program	(3,117,000)
Restricted federal grants	(1,064,000)
Additions, Improvements and Equipment	(2,094,000)
<i>Less:</i>	
<i>Deductions for Federal Funds</i>	<i>(\$87,439,000)</i>
<i>Deductions for Casino Revenue Fund</i>	<i>(4,500,000)</i>

The Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during State fiscal year 1989. The report shall indicate the total amount of funds made available to the advisory boards for allocation, listing all providers receiving funds and the amount of funds awarded. The report shall be provided to the Director of the Division of Budget and Accounting on or before September 30, 1989.

Receipts in the Marriage license fee fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Establish and maintain shelters and services for victims of domestic violence account, \$309,000 is payable out of the Marriage license fee fund. If receipts to said fund are less than anticipated, the appropriation shall be reduced proportionately.

7580 Division of the Deaf

23-7580 Services for the Deaf	<u>\$372,000</u>
Total Appropriation,	
Division of the Deaf	<u>\$372,000</u>
Personal Services:	
Salaries and wages	(\$181,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(34,000)
Maintenance and Fixed Charges .	(10,000)

Special Purpose:

Services to Deaf	
Clients' Message	
Relay Services	(33,000)
Operated by Deaf	
Contact Centers	(100,000)
Advisory Council on	
the Deaf	(1,000)
Additions, Improvements and	
Equipment	(5,000)

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

87-7500 Research, Policy and	
Planning	\$8,250,000
96-7500 Institutional Security	
Services	3,747,000
99-7500 Management and	
Administrative Services	<u>14,786,000</u>
Total Appropriation,	
Division of Management	
and Budget	<u>\$26,783,000</u>
Personal Services:	
Salaries and wages	(\$13,965,000)
Materials and Supplies	(135,000)
Services Other Than Personal	(2,936,000)
Maintenance and Fixed Charges .	(602,000)
Special Purpose:	
Contract auditing	(300,000)
Nursing scholarship	
program	(734,000)
Rehabilitation services	
scholarships	(150,000)
Crisis intervention/	
patients' rights	
staff training	(15,000)
Mini child care center	
project grants	(300,000)
Affirmative action and equal	
employment opportunity	
program	(67,000)

Office of Prevention	(400,000)
Public information program to prevent mental retardation	(375,000)
Transfer to State Police for fingerprinting/ background checks of job applicants	(250,000)
Grants:	
School based youth services program	(6,000,000)
Case management for homeless families	(400,000)
Additions, Improvements and Equipment	(154,000)
The unexpended balances as of June 30, 1989 in the Health care financial information system account are appropriated.	
Total Appropriation, Department of Human Services	<u>\$932,721,000</u>
Balances on hand as of June 30, 1989 of funds held for the benefit of patients in the several institutions, and any funds as may be received, are appropriated for the use of the patients.	
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.	
Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purpose of additional material and other expenses incidental to the sale or manufacture.	
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 at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.	

58 DEPARTMENT OF INSURANCE
 50 *Economic Planning, Development and Security*
 52 *Economic Regulation*

01-3110 Licensing and Enforcement	\$5,398,000
02-3120 Actuarial Services	2,419,000
03-3130 Regulation of the Real Estate Industry	2,149,000
04-3110 Public and Regulatory Services	970,000
05-3160 Unsatisfied Claims	1,128,000
99-3150 Management and Administrative Services	<u>2,163,000</u>
Total Appropriation, Economic Regulation	<u>\$14,227,000</u>
Personal Services:	
Real Estate Commissioners	(\$77,000)
Salaries and wages	(11,176,000)
Positions established in lieu of appropriated revenue	(189,000)
Materials and Supplies	(315,000)
Services Other Than Personal	(2,172,000)
Maintenance and Fixed Charges	(233,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(15,000)
Additions, Improvements and Equipment	(50,000)

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L.1949, c.248 (C.17:24-13) to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.) such sums as are prescribed by the act.

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.).

The unexpended balances as of June 30, 1989, not to exceed \$550,000, in the Department of Insurance are appropriated.

Receipts in excess of those anticipated in the Department of Insurance are appropriated.

Total Appropriation, Department of Insurance	<u>\$14,227,000</u>
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62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research ...	\$1,070,000
99-4565 Management and Administrative Services	<u>3,225,000</u>
Total Appropriation, Economic Planning and Development	<u>\$4,295,000</u>
Personal Services:	
Salaries and wages	(\$1,851,000)
Positions established from lump sum appropriation	(333,000)
Materials and Supplies	(41,000)
Services Other Than Personal	(1,876,000)
Maintenance and Fixed Charges .	(57,000)
Special Purpose:	
New Jersey Occupational Information Coordinating Committee	(25,000)
Affirmative action and equal employment opportunity program	(62,000)
Additions, Improvements and Equipment	(50,000)

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services pro-

gram classification, an amount not to exceed \$1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$691,000
12-4550 Enforcement of Workplace Standards	<u>7,590,000</u>
Total Appropriation, Economic Regulation	<u>\$8,281,000</u>
Personal Services:	
Salaries and wages	(\$4,505,000)
Positions established from lump sum appropriation	(1,250,000)
Materials and Supplies	(122,000)
Services Other Than Personal	(525,000)
Maintenance and Fixed Charges ..	(377,000)
Special Purpose:	
Carnival amusement ride safety advisory board	(1,000)
Safety Commission	(3,000)
On-site consultation (State share)	(140,000)
Mine Safety Training Act (State share)	(10,000)
Worker and Community Right to Know	(483,000)
Special Task Force on the Apparel Industry	(600,000)
Additions, Improvements and Equipment	(265,000)

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.

The unexpended balance as of June 30, 1989 in the Worker and Community Right to Know account, together with any receipts in excess of the amount anticipated, not to exceed \$67,000, are appropriated.

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 account is payable out of the "Worker and Community Right to Know Trust Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

53 Economic Assistance and Security

01-4510 Unemployment		
Insurance		\$7,694,000
03-4520 State Disability		
Insurance Plan		16,691,000
04-4520 Private Disability		
Insurance Plan		2,514,000
05-4525 Workers' Compensation ..		6,021,000
06-4530 Special Compensation		<u>1,298,000</u>
Total Appropriation, Economic Assistance and Security		<u>\$34,218,000</u>
Personal Services:		
Salaries and wages	(\$20,846,000)	
Materials and Supplies	(200,000)	
Services Other Than Personal	(3,318,000)	
Maintenance and Fixed Charges ..	(425,000)	
Special Purpose:		
Set-off of individual liabilities program	(483,000)	
Wage reporting	(1,050,000)	
Unemployment insurance automation support	(2,500,000)	
Compensation awards	(3,000)	
Reimbursement to unemployment insurance for joint tax functions	(5,200,000)	
Additions, Improvements and Equipment	(193,000)	

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan shall be 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 ad-

minister the Disability Insurance Program and such sums as may be necessary to pay disability benefits.

The amount hereinabove for the Special Compensation Fund shall be payable out of such 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 Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1989, pursuant to R.S.34:15-94.

Of the amounts hereinabove for the Unemployment Insurance program classification, an amount not to exceed \$7,694,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$16,026,000
09-4545 Employment Services	2,000,000
10-4545 Employment Development Services	5,211,000
16-4555 Public Sector Labor Relations	2,240,000
17-4560 Private Sector Labor Relations	<u>481,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$25,958,000</u>
Personal Services:	
Salaries and wages	(\$4,661,000)
Positions established from lump sum appropriation	(72,000)
Materials and Supplies	(54,000)
Services Other Than Personal	(548,000)
Maintenance and Fixed Charges ..	(71,000)
Special Purpose:	
Governor's Committee on the Disabled	(75,000)

Services to clients	
(State share)	(3,299,000)
Sheltered workshop support	(8,100,000)
Sheltered workshop	
employment placement	
incentive program	(250,000)
Independent Living Centers	(500,000)
Training grant	
(State share)	(4,000)
Supported employment	
services	(450,000)
Work activity training	
center	(656,000)
State support for	
employment programs	(2,000,000)
State Employment and	
Training Commission	(185,000)
Governor's employment	
and training program:	
Service Delivery	
Area allocation	(3,000,000)
Governor's employment	
and training program:	
Office of Customized	
Training allocation	(1,000,000)
Fair Lawn School for	
the Deaf	(170,000)
Ten thousand jobs for	
ten thousand graduates	(50,000)
Grants:	
Customized training	(750,000)
Additions, Improvements and	
Equipment	(63,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100, as amended by P.L.1968, c.303 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$16,026,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the Employment Development Services account shall be appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	<u>\$72,752,000</u>
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66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-1110 Licensing and Registration	\$48,125,000
02-1110 Vehicle Control and Driver Testing	26,849,000
03-1110 Driver Control	19,640,000
04-1140 Security Responsibility ...	5,207,000
05-1150 Autobody Licensing and Enforcement	492,000
89-1110 Revenue Collection Services	6,981,000
99-1110 Management and Administrative Services	<u>7,994,000</u>
Total Appropriation, Vehicular Safety	<u>\$115,288,000</u>
Personal Services:	
Salaries and wages	(\$49,881,000)
Positions established from lump sum appropriation	(4,790,000)
Materials and Supplies	(6,453,000)
Services Other Than Personal	(22,444,000)
Maintenance and Fixed Charges .	(1,501,000)
Special Purpose:	
License and registration forms	(452,000)
MOPED enforcement program	(50,000)
Salvage title program	(573,000)
Microfilm services charges	(10,000)

Microfilm document	
purging and microfilm	
indexing system	(600,000)
Agency operations	(16,661,000)
Boat certification	
program	(80,000)
Service contract	
emission analyzers	(295,000)
Federal highway	
safety program—	
State match	(350,000)
Parking Offense	
Adjudication Act	(686,000)
Implementation of	
surcharge program	(7,800,000)
Uninsured motorist	
program	(1,000,000)
Drunk driver fund	
program	(107,000)
Photo licensing	(230,000)
Affirmative action and equal	
employment opportunity	
program	(9,000)
Other special purpose	(258,000)
Additions, Improvements and	
Equipment	(1,058,000)

No appropriation hereinabove shall be used for the production or distribution of reflectorized license plates.

The unexpended balance as of June 30, 1989 in the MOPED enforcement 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 appropriated for the MOPED enforcement program is payable from the receipts derived pursuant to section 23 of P.L.1983, c.105 (C.39:4-14.3w). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1989 in the Salvage title 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 appropriated for the Salvage title program is payable out of receipts derived pursuant to section 5 of P.L.1983, c.323 (C.39:10-35). If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- The sum hereinabove for agency operations shall be available for maintaining services at public and privately operated motor vehicle agencies; provided, however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.
- Of the amounts appropriated hereinabove from the Boat Certification Fund, no appropriation from the Boat Certification Fund shall be used to title vessels not required to be registered pursuant to section 3 of P.L.1962, c.73 (C.12:7-34.38) or to license marine dealers.
- The unexpended balance as of June 30, 1989 in the Boat certification program account, together with any receipts in excess of the amount anticipated, not to exceed \$42,000, are appropriated.
- The amount hereinabove for the Boat certification program is payable out of the Boat Certification Fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.
- The unexpended balances in the Federal highway safety program—State match account, including the accounts of the several departments, as of June 30, 1989, are appropriated for such highway safety projects.
- The unexpended balance as of June 30, 1989 in the Parking Offense Adjudication Act 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 appropriated for the Parking Offense Adjudication Act program is payable from receipts derived from parking offense adjudication collected pursuant to P.L.1985, c.14 (C.39:4-139.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- Notwithstanding the provisions of P.L.1988, c.156, 20% of the receipts derived from 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.), shall be retained in the General Fund and any receipts

to the General Fund in excess of the amount anticipated are appropriated to the Division of Motor Vehicles to implement improvements and reforms in the operation of the Division of Motor Vehicles, subject to the 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 Uninsured motorists program account is payable from the Uninsured Motorist Prevention Fund. If receipts to the fund are less than the amount appropriated, the appropriation shall be reduced proportionately. Of the amount of receipts in excess of that anticipated as of June 30, 1989 in the Uninsured Motorist Prevention Fund, \$1,500,000 shall lapse to the General Fund.

The unexpended balance as of June 30, 1989 in the Drunk Driver Fund program account, together with any receipts in excess of the amount anticipated, not to exceed \$28,500, is appropriated.

The amount hereinabove for the Drunk Driver Fund account is payable out of drunk driving fines designated for this purpose. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of \$350,000 for photo licensing, derived pursuant to section 2 of P.L.1979, c.261 (C.39:3-10g), are appropriated to administer the program.

The amount hereinabove for Security Responsibility shall be payable 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.176 (C.39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the security responsibility law.

The amount hereinabove for the Autobody Licensing and Enforcement account is payable out of receipts from the Autobody Licensing and Enforcement program pursuant to section 6 of P.L.1983, c.360 (C.39:13-6). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1989 in the Autobody Licensing and Enforcement 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.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$90,559,000
07-1200 Police Services and Public Order	19,332,000
08-1200 Emergency Services	3,917,000
09-1020 Criminal Justice	21,173,000
10-1030 Statewide Narcotics Prosecution Program	8,349,000
11-1050 State Medical Examiner	2,119,000
23-1200 State Capitol Complex Security	8,477,000
24-1200 Marine Police Operations	8,676,000
99-1200 Management and Administrative Services	<u>14,501,000</u>
Total Appropriation, Law Enforcement	<u>\$177,103,000</u>
Personal Services:	
Salaries and wages	(\$115,804,000)
Positions established from lump sum appropriation	(11,487,000)
Cash in lieu of maintenance	(11,297,000)
Materials and Supplies	(7,891,000)
Services Other Than Personal	(9,410,000)
Maintenance and Fixed Charges ..	(4,984,000)
Special Purpose:	
Medical—evacuation helicopter replacement	(470,000)
Drunk driver fund program	(962,000)
Automated fingerprint identification system	(2,017,000)
Noncriminal record checks	(1,114,000)
Nuclear emergency response program	(2,253,000)
Expenses of State Grand Jury	(415,000)
Medicaid fraud investigation— State match	(597,000)

Boat certification program	(156,000)
Annual law enforcement memorial services	(35,000)
Affirmative action and equal employment opportunity program	(193,000)
Additions, Improvements and Equipment	(8,018,000)

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.

The unexpended balance as of June 30, 1989 in the Office of Victim-Witness Advocacy account, together with receipts derived pursuant to P.L.1985, c.407, is appropriated.

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.

The unexpended balance as of June 30, 1989 in the Drunk Driver Fund program account together with any receipts in excess of the amount anticipated, is appropriated.

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 from fees for solid and toxic waste haulers' and disposal operators' licenses pursuant to P.L.1983, c.392 (C.13:1E-126 et al.) are appropriated for the cost of the administration of that act.

The amount hereinabove for the Noncriminal record checks account 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.

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, 1989 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).

The unexpended balance as of June 30, 1989 in the Boat certification program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Boat certification 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.

The unexpended balances as of June 30, 1989 in excess of \$2,500,000 in the Emergency telephone system and Emergency telecommunications systems-Commission expenses accounts are appropriated for the same purposes.

The unexpended balance as of June 30, 1989 in the Basic and in-service training account established pursuant to P.L.1988, c.176 is appropriated for the same purposes.

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 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 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.

All registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are 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); and sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24) as are required to pay awards authorized by these laws, subject to the approval of the Director of the Division of Budget and Accounting.

13 Special Law Enforcement Activities

17-1420 Election Law Enforcement	\$1,486,000
18-1430 Law Enforcement Planning	2,899,000
20-1450 Review and Enforcement of Ethical Standards	298,000
21-1400 Regulation of Alcoholic Beverages	2,124,000
22-1410 Regulation of Racing Activities	3,665,000
25-1470 New Jersey Commission to Deter Criminal Activity	75,000
26-1471 Commission on Missing Persons	157,000
27-1480 State Athletic Control Board	<u>1,086,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$11,790,000</u>
Personal Services:	
Salaries and wages	(\$6,695,000)
Positions established from lump sum appropriation	(62,000)
Materials and Supplies	(342,000)
Services Other Than Personal	(978,000)
Maintenance and Fixed Charges	(191,000)
Special Purpose:	
Gubernatorial public finance program	(300,000)
Per diem payment to members of the Election Law Enforcement Commission	(15,000)
Action grants—State match	(700,000)

Administration of SLEPA	(249,000)
Speedy Trial Program, backlog reduction	(750,000)
New Jersey Commission to Deter Criminal Activity— State match	(75,000)
Commission on Missing Persons	(157,000)
Grants:	
Action grants—local match	(1,200,000)
Additions, Improvements and Equipment	(76,000)

The unexpended balance as of June 30, 1989 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes, and any remaining balance in the Administration of SLEPA account shall be placed in reserve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1983, c.333 (C.52:17B-151 et seq.), the unexpended balance as of June 30, 1989 in the New Jersey Commission to Deter Criminal Activity—State match account is appropriated without a matching fund requirement to defray expenses of the public education effort.

Receipts in excess of the amount anticipated are appropriated for additional State Athletic Control Board activities, subject to the approval of the Director of the Division of Budget and Accounting.

Of the unexpended balance as of June 30, 1989 in the State Athletic Control Board Account established pursuant to section 19 of P.L.1985, c.83 (C.5:2A-19), \$400,000 shall lapse to the General Fund.

19 Central Planning, Direction and Management

88-1000 Central Library	
Services	\$688,000
99-1000 Management and Administrative Services	<u>7,457,000</u>

Total Appropriation, Central Planning, Direction and Management		<u>\$8,145,000</u>
Personal Services:		
Salaries and wages	(\$5,687,000)	
Positions established from lump sum appropriation	(51,000)	
Materials and Supplies	(468,000)	
Services Other Than Personal	(715,000)	
Maintenance and Fixed Charges .	(118,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(119,000)	
Minority training pilot project	(350,000)	
Additions, Improvements and Equipment	(637,000)	

There are appropriated out of the Veterans' Guaranteed Loan Fund created under P.L.1944, c.126 (C.38:23B-1 et seq.) such sums as may be necessary to pay for the administration thereof.

Notwithstanding the provisions of any other law, any 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 are appropriated for law enforcement purposes designated by the Attorney General; provided, however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

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, 1989, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106, subject to the approval of the Director of the Division of Budget and Accounting.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports

on October 1, 1989 and March 1, 1990, 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.

70 Government Direction, Management and Control
74 General Government Services

12-1010 Legal Services	<u>\$22,939,000</u>
Total Appropriation, General	
Government Services	<u>\$22,939,000</u>
Personal Services:	
Salaries and wages	(\$19,527,000)
Positions established from	
lump sum appropriation	(644,000)
Positions established in	
lieu of appropriated	
revenue	(804,000)
Materials and Supplies	(235,000)
Services Other Than Personal	(1,153,000)
Maintenance and Fixed Charges .	(301,000)
Additions, Improvements and	
Equipment	(275,000)

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, 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 depart-

ment, 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 such 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 funds are appropriated for the purpose of such transfer.

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs	\$7,992,000
15-1320 Board of Accountancy	470,000
15-1321 Board of Architects and Certified Landscape Architects	232,000
15-1322 Board of Dentistry	355,000
15-1323 Board of Mortuary Science	142,000
15-1324 Board of Professional Engineers and Land Surveyors	317,000
15-1325 Board of Medical Examiners	1,960,000
15-1326 Board of Nursing	1,266,000
15-1327 Board of Optometrists	109,000
15-1328 Board of Pharmacy	581,000
15-1329 Board of Veterinary Medical Examiners	120,000
15-1330 Board of Shorthand Reporting	27,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	105,000
15-1332 Board of Cosmetology and Hairstyling	952,000
15-1333 Board of Professional Planners	107,000
15-1334 Board of Examiners of Electrical Contractors	246,000
15-1335 Board of Psychological Examiners	103,000
15-1336 Board of Examiners of Master Plumbers	127,000

15-1337 Board of Marriage Counselor Examiners	63,000
15-1339 Board of Public Movers and Warehousemen	195,000
15-1340 Board of Physical Therapy	127,000
15-1341 Audiology and Speech- Language Pathology Advisory Committee	50,000
16-1350 Protection of Civil Rights	3,817,000
19-1440 Violent Crimes Compensation	<u>5,912,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$25,375,000</u>
Personal Services:	
Salaries and wages	(\$11,053,000)
Positions established from lump sum appropriation	(273,000)
Materials and Supplies	(539,000)
Services Other Than Personal	(5,106,000)
Maintenance and Fixed Charges .	(708,000)
Special Purpose:	
Securities Enforcement Fund ...	(3,800,000)
Hearing aid dispensers examining committee	(2,000)
Excessive fee review committee	(2,000)
Acupuncture examining board ..	(2,000)
Landscape architect examination and evaluation	(2,000)
Athletic training advisory committee	(2,000)
Claims—victims of violent crimes	(3,630,000)
Additions, Improvements and Equipment	(256,000)
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 such purpose.	
The amount hereinabove for the Securities Enforcement Fund ac- count is payable out of 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.

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.

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.

The sum hereinabove for claims—victims of violent crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties 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, 1989 of such receipts are appropriated for payment of claims of victims of violent crimes 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.

The unexpended balances as of June 30, 1989 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to P.L.1985, c.407 are appropriated.

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.

Notwithstanding section 8 of this act, \$600,000 from the various Additions, Improvements and Equipment accounts in the department as determined by the Director of the Division of Budget and Accounting shall lapse to the General Fund.

Total Appropriation, Department of Law and Public Safety	<u>\$360,640,000</u>
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30 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services	\$5,397,000
40-3620 New Jersey National Guard Programs Support Services	684,000
60-3600 Joint Training Center Management and Operations	638,000
99-3600 Management and Administration	<u>5,277,000</u>
Total Appropriation, Military Services	<u>\$11,996,000</u>
Personal Services:	
Salaries and wages	(\$6,789,000)
Positions established from lump sum appropriation	(690,000)
Materials and Supplies	(1,362,000)
Services Other Than Personal	(806,000)
Maintenance and Fixed Charges .	(604,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(5,000)
New Jersey Military Academy .	(38,000)
Microfilm service charges	(20,000)
Joint Federal-State operations and maintenance contracts (State share)	(643,000)
National Guard recruitment enhancement	(100,000)
Additions, Improvements and Equipment	(939,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1989 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, 1989 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

80 Special Government Services
83 Services to Veterans
3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance		\$3,116,000
70-3660 Burial Services		<u>1,134,000</u>
Total Appropriation, Veterans' Programs Support		<u>\$4,250,000</u>
Personal Services:		
Salaries and wages	(\$1,920,000)	
Positions established from lump sum appropriation	(309,000)	
Materials and Supplies	(378,000)	
Services Other Than Personal	(200,000)	
Maintenance and Fixed Charges ..	(104,000)	
Special Purpose:		
Veterans' transportation	(300,000)	
Governor's Veterans' Service Council	(33,000)	
Enhance veterans' services	(164,000)	
Nursing scholarship program	(96,000)	
Grants:		
Veterans' orphans' fund— education grants	(17,000)	
Blind veterans' allowances	(46,000)	
Paraplegic and hemiplegic veterans' allowances	(237,000)	
Association of Blind Veterans ..	(25,000)	
Post-traumatic stress disorder program	(300,000)	
Additions, Improvements and Equipment	(121,000)	

The unexpended balance as of June 30, 1989 in the Temporary Advisory Commission on Women Veterans of New Jersey account is appropriated for the expenses of the commission.

3630 New Jersey Veterans' Memorial Home—Menlo Park

20-3630 Domiciliary and Treatment Services		\$8,306,000
30-3630 Physical Plant and Support Services		1,741,000
99-3630 Management and Administration		<u>1,675,000</u>
Total Appropriation, New Jersey Veterans' Memorial Home— Menlo Park		<u>\$11,722,000</u>
Personal Services:		
Salaries and wages	(\$9,291,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(1,097,000)	
Services Other Than Personal	(951,000)	
Maintenance and Fixed Charges .	(100,000)	
Additions, Improvements and Equipment	(267,000)	

3640 New Jersey Veterans' Memorial Home—Paramus

20-3640 Domiciliary and Treatment Services		\$4,919,000
30-3640 Physical Plant and Support Services		1,243,000
99-3640 Management and Administration		<u>1,412,000</u>
Total Appropriation, New Jersey Veterans' Memorial Home— Paramus		<u>\$7,574,000</u>
Personal Services:		
Salaries and wages	(\$5,923,000)	
Food in lieu of cash	(50,000)	
Materials and Supplies	(698,000)	
Services Other Than Personal	(733,000)	
Maintenance and Fixed Charges .	(84,000)	
Additions, Improvements and Equipment	(86,000)	

3650 New Jersey Veterans' Memorial Home—Vineland

20-3650 Domiciliary and Treatment Services		\$7,211,000
98-3650 Physical Plant and Support Services		1,839,000
99-3650 Management and Administration		<u>1,766,000</u>
Total Appropriation, New Jersey Veterans' Memorial Home— Vineland		<u>\$10,816,000</u>
Personal Services:		
Salaries and wages	(\$8,670,000)	
Food in lieu of cash	(6,000)	
Materials and Supplies	(1,178,000)	
Services Other Than Personal	(597,000)	
Maintenance and Fixed Charges .	(120,000)	
Additions, Improvements and Equipment	(245,000)	
Total Appropriation, Department of Military and Veterans' Affairs		<u>\$46,358,000</u>

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 at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1989 of funds held for the benefit of residents in the several veterans' homes, and any funds as may be received, are appropriated for the use of the residents.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purpose of additional material and other expenses incidental to the sale or manufacture.

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 sources of funds for such purposes; except that the total amount herein for such allowances shall not exceed \$100,000.

68 DEPARTMENT OF PERSONNEL
 70 *Government Direction, Management and Control*
 74 *General Government Services*

01-2710 Personnel Policy	
Development and General	
Administration	\$4,780,000
02-2720 Recruitment and	
Selection	7,632,000
03-2730 Personnel Management	
Systems	5,020,000
04-2740 Employee Development	
and Personnel Services	803,000
05-2750 Equal Employment	
Opportunity and	
Affirmative Action	810,000
06-2760 Local Government	
Classification and	
Placement	<u>2,891,000</u>
Total Appropriation, General	
Government Services	<u>\$21,936,000</u>
Personal Services:	
Merit System Board	(\$58,000)
Salaries and wages	(16,037,000)
Materials and Supplies	(619,000)
Services Other Than Personal	(3,648,000)
Maintenance and Fixed Charges ..	(270,000)
Special Purpose:	
Affirmative action and equal	
employment opportunity	
program	(69,000)
Microfilm service charges	(29,000)
Test validation/police	
testing	(564,000)
Pay equity specification	
study	(112,000)
Additions, Improvements and	
Equipment	(530,000)
Total Appropriation,	
Department of Personnel	<u>\$21,936,000</u>

Receipts derived from training services are appropriated.

The unexpended balance as of June 30, 1989 in the Revised automated placement system account is appropriated for the same purpose.

70 DEPARTMENT OF THE PUBLIC ADVOCATE
 70 *Government Direction, Management and Control*
 76 *Management and Administration*

99-8480 Management and Administrative Services		<u>\$1,932,000</u>
Total Appropriation, Management and Administration		<u>\$1,932,000</u>
Personal Services:		
Salaries and wages	(\$1,449,000)	
Materials and Supplies	(75,000)	
Services Other Than Personal	(189,000)	
Maintenance and Fixed Charges .	(53,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(63,000)	
Microfilming services	(67,000)	
Federal Energy Regulatory Commission hearings	(36,000)	

80 *Special Government Services*
 82 *Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$2,080,000
02-8320 Public Interest Advocacy	657,000
03-8330 Citizens' Complaints and Dispute Settlement	596,000
04-8410 Trial Services to Indigents and Special Programs	35,524,000
05-8420 Appellate Services to Indigents	6,380,000
06-8430 Public Defender Administration	783,000
07-8340 Rate Counsel	4,106,000

08-8350 Advocacy for the		
Developmentally Disabled		685,000
Total Appropriation, Protection		
of Citizens' Rights		<u>\$50,811,000</u>
Personal Services:		
Salaries and wages	(\$31,425,000)	
Positions established from		
lump sum appropriation	(1,813,000)	
Materials and Supplies	(768,000)	
Services Other Than Personal	(14,802,000)	
Maintenance and Fixed Charges .	(547,000)	
Special Purpose:		
Trial services to indigents		
and special programs	(900,000)	
Control—Rate Counsel	(368,000)	
Additions, Improvements and		
Equipment	(188,000)	
The unexpended balance as of June 30, 1989 in the Rate Counsel		
program classification together with any receipts in excess of the		
amount anticipated is appropriated.		
Receipts from clients and the unexpended balance as of June 30, 1989		
of such receipts are appropriated.		
The sum provided for legal and investigative services shall be avail-		
able for payment of obligations applicable to prior fiscal years.		
An amount not to exceed 20% of the departmental administrative		
costs are chargeable to the Rate Counsel program.		
The funds appropriated to the Department of the Public Advocate		
are available for expenses associated with the defense of pool		
attorneys hired by the Public Advocate for the representation		
of indigent clients.		
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.		
Total Appropriation,		
Department of the		
Public Advocate		<u>\$52,743,000</u>

74 DEPARTMENT OF STATE
 30 *Educational, Cultural and Intellectual Development*
 37 *Cultural and Intellectual Development Services*

05-2530 Support of the Arts	\$12,222,000
06-2535 Museum Services	3,086,000
07-2540 Development of Historical Resources	<u>971,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$16,279,000</u>
Personal Services:	
Salaries and wages	(\$2,630,000)
Positions established from lump sum appropriation	(223,000)
Materials and Supplies	(199,000)
Services Other Than Personal	(263,000)
Maintenance and Fixed Charges	(89,000)
Special Purpose:	
Council member expenses	(3,000)
Acquisition of art and historical objects	(700,000)
Walter Edge Foran Institute of American Studies at Morven	(250,000)
Grants:	
Cultural projects	(11,560,000)
Grants in New Jersey history	(325,000)
Additions, Improvements and Equipment	(37,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that those groups must demonstrate a Statewide benefit as a result of the grants.

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

There is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, a sum not to exceed \$200,000, subject to the approval of

the Director of the Division of Budget and Accounting, for costs attributable to planning and administering the cultural center development State grants.

Of the amount hereinabove for Cultural projects, 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.

The unexpended balance as of June 30, 1989 in the Flag restoration account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989, not to exceed \$75,000, in the Cultural projects account is appropriated for the audit of cultural projects.

The unexpended balance as of June 30, 1989 in the Constitutional Bicentennial Commission account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989 in the Afro-American curriculum program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989 in the Black Historic Sites Survey account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989 in the Local theatre restoration account not to exceed \$35,000, is appropriated.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration	\$2,020,000
08-2545 Records Management	1,506,000
09-2506 Commercial Recording	<u>1,646,000</u>
Total Appropriation, Office of the Secretary of State	<u>\$5,172,000</u>
Personal Services:	
Salaries and wages	(\$3,786,000)
Materials and Supplies	(190,000)
Services Other Than Personal	(531,000)
Maintenance and Fixed Charges .	(70,000)
Special Purpose:	
Voter registration	(275,000)

Voter declaration	(4,000)
Affirmative action and equal employment opportunity program	(34,000)
New Sweden Commemorative Commission	(12,000)
Records Storage Center staffing	(156,000)
Additions, Improvements and Equipment	(114,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1989 of those receipts are appropriated for the costs of making such examinations.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1989 are appropriated for the costs of over-the-counter corporate service.

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.

The unexpended balance as of June 30, 1989 in the Microfilm Section account shall lapse to the General Fund.

The unexpended balance in the Secretary of State Fund as of June 30, 1989, and notwithstanding the provisions of P.L.1987, c.435, receipts in excess of the amount anticipated from fees, are appropriated.

2515 Adjudication of Administrative Appeals

03-2515 Adjudication of Administrative Appeals	<u>\$7,824,000</u>
Total Appropriation, Adjudication of Administrative Appeals	<u>\$7,824,000</u>
Personal Services:	
Salaries and wages	(\$6,155,000)
Materials and Supplies	(240,000)
Services Other Than Personal	(1,262,000)
Maintenance and Fixed Charges .	(160,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(7,000)
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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.

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1989 of those receipts are appropriated.

The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for their share of such costs.

Total Appropriation, Department of State	<u>\$29,275,000</u>
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78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations	\$89,811,000
08-6120 Physical Plant and Support Services	6,602,000
71-6200 Transportation Systems Improvements	<u>54,431,000</u>
Total Appropriation, State Highway Facilities	<u>\$150,844,000</u>
Personal Services:	
Salaries and wages	(\$111,255,000)
Materials and Supplies	(10,539,000)
Services Other Than Personal	(5,799,000)
Maintenance and Fixed Charges	(14,902,000)
Special Purpose:	
Microfilm service charges	(76,000)
Additions, Improvements and Equipment	(8,273,000)

The unexpended balances as of June 30, 1989 in the accounts herein-
above are appropriated.

Receipts in excess of \$600,000 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.

The department shall be permitted to transfer, in an amount as approved by the Director of the Division of Budget and Accounting, funds previously appropriated for State highway projects, from the Transportation Rehabilitation and Improvement Fund, P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from the fund.

62 Public Transportation

04-6050 New Jersey Transit Corporation	
Bus Operations	\$280,100,000
Rail Operations	267,500,000
Corporate Operations	33,900,000
Hudson Waterfront	
Operations	2,500,000
Atlantic City Rail	6,800,000
Purchased Transportation	<u>22,100,000</u>
Total All Operations	<u>\$606,100,000</u>
<i>Less:</i>	
Federal Operating Assistance ...	(\$38,500,000)
Farebox Revenue	(339,000,000)
Other Resources	<u>(27,600,000)</u>
Total Income Deductions	<u>(\$405,100,000)</u>
Total Appropriation, Public	
Transportation	<u>\$201,000,000</u>
Personal Services:	
Salaries and wages	(\$380,300,000)
Materials and Supplies	(104,400,000)
Services Other Than Personal	(49,000,000)
Special Purpose:	
Purchased transportation	(22,100,000)
Leases and rentals	(5,600,000)
Insurance and claims	(24,200,000)
Tolls, taxes and operating	
expenses	(18,000,000)

Random drug tests and bus radios/farebox collection systems and rail safety	(2,500,000)
<i>Less:</i>	
<i>Federal Operating Assistance ...</i>	<i>(\$38,500,000)</i>
<i>Farebox Revenue</i>	<i>(339,000,000)</i>
<i>Other Resources</i>	<i>(27,600,000)</i>
<i>64 Planning and General Management Support</i>	
02-6030 Planning	\$1,968,000
03-6040 Research and Demonstration	493,000
05-6070 Access and Use Management	2,325,000
99-6000 Management and Administrative Services	17,183,000
Total Appropriation, Planning and General Management Support	<u>\$21,969,000</u>
Personal Services:	
Salaries and wages	(\$15,496,000)
Materials and Supplies	(415,000)
Services Other Than Personal	(3,403,000)
Maintenance and Fixed Charges .	(154,000)
Special Purpose:	
Comprehensive highway transportation planning studies	(21,000)
Public transportation and aviation planning	(158,000)
Metropolitan planning studies	(104,000)
Airport Safety Fund	(1,000,000)
Affirmative action and equal employment opportunity program	(892,000)
Additions, Improvements and Equipment	(326,000)
The unexpended balance as of June 30, 1989 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 fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1989 in the Planning and in the Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1989, 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.

Total Appropriation, Department of Transportation	<u>\$373,813,000</u>
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82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development and Security

52 Economic Regulation

01-4010 Financial Regulation	\$7,132,000
02-4020 Service Adequacy and Safety	4,722,000
04-4045 Regulation of Cable Television	868,000
99-4040 Management and Administrative Services	<u>1,906,000</u>
Total Appropriation, Economic Regulation	<u>\$14,628,000</u>
Personal Services:	
Salaries and wages	(\$13,104,000)
Materials and Supplies	(229,000)
Services Other Than Personal	(754,000)
Maintenance and Fixed Charges .	(148,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(45,000)
Additions, Improvements and Equipment	(348,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered as 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-1 et seq.) or other applicable laws with respect to assessment of public utilities or the cable television industry.

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, 1989 in the accounts hereinabove are appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

70 Government Direction, Management and Control

72 Governmental Review and Oversight

02-2010 Office of State	
Planning	\$2,193,000
03-2015 Employee Relations and	
Collective Negotiations	671,000
05-2030 Budgeting, Planning	
and Control	7,087,000
07-2040 Accounting and	
Financial Reporting	10,385,000
08-2045 Management of	
Technology	<u>1,955,000</u>
Total Appropriation,	
Governmental Review	
and Oversight	<u>\$22,291,000</u>
Personal Services:	
Salaries and wages	(\$13,645,000)
Materials and Supplies	(557,000)
Services Other Than Personal	(7,081,000)
Maintenance and Fixed Charges	(201,000)
Additions, Improvements and	
Equipment	(807,000)

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.

73 Financial Administration

13-2070 Special Procedures	
and Investigations	\$10,942,000
14-2075 Tax Audit Services	19,695,000

15-2080 Processing and Administration	46,033,000
16-2090 State Lottery Administration	20,228,000
18-2125 Financial Management ...	1,922,000
19-2120 Management of State Investments	<u>2,845,000</u>
Total Appropriation, Financial Administration	<u>\$101,665,000</u>
Personal Services:	
Salaries and wages	(\$58,698,000)
Materials and Supplies	(4,384,000)
Services Other Than Personal	(32,272,000)
Maintenance and Fixed Charges .	(2,447,000)
Additions, Improvements and Equipment	(3,864,000)

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.

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.

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 games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

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 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 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.

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.

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.

74 General Government Services

09-2050 Purchasing and Inventory Management	\$6,433,000
10-2055 Physical Plant Operation and Maintenance	27,620,000
11-2060 Other Property Management Services	2,708,000
12-2065 Construction Management Services	7,319,000
21-2140 Management of Employee Benefits Programs	20,122,000
24-2061 Real Property Management	459,000
37-2051 Risk Management	<u>2,225,000</u>
Total Appropriation, General Government Services	<u>\$66,886,000</u>
Personal Services:	
Salaries and wages	(\$34,854,000)
Materials and Supplies	(12,284,000)
Services Other Than Personal	(16,005,000)
Maintenance and Fixed Charges	(2,574,000)
Special Purpose:	
Gubernatorial transition—	
Governor	(95,000)
Gubernatorial transition—	
Governor-Elect	(275,000)
Additions, Improvements and Equipment	(799,000)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Construction Management Services 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.

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 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. Receipts from such charges, payable on a schedule to be determined by the Director of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

Receipts from employee maintenance charges in excess of \$1,300,000 are appropriated for maintenance of employee housing; provided however, that a sum not to exceed \$160,000 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.

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 for data processing costs 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 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.

A sum not to exceed \$175,000 from proceeds derived from commissions paid to the Travel services section is appropriated for administrative expenses of the program.

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.

The unexpended balances as of June 30, 1989 in the Networking of data centers account are appropriated for the same purpose.

There are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation, subject to the approval of the Director of the Division of Budget and Accounting.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1989, 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.

In addition to the amounts hereinabove for Gubernatorial transition—Governor and Gubernatorial transition—Governor-Elect, there are appropriated additional sums as shall be required, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

A sum of \$2,000,000 from the unexpended balances as of June 30, 1989 in the State Central Motor Pool account shall lapse to the General Fund.

A sum of \$4,000,000 from the unexpended balances as of June 30, 1989 in the central data processing centers revolving fund, Office of Telecommunications and Information Systems, shall lapse to the General Fund.

2000-301-43 Print Shop

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.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1989, in excess of \$400,000, are appropriated.

The 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).

76 Management and Administration

01-2005 Federal Liaison	
Activities	\$150,000
98-2006 Public Contracts	
Affirmative Action Office	813,000
99-2000 Management and	
Administrative Services	<u>5,039,000</u>
Total Appropriation,	
Management and	
Administration	<u>\$6,002,000</u>
Personal Services:	
Salaries and wages	(\$3,935,000)
Positions established from	
lump sum appropriation	(134,000)
Materials and Supplies	(143,000)
Services Other Than Personal	(556,000)
Maintenance and Fixed Charges .	(80,000)
Special Purpose:	
Federal Liaison Office—	
Washington, D.C.	(150,000)
Minority Opportunity	
Enhancement Fund	(1,000,000)
Additions, Improvements and	
Equipment	(4,000)

The unexpended balance in the Governor's Council on Alcoholism and Drug Abuse account as of June 30, 1989 is appropriated for the same purpose.

Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1989 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated out of the "Worker and Community Right to Know Fund" such sums as may be necessary to carry out the provisions of P.L.1983, c.315 (C.34:5A-1 et seq.).

The unexpended balances in the Minority Opportunity Enhancement Fund account as of June 30, 1989 are appropriated for the same purpose.

Total Appropriation, Department of the Treasury	<u>\$211,472,000</u>
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90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*

43 *Environmental Quality*

9130 *Interstate Sanitation Commission*

03-9130 Interstate Sanitation

Commission	<u>\$315,000</u>
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Total Appropriation,
Interstate Sanitation

Commission	<u>\$315,000</u>
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Special Purpose:

Expenses of Commission	(\$315,000)
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The amount available to the Interstate Sanitation Commission shall not exceed the amount that is appropriated for the contribution to the commission by the State of New York.

9140 *Delaware River Basin Commission*

02-9140 Delaware River Basin

Commission	<u>\$615,000</u>
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Total Appropriation,
Delaware River

Basin Commission	<u>\$615,000</u>
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Special Purpose:

Expenses of Commission	(\$615,000)
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*44 Hazardous and Toxic Pollution Control
9160 Northeast Interstate Low-Level Radioactive
Waste Commission*

10-9160 Northeast Interstate Low-Level Radioactive Waste Commission	<u>\$100,000</u>
Total Appropriation, Northeast Interstate Low-Level Radioactive Waste Commission	<u>\$100,000</u>
Special Purpose: Expenses of Commission	(\$100,000)

*70 Government Direction, Management and Control
72 Governmental Review and Oversight*

9150 New Jersey Commission on Capital Budgeting and Planning

08-9150 New Jersey Commission on Capital Budgeting and Planning	<u>\$227,000</u>
Total Appropriation, New Jersey Commission on Capital Budgeting and Planning	<u>\$227,000</u>
Special Purpose: Expenses of Commission	(\$227,000)
Total Appropriation, Miscellaneous Executive Commissions	<u>\$1,257,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS

*70 Government Direction, Management and Control
74 General Government Services*

9400 Property Rentals, Insurance and Other Services

01-9400 Property Rentals	\$131,000,000
02-9400 Insurance and Other Services	<u>18,811,000</u>
Total Appropriation, Property Rentals, Insurance and Other Services	<u>\$149,811,000</u>

Services Other Than Personal

Rent:

Buildings and grounds	(\$135,000,000)
Richard J. Hughes Justice Complex	(10,900,000)
New Jersey Building Authority	(13,100,000)

Less:

<i>Direct charges and charges to non-State fund sources</i>	<i>(\$28,000,000)</i>
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Insurance:

Property Insurance	(\$1,954,000)
Casualty Insurance	(748,000)
Special Insurance Policies	(109,000)

Special Purpose:

Tort Claims Liability Fund (N.J.S.59:12-1)	(5,000,000)
Workers' Compensation Self- Insurance Fund	(10,600,000)
Self-Insurance Deductible Fund	(400,000)

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 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 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 unexpended balance in excess of \$1,300,000 as of June 30, 1989 in the Excess liability insurance master policy account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989 in the Tort Claims Liability Fund account created by N.J.S.59:12-1 is appropriated for the same purpose.

To the extent that sums appropriated to pay Workers' Compensation claims 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 unexpended balance as of June 30, 1989 in the Workers' Compensation Self-Insurance Fund is appropriated for the same purpose.

The amounts hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 are available for the payment of direct costs of outside legal, investigative, and medical services related to the investigation and litigation of claims against the fund.

The unexpended balance as of June 30, 1989 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, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N.J.S.59:12-1 shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1989 in the Vehicle Claims Liability Fund, not to exceed \$2,500,000, is appropriated as a reserve for payment of vehicular and Division of Motor Vehicle Inspection Station premises and operations liability claims settlements and judgments, payment of vendored claims, in-

vestigative costs or for reallocation to departments based on loss experience.

The unexpended balance as of June 30, 1989, not to exceed \$4,500,000, in the Vehicle Claims Liability Fund is appropriated.

The unexpended balance as of June 30, 1989 in the Self-Insurance Deductible Fund account is appropriated for the same purpose.

The unexpended balance, not to exceed \$100,000, as of June 30, 1989 in the Self-Insurance Fund-foster parents account is appropriated for the same purpose.

The unexpended balance as of June 30, 1989 in the Rent: Buildings and grounds account, not to exceed \$2,000,000, is appropriated for the same purpose.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Advocate for the defense of indigents.

Of the amount hereinabove appropriated to the Property Rentals account, the payment to the City of Trenton for in lieu of tax payments shall not be less than the amount disbursed in calendar year 1987.

In addition to the sums hereinabove for Workers' Compensation Self-Insurance Fund, the Director of the Division of Budget and Accounting shall transfer or credit to the Workers' Compensation Self-Insurance Fund account a sum of \$5,400,000 from appropriations made for Rent-Central Motor Pool as determined by the director. This additional sum is appropriated for Workers' Compensation Self-Insurance Fund. In addition, the State Treasurer shall sell or otherwise dispose of vehicles owned by either the State Central Motor Pool pursuant to Executive Order No. 2 or the individual State departments.

In addition to the sums hereinabove for Rent: Buildings and grounds, the Director of the Division of Budget and Accounting shall transfer or credit to the Rent: Buildings and grounds account a sum of \$8,000,000 from the funds of the New Jersey Building Authority as determined by the director. This additional sum is appropriated for Rent: Buildings and grounds.

9410 Employee Benefits

03-9410 Employee Benefits		<u>\$857,814,000</u>
Total Appropriation,		
Employee Benefits		<u>\$857,814,000</u>
Special Purpose:		
Heath Act	(\$25,000)	
Veterans' Act	(95,000)	
Miscellaneous special acts	(12,000)	
Judicial Retirement System	(9,950,000)	
Prison Officers' Pension Fund ..	(2,733,000)	
Public Employees' Retirement		
System	(129,058,000)	
Social Security tax	(228,000,000)	
State Police Retirement		
System	(26,691,000)	
Dental care program,		
shared cost	(10,000,000)	
State employees' health		
benefits	(296,500,000)	
Prescription drug program	(26,800,000)	
Pension Adjustment Act	(37,407,000)	
Minimum Pension Benefit		
Act	(120,000)	
Employer contributions, alternate		
benefit program	(37,759,000)	
Pension and noncontributory		
group life insurance		
benefit payments to		
Teachers' Pension and		
Annuity Fund for higher		
education and State		
employee members	(4,254,000)	
Temporary disability		
insurance	(4,939,000)	
Police and Firemen's		
Retirement System		
(P.L.1979, c.109)	(20,796,000)	
Police and Firemen's		
Retirement System,		
P.L.1944, c.255		
(C.43:16A-1 et seq.)	(21,275,000)	
Vision care	(1,400,000)	

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 of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided further that this shall not apply to any widow 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.

Notwithstanding the provisions of any other law, the sum hereinabove for the Public Employees' Retirement System shall be paid to the system not later than June 30, 1990 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments computed from the period beginning July 1, 1989 through the date of such payment.

Such additional sums as may be required for Social Security tax, Unemployment compensation liability and/or 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.

The amount hereinabove for the Prescription drug program is based upon a co-payment of \$3.50 for each eligible non-generic prescription/refill and a co-payment of \$1.00 for each eligible generic prescription/refill.

Of the amount 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.

Any such interest as may be required to be paid on account of delayed payments to the various retirement systems is appropriated from investment earnings.

9420 State Contingency Fund

04-9420 State Contingency Fund .	<u>\$7,400,000</u>
Total Appropriation, State	
Contingency Fund	<u>\$7,400,000</u>

Special Purpose:

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)

Contingencies, including fuel,
food and services (1,500,000)

Telephone buyout (3,900,000)

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.

*9430 Salary and Other Benefits***05-9430 Salary and Other**

Benefits \$78,700,000

Total Appropriation, Salary
and Other Benefits \$78,700,000

Special Purpose:

Salary and benefits
increases (\$48,700,000)

Salary and benefits
increases—deferred cost
of prior contract (25,000,000)

Unused accumulated sick
leave payments (5,000,000)

The sums hereinabove appropriated to the various 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 de-
termine.

The State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay. The implementation of such rules and regulations shall be made effective at the beginning of the bi-weekly pay period nearest July 1, 1989 or thereafter as determined by such rules and regulations, with timely notification of such rules and regulations to the Joint Budget Oversight Committee or its successor.

Any sums appropriated for salaries 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 in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

In addition to the amount hereinabove for Unused accumulated sick leave payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

Notwithstanding the provisions of section 1 of P.L.1974, c.55 (C.52:14-15.107), as amended, the amounts appropriated to the various departments for salaries shall be available to provide for payment of such salaries to the heads of the principal Executive departments and the members of the Board of Public Utilities as the Governor shall fix and establish, but not to exceed \$95,000 for any individual.

No salary range or rate of pay shall be increased or paid in any State department, agency, commission or higher education institution without the approval of the Commissioner of Personnel and the Director of the Division of Budget and Accounting; provided however, that any sums appropriated to the several departments for salaries shall be made available for salary adjustments therein arising from various exigencies of the State service, including employees assigned to the senior executive service, as the Commissioner of Personnel and the Director of the Division of Budget and Accounting shall determine. Nothing herein shall be con-

strued as applicable to unclassified personnel of the Legislative Branch or the unclassified personnel of the Judicial Branch.

Total Appropriation, Inter- Departmental Accounts	<u>\$1,093,725,000</u>
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JUDICIAL BRANCH

98 THE JUDICIARY

10 *Public Safety and Criminal Justice*15 *Judicial Services*

01-9710 Supreme Court	\$3,307,000
02-9715 Superior Court— Appellate Division	9,194,000
03-9720 Civil Courts	20,659,000
04-9725 Criminal Courts	12,206,000
05-9730 Family Courts	9,163,000
06-9735 Municipal Courts	1,124,000
07-9740 Probation Services	4,913,000
08-9745 Court Reporting	9,867,000
09-9750 Legal and Professional Services	937,000
10-9755 Information Services	11,392,000
11-9760 Field Operations	2,016,000
12-9765 Management and Administration	<u>5,290,000</u>
Total Appropriation, Judicial Services	<u>\$90,068,000</u>
Personal Services:	
Chief Justice	(\$95,000)
Associate Justices	(558,000)
Judicial positions converted	(425,000)
Judges	(29,820,000)
Salaries and wages	(35,183,000)
Materials and Supplies	(2,470,000)
Services Other Than Personal	(8,638,000)
Maintenance and Fixed Charges .	(378,000)
Special Purpose:	
Child Placement Review Advisory Council	(75,000)
Juvenile Delinquency Commission	(425,000)
Public Defender eligibility review	(496,000)

Rules development	(255,000)
Criminal Disposition	
Commission	(225,000)
Child placement review	
boards	(380,000)
Affirmative action and equal	
employment opportunity	
program	(179,000)
Child support and paternity	
program (State share)	(755,000)
Alternative dispute	
resolution	(400,000)
Intensive supervision	
program	(2,984,000)
Computerized County Jail	
Information System	(101,000)
Speedy Trial Program,	
case processing	
improvement	(500,000)
Automobile arbitration	(600,000)
Grants:	
Family crisis intervention	(225,000)
Municipal court	
assistance	(553,000)
Community service	
program	(650,000)
Community probation	
supervision program	(207,000)
Additions, Improvements and	
Equipment	(3,491,000)
Total Appropriation,	
Judiciary	<u>\$90,068,000</u>

The unexpended balances as of June 30, 1989 in the accounts herein-above, with the exception of the County court takeover account, and with the exception of \$1,000,000 in remaining accounts as determined by the Director of the Administrative Office of the Courts, are appropriated.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee and the Board of Trial Attorney Certification and the Bar Admission Financial Committee are appropriated for services provided to those funds.

Notwithstanding the provisions of section 1 of P.L.1974, c.57 (C.2A:1A-6), the salaries of the following justices and judges are fixed and established as follows:

<i>Title</i>	<i>Salary</i>
Chief Justice of the Supreme Court	\$95,000
Associate Justice of the Supreme Court	93,000
Judge of the Superior Court, Appellate Division	90,000
Judge of the Superior Court, Assignment Judge	88,000
Judge of the Superior Court	85,000
Total Appropriation, Direct State Services	<u>\$5,040,304,000</u>

STATE AID

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT*50 Economic Planning, Development and Security**51 Economic Planning and Development—State Aid*

20-2800 Economic Development ...	<u>\$1,647,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,647,000</u>
State Aid:	
Property Tax Reserve Fund requirements, section 20 of P.L.1968, c.60 (C.12:11A-20)	(\$1,647,000)

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) and the "South Jersey Port Corporation Tax Reserve Fund" under section 20 of P.L.1968, c.60 (C.12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$1,647,000</u>
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-22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management—State Aid*

02-8020 Housing Services	\$26,000,000
04-8030 Local Government Services	185,359,000
06-8015 Uniform Construction Code	<u>46,000</u>
Total Appropriation, Community Development Management	<u>\$211,405,000</u>
State Aid:	
Revolving Housing Development and Demonstration Grant Fund	(\$500,000)
Relocation assistance	(600,000)
Neighborhood preservation	(3,000,000)
Neighborhood preservation—fair housing	(21,900,000)
Municipal aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)	(40,301,000)
Safe and Clean Programs:	
Neighborhoods Program	(25,890,000)
Expanded police services	(25,000,000)
Supplementary aid for fire services	(8,000,000)
Aid to distressed municipalities, P.L.1987, c.75 (C.52:27D-118.24 et seq.)	(70,000,000)
Payments to urban centers—	
Raze vacant buildings	(500,000)
Aid to depressed rural centers .	(518,000)
County welfare equalization	(15,000,000)
Tax collectors' training	(75,000)
Municipal finance officers' training	(75,000)
Municipal memberships in Building Codes Association ...	(46,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$300,000 may be used for administration and technical assistance of the program, and up to \$300,000 may be used for

matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$100,000 may be used for administration and technical assistance.

The unexpended balance as of June 30, 1989 in the Neighborhood preservation-fair housing 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 \$1,000,000 shall be used to provide technical assistance grants to nonprofit organizations for creating affordable housing opportunities.

The unexpended balance as of June 30, 1989 in Safe and Clean Programs: Neighborhoods program, Expanded police services, and Supplementary aid for fire services accounts are appropriated.

The unexpended balance as of June 30, 1989 in the Aid to distressed municipalities account is appropriated.

Notwithstanding the provisions of section 4 of P.L.1977, c.260 (C.52:27D-165), the amount hereinabove for Aid to depressed rural centers shall be distributed to each municipality which received such aid in any calendar year from 1980 to 1987 inclusive, and the amounts distributed to each municipality shall be equal to the greatest amount of aid received by it in any calendar year from 1980 to 1987 inclusive.

Notwithstanding the provisions of the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.), the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.).

Any receipts in excess of the amount anticipated in the Neighborhood preservation—fair housing account are appropriated.

Notwithstanding the provisions of the “County Welfare Per Capita Cost Limitation Act of 1981,” P.L.1981, c.60 (C.44:14-1 et seq.) to the contrary, funds distributed pursuant to that act shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

Notwithstanding the provisions of P.L.1979, c.118 (C.52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that any increase in assistance to any municipality be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the “Local Government Supervision Act (1947),” P.L.1947, c.151 (C.52:27BB-54 et seq.) are in effect, 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.

Of the amount appropriated for Aid to distressed municipalities pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.), not more than \$1,550,000 may be used for administration of the program.

The sum hereinabove appropriated for Aid to distressed municipalities may be made available to municipalities experiencing fiscal distress as determined pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) whether or not a municipality is an

“eligible municipality” as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26). A municipality which is eligible for assistance pursuant to this provision, but is not an “eligible municipality” as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26) may make application for assistance to the director and the board, describing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.), and any other information required by the director.

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.) to the contrary and upon approval of the Director of the Division of Local Government Services and the Local Finance Board in the Department of Community Affairs, any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an “eligible municipality” as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus but is restricted from appropriating and expending such surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate and expend an amount of such surplus approved by the director and the board as an exception to the spending limitations. Any determination approving the appropriation and expenditure of surplus as an exception to such spending limitations shall be based upon the municipality’s revenue needs for the current local budget year and its revenue raising capacity, the intended actions of the governing body of the municipality to meet the municipality’s revenue needs, the intended actions of the governing body to expand eligible municipal revenue generating capacity for subsequent local budget years, as well as the municipality’s ability to demonstrate the source and existence of sufficient surplus as would be prudent to appropriate as an exception to meet the operating expenses of the municipality for the current budget year, and the impact of utilization of surplus upon succeeding budgets of the municipality. This provision shall also apply to any county experiencing fiscal distress as a result of municipalities within that county qualifying for aid pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.) to the contrary, any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may expend municipal funds it appropriates for the local program funded from the Safe and Clean Program: Expanded police services account in accordance with P.L.1985, c.170 (C.52:27D-118.11 et seq.), in an amount not in excess of 25% of the total amount of State aid it receives from the Safe and Clean Program: Expanded police services account, as an exception to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

Any loan repayments made pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) are appropriated to the Aid to distressed municipalities account. The Director of the Division of Local Government Services may reallocate these funds for additional loans and grants pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding any provisions of "Local Budget Law," P.L.1960, c.169 (C.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 P.L.1987, c.75 (C.52:27D-118.24 et seq.), P.L.1988, c.47 or this act, whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), 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.

The unexpended balance as of June 30, 1989 in the Municipal aid account is appropriated; and further, notwithstanding the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), the Director of the Division of Local Government Services may reallocate the unexpended balance to any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26).

Notwithstanding any provisions of P.L.1968, c.129 (C.17:37A-1 et seq.) to the contrary, of the amount hereinabove for Aid to

distressed municipalities, a sum of \$50,000,000 is appropriated from the "New Jersey Insurance Development Fund" created pursuant to section 18 of P.L.1968, c.129 (C.17:37A-18).

Notwithstanding the provisions of sections 19, 20 and 21 of P.L.1968, c.129 (C.17:37A-19 through 17:37A-21) to the contrary, the amount appropriated hereinabove from the "New Jersey Insurance Development Fund" shall not be considered as any part of a reduction in the net value of the fund for the purpose of imposing a surcharge.

Notwithstanding the provisions of P.L.1985, c.379 and any installment agreement specified by the Local Finance Board pursuant thereto, the township of North Bergen shall make four annual payments of \$300,000 each during calendar years 1990, 1991, 1992 and 1993 in repayment of the loan made pursuant to P.L.1985, c.379; and provided further that in repayment of that loan the township of North Bergen shall also pay \$18,000 to the State on or before December 31, 1989, which shall be considered as a payment of 6% simple interest upon the \$300,000 loan principal repayment which would be otherwise due under the installment agreement for calendar year 1989.

50 Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050 Community Resources	\$2,000,000
08-8060 Programs for the Aging ..	<u>2,245,000</u>
Total Appropriation, Related Social Services Programs	<u>\$4,245,000</u>

State Aid:

New Jersey Volunteer Youth Corps	(\$2,000,000)
County offices on aging	(840,000)
Older Americans Act (State share)	(1,405,000)

The unexpended balance as of June 30, 1989 in the New Jersey Volunteer Youth Corps account is appropriated.

Total Appropriation, Department of Community Affairs	<u><u>\$215,650,000</u></u>
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34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

02-5120 Nonpublic School Aid	\$35,394,000
03-5120 Miscellaneous Grants-in-Aid	14,910,000
04-5064 Adult and Continuing Education	5,383,000
07-5065 Special Education	13,000,000
07-5120 Special Education	<u>28,724,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$97,411,000</u>
State Aid:	
Aid to nonpublic education	(\$6,465,000)
Nonpublic nutrition aid	(475,000)
Nonpublic handicapped aid	(9,631,000)
Nonpublic auxiliary services aid	(16,100,000)
Nonpublic auxiliary services aid—transportation	(1,805,000)
Nonpublic aid for asbestos	(918,000)
Emergency fund	(200,000)
Public School Safety Act	(2,500,000)
Minimum teacher starting salary	(4,527,000)
Aid for asbestos	(5,000,000)
Educational Information and Resource Center	(600,000)
Broad-based component—urban initiative	(2,083,000)
Evening school for the foreign born	(253,000)
High school equivalency	(1,463,000)
Adult education	(300,000)
Adult literacy	(1,231,000)
Urban dropout program	(2,136,000)
Projects for handicapped infants	(13,000,000)
County special services districts	(28,724,000)

The unexpended balance as of June 30, 1989 in the Aid for asbestos account, in excess of \$5,000,000, is appropriated for the same purpose.

Notwithstanding 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 those children in such private schools.

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.

In the event that sufficient funds are not appropriated to fully fund the provisions of N.J.S.18A:50-7, with respect to the State share of salaries for supervisors of adult education in local school districts, the Department of Education shall have the authority to prorate the entitlements based on the relationship between the percent of time a supervisor devotes to adult education and the maximum allowable State aid.

The sum hereinabove appropriated for Nonpublic aid for asbestos shall be expended for reimbursement to eligible nonpublic schools for asbestos removal or encapsulation, pursuant to a program which shall be established by the Department of Education in cooperation with the Department of Health. Reimbursements or payments shall be made in amounts equal to 75% of the actual cost of removal or encapsulation. Reimbursements or payments shall be allocated in the order in which applications are received by the commissioner, except that the applications of schools currently planning or undertaking asbestos removal or encapsulation shall be granted priority over the applications of schools that have completed or substantially completed projects.

The unexpended balance as of June 30, 1989 in the Nonpublic aid for asbestos account, in excess of \$1,000,000, is appropriated for the same purpose.

33 Supplemental Education and Training Programs—State Aid

20-5062 General Vocational	
Education Programs	<u>\$521,000</u>
Total Appropriation,	
Supplemental Education	
and Training Programs	<u>\$521,000</u>
State Aid:	
Schools of industrial	
education	(\$21,000)
Work-study program	(500,000)

34 Educational Support Services—State Aid

30-5063 General Academic	
Education	\$3,475,000
36-5120 Pupil Transportation	174,966,000
37-5120 School Nutrition	6,565,000
39-5095 Teachers' Pension and	
Annuity Assistance	<u>515,964,000</u>
Total Appropriation,	
Educational Support	
Services	<u>\$700,970,000</u>
State Aid:	
Prekindergarten for	
urban students	(\$2,500,000)
School improvement/	
effective schools	(500,000)
Alternative school program	
for disruptive students	(75,000)
Pupil transportation	(174,966,000)
State school lunch aid	(6,565,000)
Teachers' Pension and	
Annuity Fund	(515,894,000)
Intradistrict school choice	
program	(400,000)
Minimum pension for	
pre-1955 retirees	(70,000)

The amount appropriated hereinabove for the Pupil transportation account shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1987-1988 school year.

Of the amount hereinabove for the Pupil transportation account, an amount equal to the total earnings on investments of the school fund shall first be charged to the fund.

The unexpended balance as of June 30, 1989 in the School building aid debt service account is appropriated for the same purpose.

Notwithstanding the provisions of any other law, the sum hereinabove for the State contribution to the Teachers' Pension and Annuity Fund shall be paid to the fund not later than June 30, 1990 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1989 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account is available for the payment of such tax applicable to the prior fiscal year.

In addition to the sums hereinabove for Social Security tax payments, there are appropriated such additional sums as may be necessary to meet the Social Security tax payments, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services	<u>\$16,309,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$16,309,000</u>
State Aid:	
Per capita library aid	(\$9,325,000)
Emergency aid/incentive grants	(200,000)
Library construction incentive aid	(500,000)
Library network	(5,684,000)
Library development aid	(600,000)

The unexpended balance as of June 30, 1989 in the Library construction incentive aid account is appropriated for the same purpose.

Total Appropriation, Department of Education	<u>\$815,211,000</u>
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The unexpended balances as of June 30, 1989 in the State Aid accounts, not to exceed \$650,000, are appropriated.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments by utilizing the same method used in distributing general formula aid and school building aid in the 1988-89 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the commissioner 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.

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 *Community Development and Environmental Management*
42 *Natural Resource Management—State Aid*

There is appropriated from the "Shore Protection Fund" created pursuant to section 14 of the "Shore Protection Bond Act of 1983," P.L.1983, c.356, a sum, not to exceed \$500,000, for costs attributable to planning and administration of the shore protection program.

The unexpended balances as of June 30, 1989 in this account are appropriated.

43 Environmental Quality—State Aid

09-4860 Public Wastewater	
Facilities	<u>\$13,015,000</u>
Total Appropriation,	
Environmental Quality	<u>\$13,015,000</u>
State Aid:	
Sewage facility construction—	
Statewide	(13,015,000)

The unexpended balances as of June 30, 1989 in the Environmental Quality-State Aid accounts are appropriated, provided however, that the unexpended balance in the Sanitary Landfill Closure and Rate Relief Fund account shall lapse to the General Fund, and that the unexpended balance appropriated in the Implementation and demonstration grants to solid waste management districts account not exceed \$50,000 of which an amount not to exceed \$30,000 is allocated for purposes of auditing such grants.

44 Hazardous and Toxic Pollution Control—State Aid

The unexpended balance as of June 30, 1989 in this account is appropriated.

45 Recreational Resource Management—State Aid

21-4895 Navigational Aids	<u>\$3,000,000</u>
Total Appropriation,	
Recreational Resource	
Management	<u>\$3,000,000</u>
State Aid:	
Dredging of inland	
waterways—State aid to	
counties and municipalities,	
100% grant	(\$3,000,000)

The unexpended balance as of June 30, 1989 in this account is appropriated.

46 Environmental Planning and Administration—State Aid

99-4800 Management and	
Administrative Services	<u>\$5,504,000</u>
Total Appropriation,	
Environmental Planning	
and Administration	<u>\$5,504,000</u>

State Aid:

Payment of in lieu taxes	(\$976,000)
For administration, planning and development activities of the Pinelands Commission	(2,128,000)
County environmental health	(2,000,000)
Mosquito control, research, administration and operations	(400,000)

The unexpended balance as of June 30, 1989 in the Mosquito control, research, administration and operations account is appropriated and an amount not to exceed \$155,000 is available to the Department of Environmental Protection for the administration and coordination of such programs.

Receipts from fines and penalties in excess of those anticipated are appropriated for grants pursuant to the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) in an amount not to exceed \$4,000,000, and for grants to local environmental commissions in an amount not to exceed \$600,000, from the following programs: coastal resources, R.S.12:5-6; pesticides, section 10 of P.L.1971, c.176 (C.13:1F-10); radiation, section 13 of P.L.1956, c.116 (C.26:2D-13); toxic catastrophe prevention, section 12 of P.L.1985, c.403 (C.13:1K-30); water resources, section 10 of P.L.1977, c.74 (C.58:10A-10); solid waste, section 9 of P.L.1970, c.39 (C.13:1E-9); and hazardous waste, section 9 of P.L.1970, c.39 (C.13:1E-9).

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; and P.L.1983, c.354, and the unexpended balance as of June 30, 1989 of such receipts are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Total Appropriation, Department
of Environmental
Protection

\$21,519,000

46 DEPARTMENT OF HEALTH
 20 *Physical and Mental Health*
 21 *Health Services—State Aid*

02-4220 Community Health	
Services	<u>\$6,239,000</u>
Total Appropriation, Health	
Services	<u>\$6,239,000</u>
State Aid:	
Community health services	(\$6,239,000)
The capitation is set at 64.5 cents for the year ending June 30, 1990 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).	
Total Appropriation, Department of Health	<u>\$6,239,000</u>

50 DEPARTMENT OF HIGHER EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 36 *Higher Educational Services—State Aid*
 5400 *Office of the Chancellor*

06-5400 Aid to County	
Colleges	<u>\$109,317,000</u>
Total Appropriation, Office of the Chancellor	<u>\$109,317,000</u>
State Aid:	
Operational costs	(\$87,865,000)
Challenge grants	(2,800,000)
Debt service	(6,641,000)
Employer contributions— alternate benefit program	(10,665,000)
Computer proficiency programs	(504,000)
Technical engineering education	(542,000)
Southern New Jersey CIM Center—Special categorical allocation	(300,000)
Total Appropriation, Department of Higher Education	<u>\$109,317,000</u>

The unexpended balance as of June 30, 1989 in this account in excess of \$719,000, is appropriated.

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.

An amount not to exceed 4% of the total of the Challenge grants, Computer proficiency programs, and Technical engineering education accounts are appropriated for the administrative expenses of these programs.

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated January 26, 1989 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services—State Aid

7700 Division of Mental Health and Hospitals

08-7700 Community Services	<u>\$36,125,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$36,125,000</u>
State Aid:	
Support of patients in county mental hospitals	(\$36,125,000)

An amount not to exceed \$2,500,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

24 Special Health Services—State Aid

7540 Division of Medical Assistance and Health Services

22-7540 General Medical Services	<u>\$865,142,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$865,142,000</u>
State Aid:	
Provider fee increase	(\$8,400,000)

Payments for medical assistance recipients (State share)—	
Nursing homes	(314,476,000)
Payments for medical assistance recipients (State share)—	
Inpatient hospital	(265,640,000)
Payments for medical assistance recipients (State share)—	
Prescription drugs	(69,619,000)
Payments for medical assistance recipients (State share)—	
Outpatient hospital	(49,666,000)
Payments for medical assistance recipients (State share)—Physician	(27,281,000)
Payments for medical assistance recipients (State share)—	
Home health	(25,228,000)
Payments for medical assistance recipients (State share)—	
Medicare B payments	(14,626,000)
Payments for medical assistance recipients (State share)—Dental	(8,439,000)
Payments for medical assistance recipients (State share)—County	
psychiatric hospitals	(1,473,000)
Payments for medical assistance recipients (State share)—	
Medical supplies	(10,516,000)
Payments for medical assistance recipients (State share)—Clinic	(8,640,000)

Payments for medical assistance recipients (State share)—	
Transportation	(6,402,000)
Payments for medical assistance recipients (State share)—Other services	(44,918,000)
Medicaid expansion—SOBRA	(9,818,000)

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) during the fiscal year ending June 30, 1990 are appropriated.

The amounts hereinabove appropriated for payments for medical assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a federal financial participation rate of 48.47%; but 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.) to the contrary, the Medical Assistance to the Aged program is eliminated, except 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.

The unexpended balance as of June 30, 1989 of amounts appropriated from the General Fund for per diem Medicaid reimbursement rates for private skilled nursing and intermediate care facilities pursuant to section 5 of P.L.1989, c.18 is appropriated for the same purpose.

50 Economic Planning, Development and Security
53 Economic Assistance and Security—State Aid
7550 Division of Economic Assistance

15-7550 Income Maintenance		<u>\$238,506,000</u>
Total Appropriation, Division of Economic Assistance		<u>\$238,506,000</u>
State Aid:		
Payments to municipalities for cost of general assistance (State share)	(\$58,517,000)	
Payments for dependent children assistance, regular segment (State share)	(125,846,000)	
Payments for emergency assistance (State share)	(19,238,000)	
Payments for supplemental security income (State share)	(28,347,000)	
Payments for dependent children assistance, unemployment of father (State share)	(3,908,000)	
Payments for dependent children assistance, insufficient employment of parents (State share)	(2,650,000)	

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.44:10-1 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, 1990 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1990 are appropriated.

A portion of the amount hereinabove appropriated for Payments to municipalities for the cost of general assistance (State share) account, not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services,

for support costs related to the workfare program established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.). Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

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.

*55 Related Social Services Programs—State Aid
7570 Division of Youth and Family Services*

16-7570 Initial Response/	
Case Management	\$3,137,000
17-7570 Substitute Care	76,458,000
18-7570 General Social Services ...	18,640,000
Total Appropriation, Division of Youth and Family Services ...	<u>\$98,235,000</u>
State Aid:	
Initial response	(\$658,000)
Substitute family care	(24,880,000)
Residential placements—family services	(2,734,000)
Family support services	(18,640,000)
Maintenance to children residing in institutions	(48,844,000)
Juvenile-family crisis intervention units	(2,479,000)

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.), during the fiscal year ending June 30, 1990, are appropriated.

Of the amount hereinabove appropriated for Substitute family care, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; except that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove appropriated 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 first shall be approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	<u>\$1,238,008,000</u>
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74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*

37 *Cultural and Intellectual Development Services—State Aid*

06-2535 Museum Services	<u>\$1,720,000</u>
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Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,720,000</u>
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State Aid:

Operational grant for Newark Museum	(\$1,720,000)
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Total Appropriation, Department of State	<u>\$1,720,000</u>
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78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

62 *Public Transportation—State Aid*

The unexpended balance as of June 30, 1989 in this account is appropriated.

63 *Local Highway Facilities—State Aid*

80-6220 County and Municipal Aid for Lighting	<u>\$850,000</u>
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Total Appropriation, Local Highway Facilities	<u>\$850,000</u>
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State Aid:

County and municipal aid for lighting	(\$850,000)
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The unexpended balance as of June 30, 1989 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement 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.

Total Appropriation, Department of Transportation	<u>\$850,000</u>
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82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

72 Governmental Review and Oversight—State Aid

The unexpended balance in excess of \$250,000 as of June 30, 1989 in this account is appropriated.

75 State Subsidies and Financial Aid—State Aid

28-2077 County Boards of Taxation	\$956,000
29-2088 Locally Provided Services	19,081,000
30-2081 Railroad Property Taxes	809,000
31-2082 Business Personal Property Tax Replacement	158,704,000
35-2087 Consolidated Police and Firemen's Pension Fund	11,137,000
36-2081 Municipal Purposes Tax Assistance Fund	<u>30,000,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$220,687,000</u>
Personal Services: County Tax Board members (69)	(\$956,000)

State Aid:

Payments to municipalities for services to State- owned property	(18,356,000)
Payments to municipalities to replace property tax on business personalty	(158,704,000)
Pinelands Municipal Property Tax Stabilization Fund	(650,000)
Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program, P.L.1980, c.12 (C.54:1-46 et seq.)	(30,000,000)
Tuition payments for local assessors	(75,000)
State contribution to Consolidated Police and Firemen's Pension Fund	(11,137,000)
Payments to municipalities in lieu of railroad property tax pursuant to P.L.1941, c.291 (C.54:29A-1 et seq.)	(809,000)

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) and the "Business Personal Property Tax Act," P.L.1966, c.136 (C.54:11A-1 et seq.) shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided however, that 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.1941, c.291 (C.54:29A-1 et seq.), the sum hereinabove appropriated for payments to municipalities in lieu of railroad property tax shall be paid only to those

municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payment to the local taxing districts pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), and that the unexpended balance as of June 30, 1989 shall lapse.

The amount hereinabove appropriated for payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of section 22 of P.L.1981, c.211 (C.54:4-2.2e1).

Of the sum appropriated for payments to municipalities for services to State-owned property, \$7,993,200 shall be distributed on November 1, 1989 to qualified municipalities.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for services to State-owned property, the cities of Camden and Newark shall first receive payments for services for new prisons derived by applying 40% of the 1987 local purposes rate for the taxing district to the actual cost of construction of the facility.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for services to State-owned property, municipalities shall first receive payments for services to State Building Authority constructed facilities derived by applying 40% of the 1987 local purposes rate for the taxing districts to the actual cost of construction of the facility.

The unexpended balance as of June 30, 1989 in the Grants to counties from the State Planning Commission account is appropriated.

Notwithstanding the provisions of P.L.1981, c.190, P.L.1981, c.399, and section 22 of P.L.1981, c.211 (C.54:4-2.2e1), the city of Camden shall receive the full prorated share of the in lieu of tax payments in fiscal year 1990.

There is appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey State Firemen's Association under R.S.54:17-4.

The unexpended balance as of June 30, 1989 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.

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during calendar year 1989 shall be \$685,000,000 and the payments due in June, 1990 shall be limited to \$105,000,000; provided however, that amounts collected in excess of those sums shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of P.L.1987, c.51, there is appropriated, subject to the terms and conditions of the State Treasurer and the approval of the Director of the Division of Budget and Accounting, so much as may be required from the Salem Municipal Port Authority Assistance Fund created pursuant to P.L.1987, c.51, to prepay the outstanding bonded indebtedness of the City of Salem Municipal Port Authority, and such other amounts as may be required for reasonable expenses associated with the administration of the fund.

Total Appropriation, Department of the Treasury	<u>\$220,687,000</u>
Total Appropriation, State Aid	<u>\$2,630,848,000</u>

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 that county, municipality, or school district and transfer the same as payment for funds so withheld.

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 unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other law which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay to any municipality, on or before December

31, 1989, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1990. Such payment shall be made only upon written notification of the Director of the Division of Local Government Services in the Department of Community Affairs and the approval of the State Treasurer, not later than December 31, 1989, and shall be paid solely from funds hereinabove appropriated for distribution to that municipality for which a payment date falling on or after January 1, 1989 is fixed by law.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirement of the formula, each recipient of the State aid shall have its allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1989 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

50 Economic Planning, Development and Security

51 Economic Planning and Development

The unexpended balance as of June 30, 1989 in this department is appropriated.

20 DEPARTMENT OF COMMERCE, ENERGY

AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

2920 New Jersey Public Broadcasting Authority

50 Economic Planning, Development and Security

51 Economic Planning and Development

Capital Project:

New Jersey Science/

Technology Center at

Liberty State Park (\$5,000,000)

Total Appropriation,	
Department of Commerce,	
Energy and Economic	
Development	<u>\$5,000,000</u>

The unexpended balance as of June 30, 1989 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation

The unexpended balance as of June 30, 1989 in this department is appropriated.

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
5010 Division of Direct Services
5011 Marie H. Katzenbach School for the Deaf
35 Education Administration and Management
37 Cultural and Intellectual Development Services
5070 Division of State Library

The unexpended balance as of June 30, 1989 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management

There is appropriated from the Fish, Game and Wildlife Recreational Development, Fish, Game and Wildlife Renovation and Improvements, and Shore Protection accounts such sums as necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

43 Environmental Quality
44 Hazardous and Toxic Pollution Control

Capital Project:

Hazardous site mitigation-	
Statewide site cleanup	(\$50,000,000)

There is appropriated from the Hazardous site mitigation-Statewide site cleanup account such sums as necessary for costs attributable to planning, contracting, engineering, construction, inspection, laboratory, scientific and administrative services of the Hazardous waste site cleanup program, subject to the approval of the Director of the Division of Budget and Accounting.

There is further appropriated from the Hazardous site mitigation-Statewide site cleanup account such sums as necessary for the purpose of compelling potential responsible parties to clean up hazardous waste sites, and for State oversight and inspection of potential responsible party clean up of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for Hazardous site mitigation-Statewide site cleanup shall be credited to the "Hazardous Discharge Site Cleanup Fund" in accordance with P.L.1986, c.144.

45 Recreational Resource Management

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.

There is appropriated from the Development and State land acquisition accounts such sums as necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

45 Recreational Resource Management

4876 Palisades Interstate Park Commission

46 Environmental Planning and Administration

Total Appropriation,

Department of Environmental
Protection

\$50,000,000

The unexpended balance as of June 30, 1989 in this department is appropriated.

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

The unexpended balance as of June 30, 1989 in this department, in excess of \$102,000, is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION
30 *Educational, Cultural and Intellectual Development*
36 *Higher Educational Services*
5400 *Office of the Chancellor*
5494 *State College Construction*
5600 *Rutgers, The State University*
5630 *University of Medicine and Dentistry of New Jersey*
5640 *New Jersey Institute of Technology*

The unexpended balance as of June 30, 1989 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES
20 *Physical and Mental Health*
23 *Mental Health Services*
7700 *Division of Mental Health and Hospitals*
30 *Educational, Cultural and Intellectual Development*
32 *Operation and Support of Educational Institutions*
7600 *Division of Developmental Disabilities*
50 *Economic Planning, Development and Security*
55 *Related Social Services Programs*
7570 *Division of Youth and Family Services*
70 *Government Direction, Management and Control*
76 *Management and Administration*

The unexpended balance in excess of \$5,000,000 as of June 30, 1989 in this department is appropriated.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 *Public Safety and Criminal Justice*
11 *Vehicular Safety*
12 *Law Enforcement*
19 *Central Planning, Direction and Management*
80 *Special Government Services*
82 *Protection of Citizens' Rights*

The unexpended balance in excess of \$8,668,000 as of June 30, 1989 in this department is appropriated.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

*10 Public Safety and Criminal Justice**14 Military Services**80 Special Government Services**83 Services to Veterans**3640 Paramus Veterans' Memorial Home**3650 Vineland Veterans' Memorial Home**3660 Arnetown Veterans' Memorial Cemetery*

The unexpended balance as of June 30, 1989 in this department is appropriated.

74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services**70 Government Direction, Management and Control**74 General Government Services*

The unexpended balance as of June 30, 1989 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**61 State Highway Facilities*

Capital Project:

Transportation Trust

Fund Account (\$331,000,000)

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1989 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 be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, P.L.1984, c.73 and R.S.54:39-27 as amended by P.L.1987, c.460, from increases in fees charged for commercial motor vehicles, and from funds received or receivable from the various transportation-oriented authorities.

In addition to the amount hereinabove for State Highway Facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated

on behalf of State Highway Construction and Transportation Construction Engineering and be available for matching federal funds.

62 Public Transportation

Notwithstanding the "emergency transportation tax act," P.L.1961, c.32 (C.54:8A-1 et seq.), there is appropriated from the Transportation Fund established pursuant to section 20 of P.L.1961, c.32 (C.54:8A-20) an amount, as the Commissioner of Transportation shall determine with the approval of the Director of the Division of Budget and Accounting, not to exceed \$2,500,000, for personal services by contract or in lieu thereof, by New Jersey Transit Corporation employees for planning, engineering, design, research, construction, right-of-way acquisition, or other costs, directly related to projects of the New Jersey Transportation Trust Fund Authority.

Total Appropriation, Department of Transportation	<u>\$331,000,000</u>
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The unexpended balance as of June 30, 1989 in this department is appropriated, except that, notwithstanding the "emergency transportation tax act," P.L.1961, c.32 (C.54:8A-1 et seq.), the unexpended balance as of June 30, 1989 in excess of \$2,500,000 in the Transportation Fund established pursuant to section 20 of P.L.1961, c.32 (C.54:8A-20) shall lapse to the credit of the General Fund.

There are appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority the following amounts for the specific projects identified under the 18 general program headings as follows:

1. BRIDGES

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
1B	(1)	Eastbound over 12th St. viaduct, 14th St. & ELRR & Hoboken Ave. over Rte. 1B	Hudson	(\$300,000)
4		Bridges #0206- 154, 169, 177, 181	Bergen	(60,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
7	(3)	Over Passaic River	Bergen Hudson Essex	(60,000)
9	(5)	Over Bass River	Burlington	(100,000)
18	2G, 1L	Vicinity Rte. 1 to NJ Tpk. (structure over Lawrence Brook), remaining costs	Middlesex	(900,000)
23	(10)	Southbound over Rte. 46	Passaic	(60,000)
23	(2)	Over Paterson-Hamburg Tpk., Pequannock River, NYS&W RR	Morris Passaic	(152,000)
23	6J, 5C	Southbound over Pequannock River	Passaic Morris	(480,000)
27	3E	Over Six Mile Run	Middlesex	(60,000)
28	3F	Over I-287	Somerset	(251,000)
35	(8)	Over Shark River & N. Channel Shark River	Monmouth	(200,000)
44	1D	Over PRSL RR	Gloucester	(10,000)
45	(1)	Over Culliers Run, Mannington Creek, Fenwick Creek	Salem	(116,000)
46	(12)	Eastbound over Rte. 4 and ramps B & L	Bergen	(50,000)
46	7H	Over Lehigh-Hudson RR	Warren	(140,000)
46	(9)	Over Rockaway River, Blackwell St., Rte. 15 & CRR	Morris	(300,000)
46	4G	East of Welman St. to west of Water St. over Pequest River	Warren	(422,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
49	(2)	Over Salem River & Alloway Creek	Salem	(200,000)
71	1C	Over Deal Lake	Monmouth	(40,000)
130	2C	Over Oldmans Creek	Salem Gloucester	(55,000)
206	(6)	Over Stony Brook	Mercer	(100,000)
		Bridge inspection & rating	Various	(600,000)
		Miscellaneous	Various	(1,205,000)
		Fifth Ave. & Sixth Ave. over NJ TRANSIT	Essex	(20,000)
		Cregar Rd. over NJ TRANSIT	Hunterdon	(55,000)
		Bay St. over NJ TRANSIT	Essex	(290,000)
		Linden Ave. over NJ TRANSIT	Hudson	(465,000)
		Thirteenth St. over NJ TRANSIT	Essex	(20,000)
		Tuttle Parkway over NJ TRANSIT	Union	(443,000)
		Pine Hollow Rd. over NJ TRANSIT	Warren	(55,000)
		Various local bridge projects sponsored by the local jurisdiction	Various	(2,000,000)
2. CONSOLIDATED PRIMARY SYSTEM				
1&9	(5)C	Production Way to East Scott Ave.	Middlesex Union	(90,000)
24F	9E, 10H	I-287 to east of Columbia Tpk.	Morris	(17,900,000)
		Miscellaneous	Various	(1,250,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>3. DEMONSTRATION GRANT FUNDS</u>				
21F		Rte. 21F, Monroe St. to I-80	Passaic	(200,000)
70	(5)	Jack Martin Blvd. to Brielle Circle	Ocean Monmouth	(400,000)
<u>4. HAZARD ELIMINATION</u>				
3	2L	Rte. 46 to Broad St. & east of Main Ave. to Passaic River Bridge	Passaic	(170,000)
9	3K, 20G	Dugan Place to north of Church Rd.	Ocean	(57,000)
33	4D	Perrine Rd. intersection	Monmouth Middlesex	(30,000)
35	7E	Rte. 70 & 34 circle to north of Lakewood Rd.	Monmouth	(22,000)
35	8K	Vicinity of Kaness Lane to Rosewood Terrace	Monmouth	(90,000)
130	(3)	South of Jackson St. to north of Hartford Rd.	Burlington	(20,000)
		Miscellaneous	Various	(100,000)
<u>5. INTERSTATE DEDESIGNATION</u>				
1	5E, 6S	Vicinity Adams/ Cozzens Lane to Rte. 130 including Northeast Corridor Bridge	Middlesex	(1,308,000)
129	10A, 11A	Hamilton Ave. to Rte. 29	Mercer	(3,315,000)
522	(3)	CR 522, South Brunswick	Middlesex	(3,150,000)
		Local Interstate Dedesignation	Various	(750,000)
		Miscellaneous	Various	(450,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>6. INTERSTATE DEDESIGNATION DISCRETIONARY</u>				
1	3H	Scudders Mill Rd. interchange	Middlesex	(1,800,000)
1	5E, 6S	Vicinity Adams/ Cozzens Lane to Rte. 130 including Northeast Corridor Bridge	Middlesex	(265,000)
<u>7. INTERSTATE HIGHWAYS</u>				
295	(3)	Repaupo Rd. to Delaware St.	Gloucester	(220,000)
295	5F, 7A	Rte. 130 to Crosswicks Creek	Burlington	(4,690,000)
		Miscellaneous	Mercer Various	(400,000)
<u>8. INTERSTATE 4R</u>				
78	(10)	Truck weigh station eastbound	Warren	(120,000)
78	(11)	Truck weigh station westbound	Somerset	(29,000)
80	(1)	I-80, 280, 287, Rte. 46, Mountain Lakes to New Rd., corridor improvement study	Morris	(150,000)
80	(5)	Passaic River Bridge to east of Teaneck Rd., on I-95 from I-80 interchange to Rte. 46 interchange	Bergen	(187,000)
80	(6)	Truck weigh station westbound	Morris	(240,000)
80	5A1	East of GSP viaduct to west of Saddle River Road	Bergen	(470,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
95	1AS	Approaches to George Washington Bridge	Bergen	(125,000)
280	1G, 2H	I-80 to Eisenhower Parkway interchange	Morris	(400,000)
287	(8)	Rte. 24 to I-80	Morris	(55,000)
287	5S, 4N	Rte. 22 to I-78 widening	Somerset	(30,000)
287	6M	Ramp revisions at I-287 southbound at Rte. 202-206	Somerset	(160,000)
295	(2)	Truck weigh station northbound	Salem	(7,000)
295/48	1AN, 1B	Interchange with Rte. 48, ramp additions	Salem	(100,000)
		Miscellaneous	Various	(138,000)
<u>9. RAIL HIGHWAY</u>				
		Rail Highway Crossing Projects	Various	(350,000)
<u>10. RURAL SECONDARY</u>				
		Local Rural Secondary	Various	(1,500,000)
<u>11. STATE</u>				
1&9	(5)A	Green St. to Inman Ave.	Middlesex	(1,100,000)
1&9	(5)B	Pierson Ave. to south of Green St.	Middlesex	(400,000)
1&9	6H, 7C	Tonnele Ave. to Rte. 3 (completion of EIS)	Hudson	(500,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
1&9T	1W	Interim repairs to structure over St. Pauls Ave.	Hudson	(500,000)
3	2K	Alwood road ramps (DOT share)	Passaic	(387,000)
5	1G	Ray Ave. to River Rd.	Bergen	(242,000)
9	25J, 4J	Interchange at Ernston Rd.	Middlesex	(3,400,000)
17	7F, 6K	Houvenkopf Rd. to Franklin Tpk., safety improvements	Bergen	(304,000)
18		Traffic surveillance and control system	Middlesex	(1,753,000)
18	2G, 1L	Vicinity Rte. 1 to NJ Tpk., remaining costs	Middlesex	(3,041,000)
18F		Rte. 38 to Brielle Circle, EIS	Monmouth	(1,000,000)
21F	4L, 6H	Access ramp to resource recovery plant	Passaic	(4,868,000)
22	8F	Intersection at Readington Rd. and Orr Dr.	Somerset	(2,344,000)
28	7E	Interchange with GSP	Union	(1,410,000)
30/130 & 30	1J & 13D	Dwight Ave. to Cooper River & Dwight Ave. to Park Ave.	Camden	(2,500,000)
31	3B	Intersection improvement at relocated Main St.	Mercer	(550,000)
38	(3)	Mt. Laurel-Moorestown Rd. to I-295 ramp (developer construction)	Burlington	(1,000,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
40/322	2F	Pine View Ave. to GSP	Atlantic	(250,000)
45	(2)	Over Majors Run	Salem	(300,000)
46	2F	Safety improvements at Rte. 46 & CR 519	Warren	(350,000)
47	15C	Culvert repair at Bees Branch Bridge	Gloucester	(210,000)
47	5A	Intersection improvement at CR 670	Cape May	(750,000)
47	6A, 7A, 8D	MP 31.8 to 34.8 (CR 670 to Rte. 55) resurfacing, intersection improvements	Cumberland	(2,100,000)
70	1K, 2H	Rte. 38 to Rte. 73	Camden Burlington	(538,000)
72	6B	East of Barnacle Dr. to west of Mill Creek, widening at Nautilus Dr.	Ocean	(1,222,000)
80	10H, 5AP, 11J	Interim bridge deck repair, Passaic River Bridge to east of Teaneck Rd.	Bergen	(8,500,000)
92F		From Rte. 1 to Rte. 206	Middlesex	(1,870,000)
94	9B, 10A	Interchange at CR 515	Sussex	(450,000)
129	10A, 11A	Hamilton Ave. to Rte. 29F	Mercer	(13,900,000)
130		Closing of median opening & construction of left turn slot	Burlington	(375,000)
130/ 206	1H, 9F	Culvert at Mile Hollow Bridge	Burlington	(209,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
206	27D	Jughandle at S. Broad & Oldfield Ave.	Mercer	(340,000)
208	3P	North of Harristown Rd. to Fairlawn Ave., third lane	Bergen	(7,896,000)
287	2M	South Randolphville Rd. interchange	Middlesex	(800,000)
287	(6)	Access improvements, Piscataway	Middlesex	(300,000)
295	10J	Rebuild embankment, Little Timber Creek	Camden	(150,000)
295	5F, 7A	Rte. 130 to Crosswicks Creek	Mercer Burlington	(4,400,000)
522		Wetlands mitigation	Middlesex	(3,000,000)
		Traffic signal contract 12 (Rte. 9)	Various	(450,000)
		Park & Ride development	Various	(100,000)
		TMA (Transportation Management Association)	Various	(1,000,000)
		Corridor studies and project development	Various	(500,000)
		Betterments	Various	(28,200,000)
		NJPDES	Various	(500,000)
		Hazardous Emergency Fund		
		Cultural resources archeology/ architecture fund	Various	(500,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
		General wetlands replacement	Various	(500,000)
		Hazardous generic-debit/credit lab fees with DEP	Various	(500,000)
		Physical plant/rail freight	Various	(8,000,000)
		Non-participating	Various	(12,000,000)
		Miscellaneous	Various	(11,266,000)
		Statewide bridge painting	Various	(10,000,000)
		Traffic signal construction	Various	(5,000,000)
<u>12. STATE AID</u>				
		State Aid in lieu of federal urban system funds	Various	(35,000,000)
		Municipal Aid	Various	(30,000,000)
<u>13. URBAN SYSTEM</u>				
19F	2M	I-80 interchange and connector to Paterson CBD	Passaic	(7,750,000)
56/77	1A, 1D	At Cornwell Dr., Burlington Rd. & Rte. 77 & Landis Ave.	Cumberland	(140,000)
		Miscellaneous	Various	(1,250,000)
<u>14. VARIOUS FEDERAL SYSTEMS</u>				
<u>Description</u>			<u>County</u>	<u>Amount</u>
State force training			Various	(188,000)
<u>15. RAIL</u>				
● Rail Infrastructure			Various	
Track Rehabilitation				(6,760,000)
Rehabilitate bridges				(2,420,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
		Signals and Communications		(2,100,000)
		Rehabilitation/Replacement		
		Electric Traction System Upgrade		(380,000)
		Centralized Traffic Control		(1,020,000)
		Improvements on the Northeast		
		Corridor Lines		
		Support Facilities/Equipment		(12,970,000)
●	Rail Rolling Stock		Various	
	Purchase Electric Locomotives			(8,800,000)
	Overhaul/Replace Diesel			(4,800,000)
	Locomotives			
	Associated Capital Maintenance			(550,000)
	(spare parts)			
	Bombardier Lease Payment			(9,500,000)
	(for existing coaches)			
●	Passenger Facilities		Various	
	Existing Stations and Associated			(3,680,000)
	Parking			
	New Stations and Associated			(270,000)
	Parking			
●	Rail New Initiatives		Various	
	Northeast Corridor Improvements			(1,000,000)
	Boonton/Montclair Alternatives			(300,000)
	Design/Environmental Studies			
<u>16. BUS</u>				
●	Bus Maintenance Facilities and Support Equipment			
	Wayne Bus Facility Design	Passaic		(6,100,000)
	and Construction			
	Big Tree (Nutley) Bus Facility	Essex		(600,000)
	Design			
	Property Acquisition/Preliminary	Atlantic		(2,410,000)
	Engineering for a New			
	Bus Maintenance Facility			
	in Atlantic City			
	Support Facilities/Equipment	Various		(7,860,000)
	Improvements			
●	Bus Passenger Facilities			
	Passenger Support	Various		(330,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>17. WATERFRONT</u>				
		Local Bus Preferential Treatments	Various	(1,000,000)
<u>18. MISCELLANEOUS TRANSIT</u>				
		Property Lease Payments		(1,250,000)
		Special Services Match for Federal Elderly and Disabled Transportation Service Grants		(250,000)
		Management Information System Upgrade		(200,000)
		Private Carrier Capital Improvement Program		(200,000)
		Claims Settlement/Contract Closeouts		(14,250,000)

The unexpended balances as of June 30, 1989 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

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 by specific project identified in this act, the commissioner 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 shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different general program headings. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to transfer funds among projects within different general program headings to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor is 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.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 74 *General Government Services*
 76 *Management and Administration*

The unexpended balances as of June 30, 1989 in this department are appropriated, except that only such balances in excess of \$5,000,000 in the General Government Services-Interior planning and renovations account, and such balances in excess of \$1,000,000 in the General Government Services-Capital replacement account are appropriated.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS
 40 *Community Development and Environmental Management*
 43 *Environmental Quality*
 9140 *Delaware River Basin Commission*

The unexpended balance as of June 30, 1989 in this account is appropriated.

70 *Government Direction, Management and Control*
 72 *Governmental Review and Oversight*
 9150 *New Jersey Commission on Capital Budgeting and Planning*

The unexpended balance as of June 30, 1989 in the New Jersey Commission on Capital Budgeting and Planning account shall lapse to the General Fund.

Total Appropriation,	
Capital Construction	<u>\$386,000,000</u>

Funds derived from the sale 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 for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE
 10 DEPARTMENT OF AGRICULTURE
 70 *Government Direction, Management and Control*
 76 *Management and Administration*

99-3370 Interest on Bonds	\$562,000
99-3370 Bond Redemption	<u>650,000</u>

Total Appropriation,		
Department of Agriculture		<u>\$1,212,000</u>
Special Purpose:		
Interest:		
Farmland Preservation Bonds		
(P.L.1981, c.276)	(\$562,000)	
Redemption:		
Farmland Preservation Bonds		
(P.L.1981, c.276)	(650,000)	

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT

30 *Educational, Cultural and Intellectual Development*
37 *Cultural and Intellectual Development Services*

99-2920 Interest on Bonds		\$152,000
99-2920 Bond Redemption		<u>260,000</u>
Total Appropriation,		
Cultural and Intellectual		
Development Services		<u>\$412,000</u>
Special Purpose:		
Interest:		
Public Buildings		
Construction Bonds		
(P.L.1968, c.128)	(\$152,000)	
Redemption:		
Public Buildings		
Construction Bonds		
(P.L.1968, c.128)	(260,000)	

50 *Economic Planning, Development and Security*
51 *Economic Planning and Development*

99-2910 Interest on Bonds		\$3,224,000
99-2910 Bond Redemption		<u>2,247,000</u>
Total Appropriation,		
Economic Planning		
and Development		<u>\$5,471,000</u>
Special Purpose:		
Interest:		
Energy Conservation Bonds		
(P.L.1980, c.68)	(\$1,419,000)	

Community Development Bonds (P.L.1981, c.486)	(1,464,000)	
Community Development Refunding Bonds (P.L.1985, c.74)	(341,000)	
Redemption:		
Energy Conservation Bonds (P.L.1980, c.68)	(1,035,000)	
Community Development Bonds (P.L.1981, c.486)	(1,130,000)	
Community Development Refunding Bonds (P.L.1985, c.74)	(82,000)	
Total Appropriation, Department of Commerce, Energy and Economic Development		<u>\$5,883,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS
70 *Government Direction, Management and Control*
76 *Management and Administration*

99-8070 Interest on Bonds	\$1,294,000
99-8070 Bond Redemption	<u>1,682,000</u>
Total Appropriation, Department of Community Affairs	<u>\$2,976,000</u>

Special Purpose:

Interest:

State Housing Assistance Bonds (P.L.1968, c.127)	(\$185,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(791,000)
State Mortgage Assistance Refunding Bonds (P.L.1985, c.74)	(318,000)
Redemption:	
State Housing Assistance Bonds (P.L.1968, c.127)	(500,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(850,000)
State Mortgage Assistance Refunding Bonds (P.L.1985, c.74)	(332,000)

New Jersey State Library

26 DEPARTMENT OF CORRECTIONS
 10 *Public Safety and Criminal Justice*
 19 *Central Planning, Direction and Management*

99-7000 Interest on Bonds	\$19,331,000
99-7000 Bond Redemption	<u>14,634,000</u>
Total Appropriation, Department of Corrections	<u>\$33,965,000</u>
Special Purpose:	
Interest:	
State Institution	
Construction Bonds	
(P.L.1960, c.156)	(\$16,000)
Public Buildings	
Construction Bonds	
(P.L.1968, c.128)	(428,000)
Institutions Construction Bonds	
(P.L.1976, c.93)	(1,340,000)
Institutional Construction Bonds	
(P.L.1978, c.79)	(564,000)
Public Purpose Buildings	
Construction Bonds	
(P.L.1980, c.119)	(2,876,000)
Correctional Facilities	
Construction Bonds	
(P.L.1982, c.120)	(10,131,000)
Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(690,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(1,137,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L.1985, c.74)	(785,000)
Correctional Facilities	
Construction Refunding Bonds	
(P.L.1985, c.74)	(1,364,000)
Redemption:	
State Institution	
Construction Bonds	
(P.L.1960, c.156)	(188,000)

Public Buildings	
Construction Bonds	
(P.L.1968, c.128)	(736,000)
Institutions Construction Bonds	
(P.L.1976, c.93)	(1,712,000)
Institutional Construction Bonds	
(P.L.1978, c.79)	(833,000)
Public Purpose Buildings	
Construction Bonds	
(P.L.1980, c.119)	(3,173,000)
Correctional Facilities	
Construction Bonds	
(P.L.1982, c.120)	(5,430,000)
Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(648,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(1,075,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L.1985, c.74)	(511,000)
Correctional Facilities	
Construction Refunding Bonds	
(P.L.1985, c.74)	(328,000)

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*35 *Education Administration and Management*

99-5095 Interest on Bonds	\$984,000
99-5095 Bond Redemption	<u>1,868,000</u>
Total Appropriation, Department of Education	<u>\$2,852,000</u>
Special Purpose:	
Interest:	
Public Buildings	
Construction Bonds	
(P.L.1968, c.128)	(\$554,000)
State Facilities for the Handicapped Bonds	
(P.L.1973, c.149)	(60,000)

Institutional Construction Bonds	
(P.L.1978, c.79)	(123,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(247,000)
Redemption:	
Public Buildings	
Construction Bonds	
(P.L.1968, c.128)	(954,000)
State Facilities for the	
Handicapped Bonds	
(P.L.1973, c.149)	(500,000)
Institutional Construction Bonds	
(P.L.1978, c.79)	(181,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(233,000)

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*46 *Environmental Planning and Administration*

99-4800 Interest on Bonds	\$58,243,000
99-4800 Bond Redemption	<u>66,774,000</u>
Total Appropriation,	
Department of Environmental	
Protection	<u>\$125,017,000</u>
Special Purpose:	
Interest:	

State Recreation and Conservation	
Land Acquisition Bonds	
(P.L.1961, c.46)	(\$84,000)
Water Conservation Bonds	
(P.L.1969, c.127)	(4,651,000)
State Recreation and Conservation	
Land Acquisition Bonds	
(P.L.1971, c.165)	(1,760,000)
State Recreation and Conservation	
Land Acquisition and	
Development Bonds	
(P.L.1974, c.102)	(4,858,000)
Clean Waters Bonds	
(P.L.1976, c.92)	(4,585,000)

Beaches and Harbors Bonds (P.L.1977, c.208)	(1,133,000)
Emergency Flood Control Bonds (P.L.1978, c.78)	(448,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(4,321,000)
Natural Resources Bonds (P.L.1980, c.70)	(4,473,000)
Water Supply Bonds (P.L.1981, c.261)	(8,809,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(2,854,000)
Shore Protection Bonds (P.L.1983, c.356)	(2,421,000)
Water Conservation Refunding Bonds (P.L.1985, c.74)	(341,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(3,774,000)
Clean Waters Refunding Bonds (P.L.1985, c.74)	(228,000)
Beaches and Harbors Refunding Bonds (P.L.1985, c.74)	(455,000)
Emergency Flood Control Refunding Bonds (P.L.1985, c.74)	(228,000)
State Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(4,904,000)
Natural Resources Refunding Bonds (P.L.1985, c.74)	(1,023,000)
Water Supply Refunding Bonds (P.L.1985, c.74)	(758,000)
1983 New Jersey Green Acres Refunding Bonds (P.L.1985, c.74)	(455,000)

Shore Protection Refunding Bonds (P.L.1985, c.74)	(228,000)
Wastewater Treatment Bonds (P.L.1985, c.329)	(5,452,000)
Redemption:	
State Recreation and Conservation Land Acquisition Bonds (P.L.1961, c.46)	(1,000,000)
Water Conservation Bonds (P.L.1969, c.127)	(12,235,000)
State Recreation and Conservation Land Acquisition Bonds (P.L.1971, c.165)	(5,330,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102)	(7,330,000)
Clean Waters Bonds (P.L.1976, c.92)	(5,780,000)
Beaches and Harbors Bonds (P.L.1977, c.208)	(1,805,000)
Emergency Flood Control Bonds (P.L.1978, c.78)	(650,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(4,750,000)
Natural Resources Bonds (P.L.1980, c.70)	(5,240,000)
Water Supply Bonds (P.L.1981, c.261)	(5,536,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(2,505,000)
Shore Protection Bonds (P.L.1983, c.356)	(1,580,000)
Water Conservation Refunding Bonds (P.L.1985, c.74)	(82,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(3,584,000)

Clean Waters Refunding Bonds	
(P.L.1985, c.74)	(55,000)
Beaches and Harbors	
Refunding Bonds	
(P.L.1985, c.74)	(110,000)
Emergency Flood Control	
Refunding Bonds	
(P.L.1985, c.74)	(55,000)
State Land Acquisition and	
Development Refunding Bonds	
(P.L.1985, c.74)	(4,250,000)
Natural Resources	
Refunding Bonds	
(P.L.1985, c.74)	(246,000)
Water Supply Refunding Bonds	
(P.L.1985, c.74)	(336,000)
1983 New Jersey Green Acres	
Refunding Bonds	
(P.L.1985, c.74)	(110,000)
Shore Protection Refunding Bonds	
(P.L.1985, c.74)	(55,000)
Wastewater Treatment Bonds	
(P.L.1985, c.329)	(4,150,000)

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*25 *Health Administration*

99-4210 Interest on Bonds	\$27,000
99-4210 Bond Redemption	<u>45,000</u>
Total Appropriation, Department	
of Health	<u>\$72,000</u>
Special Purpose:	
Interest:	
Public Buildings	
Construction Bonds	
(P.L.1968, c.128)	(\$27,000)
Redemption:	
Public Buildings	
Construction Bonds	
(P.L.1968, c.128)	(45,000)

50 DEPARTMENT OF HIGHER EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 36 *Higher Educational Services*

99-5400 Interest on Bonds	\$14,741,000
99-5400 Bond Redemption	<u>22,895,000</u>
Total Appropriation, Department of Higher Education	<u>\$37,636,000</u>
Special Purpose:	
Interest:	
Public Buildings	
Construction Bonds (P.L.1968, c.128)	(\$4,079,000)
Higher Education	
Construction Bonds (P.L.1971, c.164)	(3,124,000)
Medical Education	
Facilities Bonds (P.L.1977, c.235)	(4,290,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(3,248,000)
Redemption:	
Public Buildings	
Construction Bonds (P.L.1968, c.128)	(7,020,000)
Higher Education	
Construction Bonds (P.L.1971, c.164)	(9,700,000)
Medical Education	
Facilities Bonds (P.L.1977, c.235)	(4,000,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(2,175,000)

54 DEPARTMENT OF HUMAN SERVICES
 70 *Government Direction, Management and Control*
 76 *Management and Administration*

99-7500 Interest on Bonds	\$13,009,000
99-7500 Bond Redemption	<u>14,813,000</u>

Total Appropriation, Department of Human Services		<u>\$27,822,000</u>
Special Purpose:		
Interest:		
State Institution		
Construction Bonds		
(P.L.1960, c.156)	(\$27,000)	
Public Buildings		
Construction Bonds		
(P.L.1968, c.128)	(1,561,000)	
Institutions Construction Bonds		
(P.L.1976, c.93)	(1,243,000)	
Institutional Construction Bonds		
(P.L.1978, c.79)	(1,108,000)	
Public Purpose Buildings		
Construction Bonds		
(P.L.1980, c.119)	(3,948,000)	
Human Services Facilities		
Construction Bonds		
(P.L.1984, c.157)	(1,170,000)	
Institutions Construction		
Refunding Bonds		
(P.L.1985, c.74)	(640,000)	
Institutional Construction		
Refunding Bonds		
(P.L.1985, c.74)	(2,235,000)	
Public Purpose Buildings		
Construction Refunding Bonds		
(P.L.1985, c.74)	(1,077,000)	
Redemption:		
State Institution		
Construction Bonds		
(P.L.1960, c.156)	(313,000)	
Public Buildings		
Construction Bonds		
(P.L.1968, c.128)	(2,687,000)	
Institutions Construction Bonds		
(P.L.1976, c.93)	(1,589,000)	
Institutional Construction Bonds		
(P.L.1978, c.79)	(1,638,000)	
Public Purpose Buildings		
Construction Bonds		
(P.L.1980, c.119)	(4,358,000)	

Human Services Facilities	
Construction Bonds	
(P.L.1984, c.157)	(810,000)
Institutions Construction	
Refunding Bonds	
(P.L.1985, c.74)	(601,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(2,115,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L.1985, c.74)	(702,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**19 Central Planning, Direction and Management*

99-1050 Interest on Bonds	\$256,000
99-1050 Bond Redemption	287,000
Total Appropriation, Department of Law and Public Safety	<u>\$543,000</u>

Special Purpose:

Interest:

Institutional Construction Bonds	
(P.L.1978, c.79)	(\$85,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(171,000)

Redemption:

Institutional Construction Bonds	
(P.L.1978, c.79)	(125,000)
Institutional Construction	
Refunding Bonds	
(P.L.1985, c.74)	(162,000)

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**64 Planning and General Management Support**61 State Highway Facilities*

99-6000 Interest on Bonds	\$34,344,000
99-6000 Bond Redemption	40,631,000
Total Appropriation, State Highway Facilities	<u>\$74,975,000</u>

Special Purpose:

Interest:

Highway Improvement and Grade Crossing Elimination Bonds (P.L.1930, c.228)	(\$7,000)
State Transportation Bonds (P.L.1968, c.126)	(9,019,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(13,483,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(5,799,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(5,467,000)
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(569,000)

Redemption:

Highway Improvement and Grade Crossing Elimination Bonds (P.L.1930, c.228)	(275,000)
State Transportation Bonds (P.L.1968, c.126)	(18,636,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(12,288,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(4,660,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(4,635,000)
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(137,000)

62 Public Transportation

99-6000 Interest on Bonds \$12,971,000

99-6000 Bond Redemption	16,337,000
Total Appropriation, Public	
Transportation	<u>\$29,308,000</u>
Special Purpose:	
Interest:	
State Transportation Bonds	
(P.L.1968, c.126)	(\$4,053,000)
Transportation Rehabilitation	
and Improvement Bonds	
(P.L.1979, c.165)	(6,345,000)
Transportation Rehabilitation	
and Improvement	
Refunding Bonds	
(P.L.1985, c.74)	(2,573,000)
Redemption:	
State Transportation Bonds	
(P.L.1968, c.126)	(8,374,000)
Transportation Rehabilitation	
and Improvement Bonds	
(P.L.1979, c.165)	(5,782,000)
Transportation Rehabilitation	
and Improvement	
Refunding Bonds	
(P.L.1985, c.74)	(2,181,000)
Total Appropriation, Department	
of Transportation	<u>\$104,283,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

99-2070 Interest on Bonds	<u>\$26,000,000</u>
Total Appropriation, Department	
of the Treasury	<u>\$26,000,000</u>
Special Purpose:	
For payment of interest	
on current and	
future bond sales	(\$26,000,000)
Total Appropriation,	
Debt Service	<u>\$368,261,000</u>

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.

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease	
Control	\$39,000
02-3320 Plant Pest and	
Disease Control	628,000
Total Appropriation, Natural	
Resource Management	<u>\$667,000</u>
Personal Services:	
Salaries and wages	(\$137,000)
Employee benefits	(29,000)
Materials and Supplies	(6,000)
Services Other Than Personal	(22,000)
Maintenance and Fixed Charges .	(20,000)
Special Purpose:	
Cooperative gypsy moth	
suppression	(450,000)
Plant pest survey and	
detection program	(3,000)

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services	\$12,000
07-3360 Commodity Distribution .	<u>1,360,000</u>
Total Appropriation,	
Economic Planning	
and Development	<u>\$1,372,000</u>
Personal Services:	
Salaries and wages	(\$80,000)
Employee benefits	(14,000)
Services Other Than Personal	(435,000)
Maintenance and Fixed Charges .	(73,000)
Special Purpose:	
Jobs bills	(750,000)

Food distribution
administrative expense fund (20,000)

52 Economic Regulation

05-3350 Other Commodity	
Regulation	<u>\$76,000</u>
Total Appropriation, Economic Regulation	<u>\$76,000</u>
Personal Services:	
Salaries and wages	(\$63,000)
Employee benefits	(8,000)
Services Other Than Personal	(5,000)
Total Appropriation, Department of Agriculture	<u>\$2,115,000</u>

20 DEPARTMENT OF COMMERCE, ENERGY AND
ECONOMIC DEVELOPMENT

40 Community Development and Environmental Management

42 Natural Resource Management

05-2820 Energy Resource	
Management	<u>\$760,000</u>
Total Appropriation, Natural Resource Management	<u>\$760,000</u>
Personal Services:	
Salaries and wages	(\$493,000)
Employee benefits	(116,000)
Materials and Supplies	(6,000)
Services Other Than Personal	(98,000)
Maintenance and Fixed Charges .	(4,000)
Special Purpose:	
State energy conservation program	(8,000)
Energy extension service	(12,000)
Institutional conservation program—schools and hospitals	(23,000)
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$760,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS
 40 *Community Development and Environmental Management*
 41 *Community Development Management*

02-8020 Housing Services		<u>\$86,529,000</u>
Total Appropriation, Community Development Management		<u>\$86,529,000</u>
Personal Services:		
Salaries and wages	(\$3,934,000)	
Employee benefits	(994,000)	
Materials and Supplies	(154,000)	
Services Other Than Personal	(953,000)	
Maintenance and Fixed Charges .	(340,000)	
Special Purpose:		
Small cities block grant program	(19,000)	
Moderate rehabilitation housing assistance	(10,517,000)	
Rental assistance for low income families	(37,345,000)	
Rental assistance program— North Jersey	(4,904,000)	
State Aid and Grants:		
Housing voucher demonstration	(15,052,000)	
Small cities block grant program	(10,153,000)	
Stewart B. McKinney Homeless Assistance Act	(1,750,000)	
Emergency shelter grants program	(370,000)	
Additions, Improvements and Equipment	(44,000)	

50 *Economic Planning, Development and Security*
 55 *Related Social Services Programs*

05-8050 Human Resources	\$19,888,000
08-8060 Programs for the Aging	29,900,000
15-8051 Women's Programs	<u>45,000</u>

Total Appropriation, Related		
Social Services Programs		<u>\$49,833,000</u>
Personal Services:		
Salaries and wages	(\$2,071,000)	
Employee benefits	(507,000)	
Materials and Supplies	(28,000)	
Services Other Than Personal	(102,000)	
Maintenance and Fixed Charges .	(46,000)	
Special Purpose:		
Weatherization assistance		
program	(265,000)	
Emergency homeless program ..	(1,000,000)	
Child development		
associate scholarship		
assistance grant	(45,000)	
Other special purpose	(188,000)	
State Aid and Grants:		
Older Americans' Act—		
Title III	(24,824,000)	
Community services		
block grant	(9,166,000)	
Purchase of legal services	(1,382,000)	
Miscellaneous grants	(10,199,000)	
Additions, Improvements and		
Equipment	(10,000)	
Total Appropriation,		
Department of		
Community Affairs		<u>\$136,362,000</u>

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7085 Northern State Prison

10-7080 Education Program	<u>\$8,000</u>
Total Appropriation,	
Northern State Prison	<u>\$8,000</u>
Special Purpose:	
Chapter II Block Grant	(\$8,000)

7110 Garden State Reception and Youth Correctional Facility

10-7110 Education Program	<u>\$230,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility	<u>\$230,000</u>
Personal Services:	
Salaries and wages	(\$230,000)

7130 Mountainview Youth Correctional Facility

10-7130 Education Program	<u>\$232,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$232,000</u>
Personal Services:	
Salaries and wages	(\$232,000)

7210 Lloyd McCorkle Training School for Boys and Girls

10-7210 Education Program	<u>\$251,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls	<u>\$251,000</u>
Personal Services:	
Salaries and wages	(\$251,000)

7220 New Jersey Training School for Boys

10-7220 Education Program	<u>\$243,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$243,000</u>
Personal Services:	
Salaries and wages	(\$243,000)

7225 Juvenile Medium Security Center

10-7225 Education Program	<u>\$142,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$142,000</u>

Personal Services:

Salaries and wages (\$142,000)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*03-7010 Parole \$108,000Total Appropriation,
Office of Parole and
Community Programs \$108,000

Personal Services:

Salaries and wages (\$108,000)

*7040 New Jersey State Prison*10-7040 Education Program \$316,000Total Appropriation, New
Jersey State Prison \$316,000

Personal Services:

Salaries and wages (\$316,000)

*18 Juvenile Correctional Services**7270 Juvenile Community Programs*12-7270 Residential Care \$724,000Total Appropriation, Juvenile
Community Programs \$724,000

Personal Services:

Salaries and wages (\$308,000)

Materials and Supplies (38,000)

Special Purpose:

Wee care program (66,000)

Substance abuse

female unit

juvenile services (163,000)

Cumberland day

substance abuse

program (149,000)

*19 Central Planning, Direction and Management**7000 Division of Management and General Support*01-7000 Planning, Management
and General Support \$633,000

02-7000 Program Operations	
Support	366,000
99-7000 Management and	
Administrative Services	<u>1,056,000</u>
Total Appropriation, Division	
of Management and	
General Support	<u>\$2,055,000</u>
Personal Services:	
Salaries and wages	(\$1,026,000)
Services Other Than Personal	(30,000)
Special Purpose:	
Incarcerated Mariel Cubans	
reimbursement program	(500,000)
Improve interstate probation	
and parole system	(16,000)
Vocational education—	
Title II, A & B	(109,000)
Central office	
administration—Adults,	
Chapter I, ECIA	(374,000)
Total Appropriation, Department	
of Corrections	<u><u>\$4,309,000</u></u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120 Miscellaneous Grants-	
In-Aid	\$10,480,000
04-5064 Adult and Continuing	
Education Programs	10,415,000
05-5066 Bilingual Education	420,000
05-5120 Bilingual Education	877,000
06-5066 Compensatory	
Education	2,239,000
06-5120 Compensatory	
Education	148,462,000
07-5065 Special Education	
Programs	13,768,000
07-5120 Special Education	
Programs	<u>58,847,000</u>

Total Appropriation, Direct		
Educational Services		
and Assistance		<u>\$245,508,000</u>
Personal Services:		
Salaries and wages	(\$6,189,000)	
Employee benefits	(1,529,000)	
Materials and Supplies	(366,000)	
Services Other Than Personal	(877,000)	
Maintenance and Fixed Charges .	(264,000)	
Special Purpose:		
Adult basic education—		
administrative	(21,000)	
Emergency immigrants' education—		
administrative	(13,000)	
Transition program for		
refugee children,		
administration	(3,000)	
ESEA, Title VI		
(handicapped), administration	(139,000)	
Bilingual education, SEA		
project—coordinating		
technical assistance	(14,000)	
Bilingual and comprehensive		
education—Homeless		
children and youth	(256,000)	
ECIA, Chapter I, State		
program improvement grants	(103,000)	
Services to deaf/blind children .	(16,000)	
Title VI-B LRC North	(9,000)	
Title VI-B LRC North Satellite	(15,000)	
Title VI-B LRC South	(25,000)	
Title VI-B LRC Central	(37,000)	
Preschool incentive grant—		
administration	(16,000)	
Early intervention—		
administration	(16,000)	
Migrant educational program—		
administration	(4,000)	
Literacy training for		
homeless adults	(10,000)	

Workplace literacy partnership— administration	(18,000)
Other special purpose	(244,000)
State Aid and Grants:	
ECIA, Chapter I, State institutions, handicapped	(1,267,000)
ECIA, Chapter I, capital expenses for private school children	(1,281,000)
Migrant education program— administration	(1,200,000)
Adult basic education— programmatic	(2,404,000)
Preschool incentive grant— regional training	(639,000)
Workplace literacy partnership— discretionary	(798,000)
State legalization impact assistance grant	(5,008,000)
Various State aid and grants	(222,628,000)
Additions, Improvements and Equipment	(99,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	\$293,000
12-5012 Millburn Regional School for the Handicapped	91,000
12-5014 Morris Regional School for the Handicapped	20,000
13-5010 Newark Skills Center	<u>102,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$506,000</u>
Personal Services:	
Salaries and wages	(\$348,000)
Employee benefits	(85,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(40,000)

Special Purpose:

Services to deaf/blind children .	(2,000)
Early intervention	(16,000)
Additions, Improvements and	
Equipment	(10,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational

Education	<u>\$19,393,000</u>
Total Appropriation,	
Supplemental Education and	
Training Programs	<u>\$19,393,000</u>
Personal Services:	
Salaries and wages	(\$2,080,000)
Employee benefits	(517,000)
Materials and Supplies	(63,000)
Services Other Than Personal	(241,000)
Maintenance and Fixed Charges .	(6,000)
Special Purpose:	
Veterans' readjustment	
benefits	(14,000)
Career education—research and	
development	(98,000)
Vocational education—Basic	
grants—administration	(35,000)
Vocational education, Title II B	
leadership activities	(418,000)
Leadership-Consumer and	
homemaking education	(43,000)
Vocational education, Title II,	
Part B—technical	
committee	(48,000)
Vocational education, Title II—	
county coordinator efforts	(34,000)
Vocational student	
organizations—administration	(38,000)
Curriculum library—	
administration	(70,000)
Other special purpose	(131,000)

State Aid and Grants:

Consumer and useful homemaking— programmatic	(433,000)
Various vocational education grants	(15,094,000)
Additions, Improvements and Equipment	(30,000)

34 Educational Support Services

30-5063 General Academic Education	\$5,110,000
30-5120 General Academic Education	7,733,000
33-5067 Service to Local Districts	693,000
33-5068 Service to Local Districts	580,000
34-5067 Equal Educational Opportunities	860,000
37-5120 School Nutrition	<u>85,363,000</u>
Total Appropriation, Educational Support Services	<u>\$100,339,000</u>
Personal Services:	
Salaries and wages	(\$3,604,000)
Employee benefits	(913,000)
Materials and Supplies	(85,000)
Services Other Than Personal	(381,000)
Maintenance and Fixed Charges ..	(8,000)
Special Purpose:	
AIDS prevention education— administration	(541,000)
EESA, Title II—Math— science training— dissemination	(49,000)
Drug-free schools and communities—discretionary ...	(169,000)
Early intervention—child find outreach	(35,000)
Miscellaneous special purpose ..	(166,000)

Other special purpose	(169,000)
State Aid and Grants:	
Special milk	(999,000)
School breakfast	(5,836,000)
Child care food	(12,925,000)
Child care sponsor	
administration	(399,000)
Cash for commodities	(736,000)
Child nutrition—	
Section 4	(13,434,000)
Child nutrition—Chapter II	(45,588,000)
Summer food	(3,445,000)
Summer food—	
administration	(291,000)
Miscellaneous grants	(10,561,000)
Additions, Improvements and	
Equipment	(5,000)

35 Education Administration and Management

42-5120 School Finance	\$151,000
43-5092 Compliance and	
Auditing	148,000
99-5090 Management and	
Administrative Services	837,000
99-5095 Management and	
Administrative Services	<u>954,000</u>
Total Appropriation,	
Education Administration	
and Management	<u>\$2,090,000</u>
Personal Services:	
Salaries and wages	(\$1,324,000)
Employee benefits	(331,000)
Materials and Supplies	(45,000)
Services Other Than Personal	(86,000)
Special Purpose:	
Other special purpose	(44,000)
State Aid and Grant:	
Byrd scholarship	
program	(260,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services		<u>\$3,825,000</u>
Total Appropriation, Cultural and Intellectual Development Services		<u>\$3,825,000</u>
Personal Services:		
Salaries and wages	(\$917,000)	
Employee benefits	(229,000)	
Materials and Supplies	(47,000)	
Services Other Than Personal	(232,000)	
Special Purpose:		
LSCA Title III Interlibrary cooperation	(492,000)	
Library literacy program	(25,000)	
LSCA Title I— administration	(103,000)	
Other special purpose	(80,000)	
State Aid and Grants:		
LSCA Title II Library construction	(700,000)	
Public library services— discretionary	(1,000,000)	
Total Appropriation, Department of Education		<u>\$371,661,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

*40 Community Development and Environmental Management**42 Natural Resource Management*

05-4840 Water Supply and Watershed Management		\$800,000
11-4870 Forest Resource Management		438,000
13-4880 Hunters' and Anglers' License Fund		3,065,000
14-4885 Shellfish and Marine Fisheries Management		2,210,000
15-4890 Marine Lands Management		<u>2,500,000</u>
Total Appropriation, Natural Resource Management		<u>\$9,013,000</u>

Personal Services:	
Salaries and wages	(\$3,282,000)
Employee benefits	(630,000)
Materials and Supplies	(586,000)
Services Other Than Personal	(1,323,000)
Maintenance and Fixed Charges .	(360,000)
Special Purpose:	
Coastal zone management	
4th year implementation	(252,000)
Marine fisheries investigation	
and management	
F-1-5-R-22	(658,000)
Fisheries management plan	(2,000)
Fisheries management council ..	(5,000)
Northeast regional biomass	
program	(35,000)
Hunters' and Anglers'	
License Fund	(617,000)
Hunter safety training	(62,000)
Endangered species E-1-6	(5,000)
Water supply-safe drinking	
water	(194,000)
Inventory of New Jersey	
surf clam management	(11,000)
Resource conservation	
and development—	
New Jersey	(1,000)
Resource conservation	
and development—	
South Jersey	(1,000)
Interjurisdictional enforcement .	(2,000)
Marine access—Oyster Creek ...	(102,000)
Resource implication of	
toxic contamination	(5,000)
Delaware River striped	
bass restoration	(10,000)
Stock assessment of	
New Jersey offshore	
fisheries resources	(122,000)
State Aid and Grants:	
Coastal zone management	
4th year implementation	(400,000)

Rural community fire protection	(36,000)
Additions, Improvements and Equipment	(312,000)

43 Environmental Quality

02-4825 Air Pollution Control	\$3,700,000
07-4850 Water Monitoring and Planning	15,325,000
08-4855 Water Enforcement	3,250,000
09-4860 Public Wastewater Facilities	108,000,000
22-4861 Geological Survey	<u>8,800,000</u>
Total Appropriation, Environmental Quality	<u>\$139,075,000</u>
Personal Services:	
Salaries and wages	(\$13,696,000)
Employee benefits	(661,000)
Materials and Supplies	(362,000)
Services Other Than Personal	(19,923,000)
Maintenance and Fixed Charges .	(106,000)
Special Purpose:	
Air pollution maintenance program	(213,000)
Monitoring and planning— 604-B	(600,000)
Water pollution control program	(500,000)
Construction grants program	(1,453,000)
Monitoring and planning— 205-J	(595,000)
Underground injection control ..	(23,000)
Underground storage tanks— Notification	(70,000)
Underground storage tanks— Trust Fund	(121,000)
Non-point source control—205-J	(357,000)
Clean Lakes program	(36,000)
Groundwater program	(35,000)
State Aid and Grants:	
Construction loan revolving fund	(100,000,000)
Additions, Improvements and Equipment	(324,000)

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$454,000
04-4835 Pesticide Control	215,000
19-4815 Spill Prevention, Response and Site Cleanup	140,000,000
23-4910 Waste Management	<u>12,171,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$152,840,000</u>
Personal Services:	
Salaries and wages	(\$9,467,000)
Employee benefits	(2,260,000)
Materials and Supplies	(477,000)
Services Other Than Personal	(136,125,000)
Maintenance and Fixed Charges ..	(120,000)
Special Purpose:	
Cooperative pesticide enforcement	(25,000)
Environmental monitoring program	(8,000)
Pesticide technology	(4,000)
RCRA-Hazardous waste	(952,000)
Superfund grants	(2,022,000)
RCRA 3012 inventory of hazardous waste sites	(295,000)
Source reduction and recycling: Technical assistant activities	(9,000)
RCRA integrated training and technical assistance	(11,000)
Hazardous waste audit program	(9,000)
CERCLA enforcement	(226,000)
Write with government	(300,000)
Write with industry	(130,000)
Additions, Improvements and Equipment	(400,000)

45 Recreational Resource Management

12-4875 Parks Management		<u>\$1,510,000</u>
Total Appropriation, Recreational Resource Management		<u>\$1,510,000</u>
Personal Services:		
Salaries and wages	(\$188,000)	
Employee benefits	(44,000)	
Materials and Supplies	(13,000)	
Services Other Than Personal	(18,000)	
Special Purpose:		
Survey and planning operational/ State administration	(320,000)	
Historic preservation— acquisition and development .	(250,000)	
State Aid and Grants:		
Survey and planning operational/ State administration	(643,000)	
Additions, Improvements and Equipment	(34,000)	

46 Environmental Planning and Administration

99-4800 Management and Administrative Services		<u>\$18,500,000</u>
Total Appropriation, Environmental Planning and Administration		<u>\$18,500,000</u>
Special Purpose:		
Land and Water Conservation Fund—SCORP grants	(\$4,000,000)	
Pinelands 502 acquisition grant	(14,500,000)	
Total Appropriation, Department of Environmental Protection		<u>\$320,938,000</u>

46 DEPARTMENT OF HEALTH

*20 Physical and Mental Health**21 Health Services*

01-4215 Vital Statistics	\$503,000
02-4220 Community Health Services	63,008,000

03-4230 Epidemiology and Disease Control	6,931,000
04-4240 Narcotic and Drug Abuse Control	35,344,000
05-4250 Alcoholism Control	11,840,000
08-4280 Diagnostic Services	288,000
11-4235 Occupational and Environmental Health Control .	838,000
12-4245 AIDS	17,880,000
Total Appropriation, Health Services	<u>\$136,632,000</u>
Personal Services:	
Salaries and wages	(\$12,101,000)
Employee benefits	(2,905,000)
Materials and Supplies	(1,172,000)
Services Other Than Personal	(7,753,000)
Maintenance and Fixed Charges .	(239,000)
Special Purpose:	
Supplemental food program— W.I.C.	(41,092,000)
Maternal and child health block grant	(82,000)
AIDS service grants	(227,000)
Community health service grants	(75,000)
Epidemiology and disease control	(256,000)
Other special purpose	(3,846,000)
State Aid and Grants:	
Preventive health services block grant—Community health services	(233,000)
Social services block grant— family planning	(1,920,000)
Energy assistance block grant—maternal and child health services	(104,000)
Energy assistance block grant—Epidemiology second disease control	(230,000)
Social services block grant— alcoholism services	(635,000)

Alcohol, drug abuse, and mental health block grant—	
alcoholism services	(8,157,000)
Alcohol, drug abuse and mental health block grant—	
narcotic and drug abuse control	(19,799,000)
Community health services grant	(1,670,000)
Emergency medical services—	
Training projects—	
Highway safety	(22,000)
Emergency medical services council support—	
Highway safety	(68,000)
AIDS service grants	(10,285,000)
Epidemiology and disease control grants	(1,445,000)
Preventive health and health services block grant—Epidemiology and disease control grants	(772,000)
Narcotics and drug abuse control grants	(12,028,000)
Family planning program—	
Title X	(1,855,000)
Supplemental food program—	
W.I.C.	(110,000)
Maternal and child health block grant	(6,388,000)
Miscellaneous grants	(401,000)
Additions, Improvements and Equipment	(762,000)

22 Health Planning and Evaluation

06-4260 Health Planning	
Evaluation	<u>\$400,000</u>
Total Appropriation,	
Health Planning and	
Evaluation	<u>\$400,000</u>

Personal Services:	
Salaries and wages	(\$91,000)
Employee benefits	(22,000)
Materials and Supplies	(2,000)
Services Other Than Personal	(10,000)
Special Purpose:	
Other special purpose	(28,000)
State Aid and Grants:	
Federal health planning and resource development grants	(240,000)
Additions, Improvements and Equipment	(7,000)

25 Health Administration

87-4210 Research, Policy, and Planning	<u>\$174,000</u>
Total Appropriation, Health Administration	<u>\$174,000</u>
Personal Services:	
Salaries and wages	(\$76,000)
Employee benefits	(18,000)
Services Other Than Personal	(30,000)
Special Purpose:	
Preventive health and health service block grant	(6,000)
Primary care services and manpower placement	(19,000)
State Aid and Grants:	
Preventive health and health services block grant	(25,000)
Total Appropriation, Department of Health	<u>\$137,206,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400 Student Financial Support Services	\$2,635,000
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05-5400 Student Financial Assistance Administration	9,476,000
99-5400 Management and Administrative Services	<u>3,962,000</u>
Total Appropriation, Office of the Chancellor	<u>\$16,073,000</u>
Personal Services:	
Salaries and wages	(\$4,333,000)
Employee benefits	(1,023,000)
Materials and Supplies	(360,000)
Services Other Than Personal	(2,140,000)
Maintenance and Fixed Charges	(387,000)
Special Purpose:	
Veterans' programs	(47,000)
Education for Economic Security Act Title II	(3,000)
Student loan administrative cost deduction and allowance	(610,000)
State Aid and Grants:	
Vocational education	(2,546,000)
State student incentive grant program	(2,010,000)
Education for Economic Security Act Title II	(1,010,000)
Paul Douglas teaching scholarship	(625,000)
Additions, Improvements and Equipment	(979,000)
Total Appropriation, Department of Higher Education	<u>\$16,073,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services	<u>\$13,042,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$13,042,000</u>
Personal Services:	
Salaries and wages	(\$789,000)

Employee benefits	(183,000)
Materials and Supplies	(6,000)
Services Other Than Personal	(14,000)
Special Purpose:	
Mental health block	
grant services	(75,000)
National Institute of Mental	
Health grants	(757,000)
State legalization impact	
assistance	(17,000)
State Aid and Grants:	
Mental health block	
grant services	(10,933,000)
Community mental health	
services for the homeless	(268,000)

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration	
and Management	\$50,554,000
22-7540 General Medical Services	879,320,000
Total Appropriation, Division	
of Medical Assistance	
and Health Services	<u>\$929,874,000</u>
Personal Services:	
Salaries and wages	(\$15,730,000)
Materials and Supplies	(252,000)
Services Other Than Personal	(2,978,000)
Maintenance and Fixed Charges .	(1,928,000)
Special Purpose:	
Health Services Administration	
and Management	(63,000)
Nursing home preadmission	
screening	(612,000)
Payments to fiscal agents	(16,394,000)
Eligibility determination	(4,218,000)
Professional standard review	
organization—utilization	
review	(100,000)
Compensation awards	(97,000)
Affirmative action and equal	
employment opportunity	
program	(16,000)

Design and development—	
Medicaid management	
information	(4,965,000)
Community care and	
waiver programs	(2,186,000)
Medicaid health care	
cost containment	
demonstration program	(750,000)
State Aid and Grants:	
Medical assistance	(798,513,000)
Peer grouping	(32,910,000)
Provider fee increase	(10,200,000)
Payments for medical	
assistance recipients	(20,235,000)
Medicaid expansion SOBRA	(17,462,000)
Additions, Improvements and	
Equipment	(265,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600 Purchased Residential	
Care	\$30,293,000
02-7600 Social Supervision	
and Consultation	9,135,000
03-7600 Adult Activities	26,437,000
04-7600 Education and Day	
Training	400,000
99-7600 Management and	
Administrative Services	9,566,000
Total Appropriation, Division	
of Developmental Disabilities	<u>\$75,831,000</u>
Personal Services:	
Salaries and wages	(\$22,397,000)
Employee benefits	(42,000)
Special Purpose:	
Foster grandparents	(746,000)
State Aid and Grants:	
Community care waiver,	
Title XIX	(28,338,000)
Intermediate care facilities—	
mental retardation	(21,493,000)
Developmental disabilities	(1,361,000)

Day-care services	(359,000)
Citizen advocacy program	(145,000)
Work-study training program for caseworkers	(950,000)

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$2,480,000
06-7610 Health Services	629,000
07-7610 Education and Training ..	399,000
98-7610 Physical Plant and Support Services	789,000
99-7610 Management and Administrative Services	<u>764,000</u>
Total Appropriation, Green Brook Regional Center	<u>\$5,061,000</u>
Personal Services:	
Salaries and wages	(\$5,061,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$12,038,000
06-7620 Health Services	3,265,000
98-7620 Physical Plant and Support Services	1,108,000
99-7620 Management and Administrative Services	<u>691,000</u>
Total Appropriation, Vineland Developmental Center	<u>\$17,102,000</u>
Personal Services:	
Salaries and wages	(\$17,102,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$3,991,000
06-7630 Health Services	1,882,000
98-7630 Physical Plant and Support Services	460,000
99-7630 Management and Administrative Services	<u>783,000</u>

Total Appropriation, North Jersey Developmental Center	<u>\$7,116,000</u>
Personal Services:	
Salaries and wages	(\$7,116,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$7,815,000
06-7640 Health Services	1,635,000
07-7640 Education and Training ..	1,000
98-7640 Physical Plant and Support Services	1,365,000
99-7640 Management and Administrative Services	<u>796,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$11,612,000</u>
Personal Services:	
Salaries and wages	(\$11,611,000)
Services Other Than Personal	(1,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$9,422,000
06-7650 Health Services	3,461,000
98-7650 Physical Plant and Support Services	1,657,000
99-7650 Management and Administration	<u>796,000</u>
Total Appropriation, New Lisbon Developmental Center	<u>\$15,336,000</u>
Personal Services:	
Salaries and wages	(\$15,336,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$9,039,000
06-7660 Health Services	686,000
98-7660 Physical Plant and Support Services	316,000
99-7660 Management and Administrative Services	<u>1,279,000</u>

Total Appropriation, Woodbridge Developmental Center	<u>\$11,320,000</u>
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Personal Services:

Salaries and wages	(\$11,320,000)
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7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$4,748,000
06-7670 Health Services	1,059,000
98-7670 Physical Plant and Support Services	1,256,000
99-7670 Management and Administrative Services	<u>1,257,000</u>
Total Appropriation, Hunterdon Developmental Center	<u>\$8,320,000</u>

Personal Services:

Salaries and wages	(\$8,320,000)
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7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$186,000
06-7680 Health Services	216,000
98-7680 Physical Plant and Support Services	34,000
99-7680 Management and Administrative Services	<u>75,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$511,000</u>

Personal Services:

Salaries and wages	(\$511,000)
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7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$5,890,000
06-7690 Health Services	927,000
98-7690 Physical Plant and Support Services	762,000
99-7690 Management and Administrative Services	<u>748,000</u>

Total Appropriation, North Princeton Developmental Center	<u>\$8,327,000</u>
Personal Services:	
Salaries and wages	(\$8,327,000)

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

11-7560 Habilitation and Rehabilitation	\$5,815,000
12-7560 Instruction, Community Programs and Prevention	325,000
99-7560 Management and Administrative Services	<u>1,829,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$7,969,000</u>
Personal Services:	
Salaries and wages	(\$3,518,000)
Materials and Supplies	(166,000)
Services Other Than Personal	(597,000)
Maintenance and Fixed Charges ..	(555,000)
State Aid and Grants:	
Social services block grant	(319,000)
Vocational rehabilitation— direct services	(2,286,000)
Social security administration reimbursement	(142,000)
Vocational rehabilitation— independent living, Title VII, Part A	(208,000)
Additions, Improvements and Equipment	(178,000)

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Economic Assistance

15-7550 Income Maintenance	\$449,405,000
99-7550 Management and Administrative Services	<u>20,593,000</u>

Total Appropriation, Division of Economic Assistance		<u>\$469,998,000</u>
Personal Services:		
Salaries and wages	(\$8,001,000)	
Materials and Supplies	(229,000)	
Services Other Than Personal	(8,814,000)	
Maintenance and Fixed Charges .	(1,077,000)	
Special Purpose:		
Employment programs	(3,395,000)	
Compensation awards	(13,000)	
Affirmative action and equal employment opportunity program	(8,000)	
AFDC teenage parent program .	(1,693,000)	
Realizing economic achievement (REACH) program	(43,466,000)	
State Aid and Grants:		
Supplemental Security Income .	(5,000,000)	
Refugee resettlement program ..	(968,000)	
Food stamp program—county administration	(37,000,000)	
Title XIX—county administration	(16,590,000)	
Refugee resettlement program/ Cuban-Haitian entrant program—county administration	(100,000)	
Social services block grant— county administration	(22,840,000)	
Child support and paternity program—county administration	(14,000,000)	
Dependent children assistance— county administration	(50,000,000)	
Dependent children assistance ..	(212,449,000)	
Low income energy assistance— county administration	(4,251,000)	
Low income energy assistance ..	(40,072,000)	
Additions, Improvements and Equipment	(32,000)	

55 Related Social Services Programs
7570 Division of Youth and Family Services

16-7570 Initial Response/		
Case Management		\$26,176,000
17-7570 Substitute Care		16,081,000
18-7570 General Social Services ...		29,676,000
99-7570 Management and		
Administrative Services		18,123,000
Total Appropriation, Division of		
Youth and Family Services ...		<u>\$90,056,000</u>
Personal Services:		
Salaries and wages	(\$23,083,000)	
Materials and Supplies	(2,872,000)	
Services Other Than Personal	(12,842,000)	
Maintenance and Fixed Charges .	(8,974,000)	
Special Purpose:		
Dependent care planning		
and development	(137,000)	
Telecommunication network		
technical assistance	(136,000)	
Newark family care project	(71,000)	
Child abuse and neglect State		
grant—disabled infants	(210,000)	
National Center for Child		
Abuse and Neglect	(391,000)	
Developing regulatory		
reimbursements	(30,000)	
Carri crisis nursing project	(190,000)	
Children's justice act	(400,000)	
Pediatric AIDS	(400,000)	
State Aid and Grants:		
Initial response/Case		
management	(1,254,000)	
Medicaid payment for children		
in institutions	(3,406,000)	
Title IV-E	(8,583,000)	
Title IV-B child welfare services	(745,000)	
General social services	(124,000)	
Purchase of service contracts ...	(8,075,000)	
Low income energy assistance ..	(855,000)	
Cuban-Haitian entrant program	(3,990,000)	

Family violence prevention and services	(213,000)
SSBG day care	(9,479,000)
Miscellaneous grants	(1,502,000)
Additions, Improvements and Equipment	(2,094,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning	\$3,373,000
99-7500 Management and Administrative Services	<u>26,246,000</u>
Total Appropriation, Division of Management and Budget .	<u>\$29,619,000</u>
Personal Services:	
Salaries and wages	(\$1,883,000)
Employee benefits	(10,764,000)
Special Purpose:	
Respite care for the elderly	(2,000,000)
Title IV-A, Aid to families with dependent children	(341,000)
Title IV-D, Child support and paternity	(259,000)
Title IV-B, Child welfare services	(92,000)
Title IV-E, Foster care	(392,000)
Office of prevention	(252,000)
Low income energy assistance block grant	(61,000)
Community care waiver	(69,000)
Title XIX, ICF-MR	(2,864,000)
Title XIX, Medical assistance .	(3,003,000)
Refugee resettlement program ..	(11,000)
Social services block grant	(2,188,000)
Vocational rehabilitation act, Section 120	(147,000)
Food stamp program	(276,000)
Adult basic education program	(100,000)
Migrant education program	(70,000)

ECIA, Chapter I—	
State institutions—	
handicapped	(2,089,000)
Vocational education, basic	
grant, section 120 rehab	(160,000)
Chapter 2 block grant	(16,000)
Miscellaneous federal grants	(2,582,000)
Total Appropriation, Department	
of Human Services	<u>\$1,701,094,000</u>

62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

18-4570 Planning and Research ...	\$4,723,000
99-4565 Management and	
Administrative Services	<u>21,017,000</u>
Total Appropriation,	
Economic Planning	
and Development	<u>\$25,740,000</u>
Personal Services:	
Salaries and wages	(\$16,814,000)
Employee benefits	(4,221,000)
Materials and Supplies	(358,000)
Services Other Than Personal	(2,264,000)
Maintenance and Fixed Charges .	(1,339,000)
Special Purpose:	
Occupational informational	
coordinating program	(5,000)
Career information military	(20,000)
Compensation awards	(168,000)
Miscellaneous grants	(119,000)
Additions, Improvements and	
Equipment	(432,000)

52 *Economic Regulation*

12-4550 Enforcement of	
Workplace Standards	<u>\$1,239,000</u>
Total Appropriation, Economic	
Regulation	<u>\$1,239,000</u>
Personal Services:	
Salaries and wages	(\$798,000)
Employee benefits	(200,000)

Materials and Supplies	(6,000)
Services Other Than Personal	(43,000)
Maintenance and Fixed Charges .	(92,000)
Special Purpose:	
Mine safety	(2,000)
OSHA on-site consultation	(55,000)
Compensation awards	(21,000)
Miscellaneous grants	(10,000)
Additions, Improvements and	
Equipment	(12,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$37,017,000
02-4515 Disability Determination .	<u>23,013,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$60,030,000</u>
Personal Services:	
Salaries and wages	(\$31,872,000)
Employee benefits	(8,025,000)
Materials and Supplies	(670,000)
Services Other Than Personal	(5,745,000)
Maintenance and Fixed Charges .	(6,746,000)
Special Purpose:	
Old age and survivors' insurance—Disability determination	(2,700,000)
Compensation awards	(319,000)
State Aid and Grants:	
Old age and survivors' insurance—Disability determination	(3,500,000)
Additions, Improvements and	
Equipment	(453,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation	\$31,429,000
08-4540 Work Incentive Program .	999,000
09-4545 Employment Services	31,411,000
10-4545 Employment Development Services	<u>49,620,000</u>

Total Appropriation, Manpower and Employment	
Services	<u>\$113,459,000</u>
Personal Services:	
Salaries and wages	(\$27,717,000)
Employee benefits	(7,429,000)
Materials and Supplies	(217,000)
Services Other Than Personal	(4,164,000)
Maintenance and Fixed Charges .	(5,433,000)
Special Purpose:	
Job Training Partnership Act—Title II-B, Summer youth employment and training program	(16,500,000)
Job Training Partnership Act—Title III, Dislocated workers	(3,400,000)
Compensation awards	(327,000)
Vocational rehabilitation services	(750,000)
Work incentive program public service employment	(155,000)
Rehabilitation in-service training	(50,000)
Supported employment	(750,000)
Job Training Partnership Act—Title IV, federally administered programs	(220,000)
DVR independent living program	(371,000)
Other special purpose	(1,002,000)
State Aid and Grants:	
Grants to community based organizations	(443,000)
Vocational rehabilitation services	(12,269,000)
Comprehensive services for independent living	(250,000)
Employment services	(4,500,000)
Job Training Partnership Act—Title II-A—training services for the disadvantaged	(26,600,000)

Work incentive program public service employment	(47,000)	
VR-Basic support program	(400,000)	
Rehabilitation of supplemental security income beneficiaries .	(242,000)	
Additions, Improvements and Equipment	(223,000)	
Total Appropriation, Department of Labor		<u>\$200,468,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

03-1110 Driver Control		<u>\$8,685,000</u>
Total Appropriation, Vehicular Safety		<u>\$8,685,000</u>
Special Purpose:		
Federal highway safety program—State match	(\$8,685,000)	

12 Law Enforcement

06-1200 Patrol Activities and Crime Control		\$2,500,000
08-1200 Emergency Services		3,250,000
09-1020 Criminal Justice		5,895,000
24-1200 Marine Police Operations		<u>700,000</u>
Total Appropriation, Law Enforcement		<u>\$12,345,000</u>
Special Purpose:		
State of New Jersey improvement grant	(\$50,000)	
National shelter survey	(60,000)	
Nuclear civil protection planning	(180,000)	
Recreational boating safety financial assistance	(700,000)	
FEMA State assistance program	(90,000)	
Medicaid fraud unit	(3,500,000)	
Radiological systems maintenance	(200,000)	

Enhancement of data	
analysis center	(72,000)
Uniform crime reporting	
redesign	(400,000)
Clandestine laboratory	
operations and investigation .	(300,000)
Statewide prosecution program	(400,000)
Radiological defense officer	
project	(75,000)
Drug strategy evaluation	(25,000)
Narcotics enforcement	
in public housing	(250,000)
Civil RICO narcotics cases	(198,000)
Substance abuse prevention	
conference	(50,000)
Financial investigations	
of drug cases	(350,000)
Institute for intergovernmental	
research	(350,000)
Hazardous materials, Title III ..	(300,000)
Emergency management	
training and education—	
State match	(175,000)
MAGLOCLN	(2,500,000)
Peer technical assistance	(20,000)
State Aid and Grants:	
Emergency management	
assistance program	(2,100,000)

13 Special Law Enforcement Activities

18-1430 Law Enforcement	
Planning	<u>\$11,600,000</u>
Total Appropriation, Special	
Law Enforcement Activities ..	<u>\$11,600,000</u>
State Aid and Grants:	
Juvenile justice administration	
and grants	(\$1,600,000)
Justice Assistance Act—grants .	(7,500,000)
Victim assistance grants	(2,500,000)

80 Special Government Services
82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights		\$1,331,000
19-1440 Violent Crimes		
Compensation		<u>2,000,000</u>
Total Appropriation, Protection of Citizens' Rights		<u>\$3,331,000</u>
Personal Services:		
Salaries and wages	(\$981,000)	
Special Purpose:		
Fair housing technical assistance program	(350,000)	
Victim compensation award	(2,000,000)	
Total Appropriation, Department of Law and Public Safety		<u>\$35,961,000</u>

30 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services		\$6,070,000
40-3620 New Jersey National Guard Support Services		<u>1,391,000</u>
Total Appropriation, Military Services		<u>\$7,461,000</u>
Services Other Than Personal	(\$230,000)	
Special Purpose:		
Training and equipment pool sites	(700,000)	
Firefighter/crash rescue service cooperative funding agreement— Atlantic City	(685,000)	
Service contracts	(4,420,000)	
Miscellaneous personnel benefits	(150,000)	
Armory operations, backlog, maintenance and repair	(800,000)	
ANG security agreement— Atlantic City/Maguire	(476,000)	

*80 Special Government Services**83 Services to Veterans**3650 New Jersey Veterans' Memorial Home—Vineland*

30-3650 Physical Plant and		
Support Services		<u>\$1,779,000</u>
Total Appropriation,		
New Jersey Veterans'		
Memorial Home—Vineland ...		<u>\$1,779,000</u>
Special Purpose:		
Vineland renovations	(\$1,779,000)	
Total Appropriation,		
Department of Military		
and Veterans' Affairs		<u>\$9,240,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

*80 Special Government Services**82 Protection of Citizens' Rights*

01-8310 Mental Health		
Advocacy		\$320,000
08-8350 Advocacy for the		
Developmentally Disabled		<u>711,000</u>
Total Appropriation, Protection		
of Citizens' Rights		<u>\$1,031,000</u>
Personal Services:		
Salaries and wages	(\$804,000)	
Materials and Supplies	(26,000)	
Services Other Than Personal	(103,000)	
Maintenance and Fixed Charges .	(42,000)	
Special Purpose:		
Advocacy for the		
developmentally disabled	(26,000)	
Clients' assistance project	(16,000)	
Mental health protection		
and advocacy	(12,000)	
Additions, Improvements and		
Equipment	(2,000)	
Total Appropriation,		
Department of the		
Public Advocate		<u>\$1,031,000</u>

74 DEPARTMENT OF STATE

37 *Cultural and Intellectual Development Services*

05-2530 Support of the Arts	\$650,000
06-2535 Museum Services	200,000
07-2540 Development of Historical Resources	<u>100,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$950,000</u>
Personal Services:	
Salaries and wages	(\$30,000)
Materials and Supplies	(6,000)
Services Other Than Personal	(130,000)
Maintenance and Fixed Charges .	(28,000)
Special Purpose:	
Basic block grant	(36,000)
Arts in school	(3,000)
NEA Arts: Basic to education .	(70,000)
NEA design arts	(25,000)
NEH historical exhibition	(60,000)
NEA arts expansion	(65,000)
IMS general support	(75,000)
NEH Black migration project ..	(50,000)
Black life and history exhibition	(50,000)
State Aid and Grants:	
Basic block grant	(240,000)
Arts in school	(72,000)
Additions, Improvements and Equipment	(10,000)
Total Appropriation, Department of State	<u><u>\$950,000</u></u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

02-6200 Planning	\$7,200,000
10-6200 Federal Aid Interstate Highway Projects	130,000,000
12-6200 Resurfacing	33,000,000
15-6200 Interstate Transfer Program Funds NJ/NY	
Metro Area	70,000,000

20-6200 Federal Aid Urban System Highway Projects	33,000,000
25-6200 Federal Aid Consolidated Primary Highway Projects	65,000,000
27-6200 Corridor Demonstration Projects	15,000,000
28-6200 Demonstration Projects ...	5,000,000
30-6200 Federal Aid Rural Highway Projects	5,400,000
40-6200 Federal Aid Bridge and Highway Safety Projects	71,900,000
65-6200 Rail Freight Line	2,000,000
71-6200 Transportation Construction Engineering	250,000
Total Appropriation, State Highway Facilities	<u>\$437,750,000</u>
Special Purpose:	
Interstate highway projects	(\$130,000,000)
Interstate resurfacing	(33,000,000)
Interstate transfer program fund	(70,000,000)
Various urban system, local projects	(33,000,000)
Consolidated primary projects ..	(65,000,000)
Metropolitan planning funds	(2,000,000)
Highway planning and research	(5,200,000)
Supportive services highway construction training program	(250,000)
Bridge and safety program	(71,900,000)
Demonstration projects— transportation	(5,000,000)
Rail freight line	(2,000,000)
Corridor safety improvements ..	(15,000,000)
Rural secondary highway projects	(5,400,000)

64 Planning and General Management Support

02-6030 Planning	\$1,800,000
05-6070 Access and Use Management	<u>9,500,000</u>

Total Appropriation, Planning and General Management	
Support	<u>\$11,300,000</u>
Special Purpose:	
New Jersey Statewide public transportation grant (NJ 09-8007)	(\$1,800,000)
Airport Fund	(6,500,000)
Motor carrier safety assistance program	(3,000,000)
Total Appropriation, Department of Transportation	<u>\$449,050,000</u>

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development and Security
52 Economic Regulation

50-2002 Board of Public Utilities .	<u>\$107,000</u>
Total Appropriation, Economic Regulation	<u>\$107,000</u>
Special Purpose:	
Natural gas pipeline safety program	(\$107,000)
Total Appropriation, Department of the Treasury	<u>\$107,000</u>

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

04-9725 Criminal Courts	\$54,000
05-9730 Family Courts	<u>26,564,000</u>
Total Appropriation, Judicial Services	<u>\$26,618,000</u>
Personal Services:	
Salaries and wages	(\$2,056,000)
Materials and Supplies	(32,000)
Services Other Than Personal	(119,000)
Maintenance and Fixed Charges .	(10,000)
State Aid and Grants:	
Child support and paternity program, Title IV-D	(24,303,000)
Additions, Improvements and Equipment	(98,000)

Total Appropriation, The Judiciary	<u>\$26,618,000</u>
Total Appropriation, Federal Funds	<u>\$3,413,943,000</u>

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 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; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; 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 \$200,000 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 accounts receivable balances of federal funds as of June 30, 1989 are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the

Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1989 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1989 are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1989 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 1990, reports on proposed expenditures during fiscal year 1991 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the job 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 grant; and the social services 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 service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Total Appropriation,	
General Fund	<u>\$11,839,356,000</u>

PROPERTY TAX RELIEF FUND
STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

01-5120 General Formula Aid	\$1,815,677,000
03-5120 Miscellaneous Grants- in-Aid	4,089,000
05-5120 Bilingual Education	36,893,000
06-5120 Compensatory Education	150,726,000
07-5120 Special Education	312,413,000
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,319,798,000</u>
State Aid:	
Current expense equalization aid	(\$1,815,677,000)
Payments for institutionalized children-unknown district of residence	(4,089,000)
Bilingual education aid	(36,893,000)
Compensatory education aid	(150,726,000)
Special education aid	(312,413,000)

Notwithstanding 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 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.

33 Supplemental Education and Training Programs—State Aid

20-5062 General Vocational Education	<u>\$15,627,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$15,627,000</u>
State Aid:	
District and regional vocational education	(\$1,000,000)
Vocational education	(6,500,000)
Local vocational aid	(8,127,000)

34 Educational Support Services—State Aid

36-5120 Pupil Transportation	\$25,152,000
38-5120 Facilities Planning and School Building Aid	116,123,000
39-5095 Teachers' Pension and Annuity Assistance	<u>312,300,000</u>
Total Appropriation, Educational Support Services	<u>\$453,575,000</u>
State Aid:	
Transportation aid	(\$25,152,000)
School building aid debt service	(23,107,000)
School building aid	(93,016,000)
Social Security tax	(312,300,000)

The amount appropriated hereinabove for Transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1987-88 school year.

The sum in the Social Security tax account is available for the payment of such tax applicable to the prior fiscal year.

In addition to the sums hereinabove for Social Security tax payments, there is appropriated such additional sum as may be necessary to meet Social Security tax payments, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Education	<u>\$2,789,000,000</u>
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The amount hereinabove is appropriated from the Property Tax Relief Fund.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments, by utilizing the same method used in distributing general formula aid and school building aid in the 1988-89 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, 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.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General 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 unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

82 DEPARTMENT OF THE TREASURY
70 *Government Direction, Management and Control*
75 *State Subsidies and Financial Aid—State Aid*

33-2076 Homestead Rebates	\$305,000,000
34-2078 Reimbursement—Senior Citizens and Veterans	<u>46,300,000</u>
Total Appropriation, State Subsidies and Financial Aid .	<u>\$351,300,000</u>

State Aid:

Payments to homeowners for homestead rebates	(\$305,000,000)
State reimbursement to municipalities for senior/ disabled citizens' property tax exemptions	(25,400,000)
State reimbursement for veterans' property tax exemptions	(20,900,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions and for additional payments to homeowners qualifying for homestead exemptions or rebates.

Total Appropriation, Department of the Treasury	<u><u>\$351,300,000</u></u>
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Total Appropriation,	
State Aid	<u>\$3,140,300,000</u>
Total Appropriation, Property	
Tax Relief Fund	<u>\$3,140,300,000</u>

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General 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 unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
13 Special Law Enforcement Activities

30-1460 Gaming Enforcement	<u>\$35,578,000</u>
Total Appropriation, Special	
Law Enforcement Activities ..	<u>\$35,578,000</u>
Personal Services:	
Salaries and wages	(\$18,885,000)
Cash in lieu of maintenance	(840,000)
Employee benefits	(5,777,000)
Materials and Supplies	(893,000)
Services Other Than Personal	(3,044,000)
Maintenance and Fixed Charges .	(2,734,000)
Special Purpose:	
Indirect costs	(2,041,000)
Additions, Improvements and	
Equipment	(1,364,000)

The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

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, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$35,578,000</u>
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82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*73 *Financial Administration*

25-2095 Administration of Casino Gambling	<u>\$24,372,000</u>
Total Appropriation, Financial Administration	<u>\$24,372,000</u>
Personal Services:	
Chairman and Commissioners	(\$455,000)
Salaries and wages	(15,799,000)
Employee benefits	(4,053,000)
Materials and Supplies	(321,000)
Services Other Than Personal	(1,996,000)
Maintenance and Fixed Charges .	(1,355,000)
Special Purpose:	
Other special purpose	(363,000)
Additions, Improvements and Equipment	(30,000)

The amount hereinabove for Administration of Casino Gambling is appropriated from the Casino Control Fund.

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, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L.1977, c.110 (C.5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000 per annum. The chairman shall receive \$5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department of the Treasury	<u>\$24,372,000</u>
Total Appropriation, Casino Control Fund	<u>\$59,950,000</u>

CASINO REVENUE FUND
DIRECT STATE SERVICES

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management*

12-8025 Boarding Home Regulation and Assistance	\$3,200,000
Total Appropriation, Community Development Management	<u>\$3,200,000</u>

Special Purpose:

Boarding House Rental Assistance Fund	(\$3,200,000)
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The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L.1983, c.530 (C.55:14K-17), and subject to the approval of the Director of the Division of Budget and Accounting.

50 *Economic Planning, Development and Security*
55 *Related Social Services Programs*

08-8060 Programs for the Aging ..	\$5,950,000
Total Appropriation, Related Social Services Programs	<u>\$5,950,000</u>

Personal Services:

Salaries and wages	(\$75,000)
Employee benefits	(25,000)

Special Purpose:

Congregate housing support services	(1,750,000)
Senior citizen housing— safe housing and transportation	(3,000,000)
Task force study: housing options for seniors	(100,000)
Home delivered meals expansion	(1,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Community Affairs	<u>\$9,150,000</u>
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46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

02-4220 Community Health Services	\$580,000
03-4230 Epidemiology and Disease Control	<u>1,800,000</u>
Total Appropriation, Health Services	<u>\$2,380,000</u>
Personal Services:	
Salaries and wages	(\$156,000)
Materials and Supplies	(3,000)
Services Other Than Personal	(15,000)
Grants:	
Statewide birth defects registry	(500,000)
Geriatric Health Assessment Centers	(600,000)
Demonstration adult day care—Alzheimer's disease	(1,006,000)
Family caregivers	(100,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

22 *Health Planning and Evaluation*

06-4260 Health Facilities Evaluation	<u>\$100,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$100,000</u>
Special Purpose:	
Homemaker home health aide certification	(\$100,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

The unexpended balance as of June 30, 1989 in the Homemaker home health aide certification program account is appropriated for the same purpose.

Total Appropriation, Department of Health	<u>\$2,480,000</u>
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54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*7540 *Division of Medical Assistance and Health Services*

21-7540 Health Services

Administration and

Management	\$5,256,000
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24-7540 Pharmaceutical Assistance
to the Aged and Disabled

<u>70,442,000</u>

Total Appropriation, Special

Health Services	<u>\$75,698,000</u>
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Personal Services:

Salaries and wages	(\$1,510,000)
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Employee benefits	(277,000)
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Materials and Supplies	(82,000)
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Services Other Than Personal	(649,000)
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Maintenance and Fixed Charges	(273,000)
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Special Purpose:

Design and development—

Medicaid management information system	(92,000)
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Payments to fiscal agents	(851,000)
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Eligibility determination	(2,176,000)
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Nursing home preadmission screening	(612,000)
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Payments to fiscal agents (PAAD)	(680,000)
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Compensation awards	(3,000)
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Design and development—

Medicaid management information system	(130,000)
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Other special purpose	(135,000)
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Grants:

Pharmaceutical Assistance

to the Aged and Disabled—

Claims, P.L.1975, c.194 (C.30:4D-20 et seq.)	(68,121,000)
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Additions, Improvements and

Equipment	(107,000)
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The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) during the fiscal year ending June 30, 1990 are appropriated.

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities

01-7600 Purchased Residential	
Care	\$14,298,000
02-7600 Social Supervision	
and Consultation	104,000
03-7600 Adult Activities	8,985,000
04-7600 Education and Day	
Training	600,000
Total Appropriation, Division of	
Developmental Disabilities	<u>\$23,987,000</u>
Special Purpose:	
Homemaker services	
(State share)	(\$32,000)
Grants:	
Private institutional care	(1,259,000)
Group homes	(11,840,000)
Skill development homes	(1,076,000)
Family care	(123,000)
Home assistance	(72,000)
Purchase of adult activity	
services	(8,985,000)
Purchase of day training	
services	(600,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7540 Division of Medical Assistance and Health Services

28-7540 Lifeline Programs	<u>\$65,191,000</u>
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Total Appropriation, Division of Medical Assistance and Health Services		<u>\$65,191,000</u>
Personal Services:		
Salaries and wages	(\$3,379,000)	
Employee benefits	(930,000)	
Materials and Supplies	(73,000)	
Services Other Than Personal	(578,000)	
Maintenance and Fixed Charges .	(197,000)	
Special Purpose:		
Lifeline fiscal agent PAAD reimbursement	(25,000)	
Compensation awards	(6,000)	
Other special purpose	(269,000)	
Grants:		
Payments for lifeline credits	(34,871,000)	
Payments for tenants' assistance rebates	(24,730,000)	
Additions, Improvements and Equipment	(133,000)	

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to persons qualifying for lifeline programs.

50 Economic Planning, Development and Security
55 Related Social Services Programs
7570 Division of Youth and Family Services

18-7570 General Social Services ...	\$1,500,000
99-7570 Management and Administrative Services	<u>3,000,000</u>
Total Appropriation, Division of Youth and Family Services ...	<u>\$4,500,000</u>
Grants:	
Protective services for the elderly and disabled	(\$1,500,000)
Personal attendant demonstration program	(3,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

70 *Government Direction, Management and Control*
 76 *Management and Administration*
 7500 *Division of Management and Budget*

87-7500 Research, Policy and Planning	\$2,000,000
Total Appropriation, Division of Management and Administration	<u>\$2,000,000</u>
Special Purpose:	
Respite care of the elderly	(\$2,000,000)
Total Appropriation, Department of Human Services	<u>\$171,376,000</u>

62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*
 54 *Manpower and Employment Services*
 4535 *Division of Vocational Rehabilitation Services*

07-4535 Vocational Rehabilitation Services	\$1,440,000
Total Appropriation, Division of Vocational Rehabilitation Services	<u>\$1,440,000</u>
Special Purpose:	
Sheltered workshop transportation	(\$1,440,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Labor	<u>\$1,440,000</u>
Total Appropriation, Direct State Services—Casino Revenue Fund	<u>\$184,446,000</u>

STATE AID

54 DEPARTMENT OF HUMAN SERVICES
 20 *Physical and Mental Health*
 24 *Special Health Services*

22-7540 General Medical Services	\$39,080,000
Total Appropriation, Special Health Services	<u>\$39,080,000</u>

State Aid:

Provider fee increase	(\$1,700,000)
Payments for medical assistance recipients (State share)	(20,235,000)
Medicaid expansion—SOBRA ..	(7,645,000)
Home care expansion— State only	(8,000,000)
Hearing aid assistance for the aged and disabled	(1,500,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	<u>\$39,080,000</u>
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78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation—State Aid

04-6050 Railroad and Bus

Operations	<u>\$16,725,000</u>
Total Appropriation, Public Transportation	<u>\$16,725,000</u>

State Aid:

Transportation assistance for senior citizens and disabled residents	(\$16,725,000)
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The amount hereinabove is appropriated from the Casino Revenue Fund.

The unexpended balance as of June 30, 1989 in this account is appropriated.

Total Appropriation, Department of Transportation	<u>\$16,725,000</u>
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82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
75 State Subsidies and Financial Aid—State Aid

34-2076 Reimbursement—Senior	
Citizens and Veterans	<u>\$17,180,000</u>
Total Appropriation, State	
Subsidies and Financial Aid .	<u>\$17,180,000</u>

State Aid:

Reimbursements to municipalities
for senior and disabled
citizens' tax exemptions (\$17,180,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

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.

Total Appropriation, Department of the Treasury	<u>\$17,180,000</u>
Total Appropriation, State	
Aid—Casino Revenue Fund ..	<u>\$72,985,000</u>
Total Appropriation, Casino	
Revenue Fund	<u>\$257,431,000</u>

GUBERNATORIAL ELECTIONS FUND
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
13 Special Law Enforcement Activities

17-1420 Election Law	
Enforcement	<u>\$3,000,000</u>
Total Appropriation,	
Special Law	
Enforcement Activities	<u>\$3,000,000</u>

Special Purpose:

Public financing of the
Gubernatorial election (\$3,000,000)

The amount hereinabove for public financing of the gubernatorial primary and general election is appropriated from the Gubernatorial Elections Fund.

In addition to the amount hereinabove, there is appropriated from the Gubernatorial Elections Fund such additional sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount in the Gubernatorial Elections Fund be insufficient to support such appropriation, there may be appropriated from the General Fund, as a loan to the Gubernatorial Elections Fund, such sums as may be required.

The unexpended balance as of June 30, 1989 in the Gubernatorial Elections Fund is appropriated.

Total Appropriation, Gubernatorial Elections Fund	\$3,000,000
Grand Total Appropriation, All Funds	<u>\$15,300,037,000</u>

2. 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.

3. 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 or receivable 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, 1989 of such funds.

4. 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, 1989 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.

5. 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.

6. 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.

7. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

8. The unexpended balances as of June 30, 1989 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated.

9. Unless otherwise provided, balances remaining as of June 30, 1989 in accounts of appropriations enacted subsequent to April 1, 1989 are appropriated.

10. 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, fund code 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 funds, in amounts greater than \$300,000, to or from any account within an item of appropriation in which the unexpended balances are reappropriated in this act, or which is otherwise designated as a carry-forward account;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account within an item of appropriation, from or to a different item of appropriation;

(4) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(5) Requests for the transfer of State funds, in amounts greater than \$8,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, State Aid, Capital Construction and Debt Service;

(6) Requests for the transfer of federal funds, in amounts greater than \$8,000, 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;

(7) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account within an item of appropriation, from or to a different item of appropriation;

(8) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account, in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations; and

(9) 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 (5) 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. 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 his 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 and 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.

11. 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 he 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 his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

12. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased 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 of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

13. 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.

14. 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.

15. 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.

16. 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.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him 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 whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When 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.

18. 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.

19. 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 and New Jersey Education Computer Network (NJEON) as if they were State government agencies pursuant to subsection (a) of section 5 of

P.L.1954, c.48 (C.52:34-10); provided however, that any expenditure with NJECN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. 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 \$1,000 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 \$1,000, 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.

22. 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 his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

23. 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. Such receipts shall be forwarded monthly by such custodian, to the Director of the Division of Budget and Accounting for audit, and the Director shall likewise make regulations governing disbursement from petty cash funds.

24. 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 26, 1989.

25. Receipts in excess of those anticipated from employee maintenance deductions are appropriated for the purpose of maintenance of employee housing units, subject to allotment by the Director of the Division of Budget and Accounting.

26. State agencies shall prepare and submit a copy of their departmental 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 October 1, 1989 and updated spending plans on January 1 and April 1, 1990. 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.

27. 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.

28. 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, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

29. a. The unexpended balance as of June 30, 1989 in the "Surplus Revenue Fund" created pursuant to section 30 of P.L.1988, c.47 shall lapse to the General Fund. There is hereby created within the General Treasury a restricted reserve fund to be known as the "Surplus Revenue Fund." The State Treasurer shall credit to the "Surplus Revenue Fund," on or before December 31, 1989, the amounts determined pursuant to subsection c. of this section. Moneys credited to the "Surplus Revenue Fund" may be invested in the same manner as assets of the General Fund and any investment earnings on the "Surplus Revenue Fund" shall accrue to the

“Surplus Revenue Fund” and shall be available subject to the same terms and conditions as other balances under this section. The State Treasurer may determine the amount of earnings to be credited to the “Surplus Revenue Fund” to reflect the average rate of return on the State of New Jersey Cash Management Fund. The State Treasurer shall provide a report of the status of the “Surplus Revenue Fund” to the Governor and to the Legislature through the Joint Budget Oversight Committee, or its successor, no later than January 15, 1990.

b. As used in this section “anticipated revenue” means the amount of revenue estimated to be realized in a fiscal year as General Fund resources to support appropriations made, including taxes, license fees, other miscellaneous departmental revenue, and revenue transfers to the General Fund from other funds in the State Treasury, and excluding federal funds and any fund balances, whether designated, undesignated or reserved.

c. The amount to be credited to the “Surplus Revenue Fund” shall be determined by the State Treasurer in the following manner:

(1) He shall identify the amount of General Fund anticipated revenue certified by the Governor upon approval of P.L.1988, c.47.

(2) He shall determine, from the annual financial report of the General Fund for the fiscal year 1989, the amount of revenue actually deposited in the General Fund in that fiscal year. If in fiscal year 1989, there was a law enacted which increases the revenue to the General Fund, the yield from that increase for that fiscal year shall be disregarded in determining the amount to be credited to the “Surplus Revenue Fund.”

(3) The amount of the credit to the “Surplus Revenue Fund” shall be an amount equivalent to 50% of the excess, if there be any, of the amount determined in paragraph (2) of subsection c. of this section over the amount determined in paragraph (1) of subsection c. of this section. If actual revenue collections pursuant to the “New Jersey Gross Income Tax Act,” N.J.S.54A:1-1 et seq., for fiscal year 1989 is less than the amount of revenue collections pursuant to that act as certified by the Governor upon approval of P.L.1988, c.47, the amount of the credit to the “Surplus Revenue Fund” otherwise calculated pursuant to this paragraph shall be reduced by the difference between the amount so certified and the actual collections.

d. The Governor shall include in his budget message to the Legislature for fiscal year 1991 an estimate of the credit to be made to

the "Surplus Revenue Fund" as a reduction of the estimated undesignated fund balance in the General Fund as of July 1, 1991. The amount estimated by the Governor for this purpose shall not be less than 50% of the difference between the amount certified by him upon approval of the annual appropriation act for the 1990 fiscal year and the amount of revenue anticipated for the 1990 fiscal year as reflected in the annual budget message for that fiscal year.

e. Balances in the "Surplus Revenue Fund" shall not be available for appropriation except as provided in this section. Balances in the "Surplus Revenue Fund" may be appropriated by the Legislature only: (1) upon separate certification by the Governor that anticipated revenues in the General Fund are estimated to be less than those certified by him upon approval of the 1990 annual appropriation act; or (2) upon a finding by the Legislature, based on its research, that to offset revenue declines anticipated in the General Fund an appropriation from the "Surplus Revenue Fund" is a more prudent fiscal policy than imposing new taxes or increasing any rate of tax or otherwise modifying the tax structure, including elimination or modification of deductions, exclusions or exemptions.

f. The provisions of this section shall not be construed to render balances in the "Surplus Revenue Fund" unavailable for meeting the costs of any emergency identified by the Governor. Balances in the "Surplus Revenue Fund" are appropriated for that purpose, provided however, that the Governor shall notify the Joint Budget Oversight Committee, or its successor, of his determination that balances in the fund are required to meet an emergency, describing the nature of the emergency and the intended use of the funds in meeting the emergency. Upon notice to the Governor that such expenditures have been approved by the committee, or its successor, the expenditure of such funds shall be lawful. As used in this subsection, "emergency" means any condition or occurrence which requires an immediate response in the protection of the life, safety or well-being of the citizens of this State, or any of them, or in the protection or restoration of property, public or private, endangered, damaged, or destroyed as a result, actual or potential, of such condition or occurrence.

g. (1) If in fiscal year 1990 there is enacted an appropriation from the "Surplus Revenue Fund" pursuant to subsection e. of this section, there shall not be enacted any imposition of new taxes or increases in existing tax rates or tax structure modifications having

the effect of increasing revenues except as provided in paragraph (2) of this subsection.

(2) If the amount of the decline in revenue collections in the General Fund is greater than the equivalent of 2% of the total available resources in the General Fund as certified by the Governor upon approval of this annual appropriation act, the restrictions of paragraph (1) of this subsection shall not apply and the balances in the "Surplus Revenue Fund" may be appropriated in any other manner as found to be in the best interests of the fiscal condition of the General Fund.

h. Notwithstanding the restrictions on the appropriation of the balances in the "Surplus Revenue Fund" imposed by subsection e. of this section, if balances in the fund exceed an amount equivalent to 5% of the amount certified by the Governor as total anticipated revenues in the General Fund upon approval of this annual appropriation act, the State Treasurer shall send written notice of the amount of that excess to the Governor and to the Legislature through the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or their successor committees or committee. The excess amount as identified in the notice from the State Treasurer shall be available for appropriation by the Legislature in accordance with subsection i. of this section.

i. Upon notice from the State Treasurer of the amount of excess in the "Surplus Revenue Fund" pursuant to subsection h. of this section, there may be appropriated sums for any one or more of the following purposes:

(1) To provide a reserve fund for retirement, purchase or discharge of outstanding general obligation bonds of the State of New Jersey;

(2) To provide appropriations for capital projects;

(3) To provide appropriations to reduce or offset real property taxes.

j. The amount available for appropriation for the purposes specified in subsection i. shall not be in excess of an amount equivalent to 2% of the amount certified by the Governor as total anticipated revenues in the General Fund upon approval of this annual appropriation act. If the amount reported by the State Treasurer as required in subsection h. is in excess of the amount available for appropriation pursuant to subsection i. as limited in this subsection,

that amount, if any, shall be included in the undesignated balance in the General Fund and available for appropriation as otherwise provided by law.

30. There is created in the Department of the Treasury a special account within the General Fund to be known as the "Uncompensated Care Offset Account." The account shall be maintained under the custody of the State Treasurer and shall be credited with all amounts contributed to it pursuant to this act. There is appropriated to the "Uncompensated Care Offset Account" within the General Fund from those proceeds that would otherwise be deposited in the clearing account established pursuant to R.S.43:21-9(b), moneys in an amount equal to 40% of employee contributions received in this fiscal year pursuant to R.S.43:21-1 et seq. or \$100,000,000, whichever is greater, notwithstanding any other provision of R.S.43:21-1 et seq. Amounts deposited in the "Uncompensated Care Offset Account" are first chargeable, as determined by the Director of the Division of Budget and Accounting, to appropriations made in this act to the Department of Human Services for Payments for medical assistance recipients (State share)—inpatient hospital, to the Department of Higher Education, University of Medicine and Dentistry of New Jersey for uncompensated care cost overruns associated with the provision of hospital services and to the Inter-Departmental Accounts for State employees' health benefits.*

31. This act shall take effect July 1, 1989.

Approved July 1, 1989.

*Language deleted by line-item veto of the Governor. See statement following.

Statement to Chapter 122
(Senate Bill No. 3800 (*First Reprint*))

I am returning Senate Bill No. 3800 with my signature, together with certain constitutionally permitted modifications which are set forth herein.

When I delivered my budget to the Legislature on January 26, 1989, I proposed expenditures of \$12.1 billion representing an increase of only 1.8 percent over the previous year. The proposed budget was frugal, bordering on the austere. In the intervening months since my Budget Message, the State's revenues have not grown as expected and new and pressing spending priorities have emerged, necessitating

major revisions in the State's Fiscal Year 1990 spending plan. The resulting \$12 billion budget package is virtually a no growth budget and fails to keep pace with inflation.

To achieve this balanced budget, we have been forced to cut—and, even in some cases, eliminate—programs that I consider worthwhile. I am not unmindful of the painful consequences that will result from these budget cuts. Important needs of the State will go unmet, services that we have come to rely upon may be curtailed or discontinued and, in some cases, layoffs from the State workforce will result.

While this budget does not allow for real growth over the previous fiscal year, it maintains the essential programs that I have been able to establish over the previous seven years due to the great economic prosperity that our State has experienced. Our ambitions will always exceed our fiscal grasp; yet, this budget meets our most pressing needs. This budget will provide:

- A total of \$5.8 billion in State aid to ease the pressure on local property taxes, including \$3.6 billion in school aid—an increase of \$170 million from last year. This State aid represents almost half of the entire State budget.
- A total of \$120 million for our Distressed Cities Program. With this appropriation, the State is reaffirming its commitment to the revitalization of our urban centers.
- Significant resources for innovations in our public schools and colleges and universities. Through this budget, we will be able to establish pilot projects of pre-kindergarten education in at least two of our urban centers and begin implementation of my Public School Choice program that will increase parents' ability to select the public schools that they believe best meet their children's educational needs. Considerable resources are also devoted to higher education. Not only does this budget contain an investment of \$25 million in Challenge Grants that will encourage excellence among our public and private colleges and universities, but we have been able to provide full funding for Tuition Aid Grants and Educational Opportunity Fund grants that make college attendance possible for our neediest students.
- A continuing and substantial commitment to the State's transportation network. This budget appropriates \$365 million for capital improvements to our public roadways and public trans-

portation system and provides New Jersey Transit with \$221 million in operating subsidies, including \$20 million necessary to prevent further service cutbacks. Together with the improved mechanism for transportation planning and development created by the TRANSPLAN legislation, these fiscal measures will ensure that New Jersey's basic transportation needs will be met.

- In excess of \$2.5 billion to meet the needs of the poor, the elderly and the disabled. Through this budget, REACH, our innovative welfare reform program that is serving as a national model for breaking the cycle of welfare dependency, will be expanded into three of our most urban counties. I have also committed an additional \$20 million to ensure that the State does not reduce services currently provided to the developmentally disabled. Our efforts to fight the deadly AIDS virus will be maintained through funding of the recently created Division on AIDS within the Department of Health. In addition, the State will continue to provide emergency assistance for the homeless, to pursue programs that will enable our citizens to find affordable housing for their families, and to lend substantial resources to assist senior citizens in leading fulfilling and productive lives.

In this difficult budget year, I especially appreciate the cooperation of the Legislature, particularly the leadership and the Appropriations Committees of both Houses. Through their tireless work, the Appropriations Committees' Chairmen, Assemblyman Rodney Frelinghuysen and Senator Larry Weiss, have provided leadership, wisdom and dedication to the process. The budget that has been produced from these deliberations includes many tough decisions, but is ultimately sound in its policies and fair in its judgments. Together, we have produced a budget that is responsive to the needs of the people of New Jersey.

While this budget represents a reasonable accommodation of the competing demands on the State coffers, the State's budgetary process requires improvement, and we must find permanent solutions to its perennial problems. I regret that once again the Legislature has failed to provide a permanent funding source for our Distressed Cities Program. As I have stated on previous occasions, this program is the lifeblood of the revitalization of our urban centers, but its funding source must be made permanent. Until such time, our cities will be forced to endure the uncertainty of funding inherent in the

annual appropriations process. We must find a way to free the cities from their annual pilgrimage to Trenton for aid.

Similarly, we must continue to work toward legislation that will provide meaningful property tax relief. Only fundamental structural changes in the fiscal relationship between the State and its municipalities can produce true property tax reform. Until measures of this nature are enacted, property tax relief will annually be subject to the vagaries of the budget process.

Nevertheless, I am pleased to sign into law this budget for Fiscal Year 1990. It will serve the State well by maintaining the State's fiscal integrity and continuing prudent financial practices in a time of limited revenue growth.

REVENUE CERTIFICATION

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 3800 are available to support appropriations made by Senate Bill No. 3800 for the Fiscal Year ending June 30, 1990.

GENERAL FUND

Undesignated Fund Balance, July 1, 1989	\$290,000,000
Sales and Use Tax	3,411,000,000
All other resources same as S-3800	<u>4,901,443,000</u>

ALL OTHER FUNDS

All other funds same as S-3800	<u>8,602,443,000</u>
	<u>\$3,818,050,000</u>
GRAND TOTAL RESOURCES	<u>\$12,420,493,000</u>

FEDERAL FUNDS

Uncertainty over the amount of federal aid which may be available to the State prevents me from making a like certification in the case of federal funds. Federal monies specified in the appropriations bill cannot be regarded as immediately available for expenditure. Pursuant to N.J.S.A.52:27B-26, I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal funds to support any expenditure are receivable or have been received by the State.

"INTERDEPARTMENTAL ACCOUNTS"Page

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"In addition to the sums hereinabove for Workers' Compensation Self-Insurance Fund, the Director of the Division of Budget and Accounting shall transfer or credit to the Workers' Compensation account a sum of \$5,400,000 from appropriations made (to various spending agencies) for Rent-Central Motor Pool as determined by the Director. This additional sum is appropriated for Workers' Compensation Self-Insurance Fund. In addition, the State Treasurer shall sell or otherwise dispose of (2,000 of the) vehicles owned by either the State Central Motor Pool pursuant to Executive Order No. 2 or the individual State departments."

The language in parentheses is deleted.

The requirement for the Treasurer to sell 2,000 cars has been removed from the budget because it does not take into account contractual obligations that may delay the disposal of leased vehicles in the State's fleet, nor does it allow the Treasurer the flexibility to dispose of State cars in a manner that maximizes the return to the State. In anticipation of a reduction in the number of vehicles, we have included in revenues a sum of \$2,000,000. In addition, a sum of \$5,400,000 will be saved through stricter controls in the acquisition and allocation of State cars.

Respectfully,

Thomas H. Kean
Governor

CHAPTER 123

AN ACT to amend and supplement Title 54 of the Revised Statutes 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.1966, c.30 (C.54:32B-2) is amended to read as follows:

C.54:32B-2 Definitions.

2. Definitions. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) Person. Person includes an individual, partnership, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Purchase at retail. A purchase by any person at a retail sale.

(c) Purchaser. A person who purchases property or who receives services.

(d) Receipt. The amount of the sales price of any property and the charge for any service taxable under this act, valued in money, whether received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for property of the same kind that is not tangible personal property purchased for lease accepted in part payment and intended for resale, excluding the cost of transportation where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser, and excluding the amount of the sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L. 95-113 (7 U.S.C. § 2011 et seq.).

(e) Retail sale. (1) A sale of tangible personal property to any person for any purpose, other than (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the prop-

erty upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax.

(2) For the purposes of this act, the term retail sales includes:

Sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) For the purposes of this act, the term retail sale includes the purchase of tangible personal property for lease.

(4) The term retail sales does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the vendor.

(f) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) Tangible personal property. Corporeal personal property of any nature.

(h) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any installation, any affixation to real or personal property, or any consumption of such property.

(i) Vendor. (1) The term "vendor" includes:

(A) A person making sales of tangible personal property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(D) Any other person making sales to persons within the State of tangible personal property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act; and

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons.

(F) A person who purchases tangible personal property for lease, whether in this State or elsewhere. For the purposes of Title 54 of the Revised Statutes, the presence of leased tangible personal property in this State is deemed to be a place of business in this State.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the vendor, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property sold by him or for whom he solicits business, the director may, in his discretion, treat such

agent as the vendor jointly responsible with his principal, distributor, supervisor or employer for the collection and payment over of the tax.

(j) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) Occupancy. The use or possession or the right to the use or possession, of any room in a hotel.

(l) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) Permanent resident. Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

(q) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) Lessor. Any person who is the owner, licensee, or lessee of any premises or tangible personal property which he leases, subleases, or grants a license to use to other persons.

(t) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

(u) Casual sale. Casual sale means an isolated or occasional sale of an item of tangible personal property by a person who is not regularly engaged in the business of making sales at retail where such property was obtained by the person making the sale, through purchase or otherwise, for his own use in this State.

(v) Motor vehicle. Motor vehicle shall include all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, housetrailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; every operator of a hotel; and every lessor. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership. Provided, however, the vendor of tangible personal property to all contractors, subcontractors or repairmen, consisting of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others, shall not be deemed a person required to collect tax, and the tax imposed by any section of this act shall be paid directly to the director by such contractors, subcontractors or repairmen.

(x) "Customer" shall include: every purchaser of tangible personal property or services; every patron paying or liable for the payment of any amusement charge; and every occupant of a room or rooms in a hotel.

(y) "Property and services the use of which is subject to tax" shall include: (a) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; and (b) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property the use of which is subject to tax under section 6 or will become subject to tax when such property is received by or comes into possession or control of such person within the State.

(z) Director. Director means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease" means the possession or control of tangible personal property by an agreement, not transferring sole title, as may be evidenced by a contract, contracts, or by implication from other circumstances including course of dealing or usage of trade or course of performance, for a period of more than 28 days.

(bb) "The amount of the sales price" of tangible personal property purchased for lease means, at the election of the lessor, either (1) the amount of the lessor's purchase price or (2) the amount of the total of the lease payments attributable to the lease of such property. Tangible personal property purchased for lease is subject to the provisions of subsection (a) of section 3 of P.L.1966, c.30 (C.54:32B-3).

2. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:

C.54:32B-3 Imposition of sales tax.

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970, there is hereby imposed and there shall be paid a tax of 3%; on and after March 1, 1970 and continuing through January 2, 1983, there is hereby imposed and there shall be paid a tax of 5%; and on and after January 3, 1983, there is imposed and there shall be paid a tax of 6%, upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act. If the lessor of tangible personal property purchased for lease elects to pay tax on the amount of the sales price as provided in paragraph (2) of subsection (bb) of section 2 of P.L.1966, c.30 (C.54:32B-2), any and each subsequent lease or rental is a retail sale, and a subsequent sale of such property is a retail sale.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P.L.1980, c.105 (C.54:32B-8.1), (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services, except advertising services for use directly and primarily for publication in newspapers and magazines and except for direct-mail advertising processing services in connection with distribution to out-of-State recipients.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink in or by restaurants, taverns, vending machines or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods;

(4) Sales of food and beverages sold through coin-operated vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge, where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

3. Section 7 of P.L.1966, c.30 (C.54:32B-7) is amended to read as follows:

C.54:32B-7 Special rules for computing receipts and consideration.

7. Special rules for computing receipts and consideration. (a) The retail sales tax imposed under subsection (a) of section 3 and the compensating use tax imposed under section 6, when computed in respect to tangible personal property wherever manufactured, processed or assembled and used by such manufacturer, processor or assembler in the regular course of business within this State, shall be based on the price at which items of the same kind of tangible personal property are offered for sale by him.

(b) Tangible personal property, which has been purchased by a resident of the State of New Jersey outside of this State for use outside of this State and subsequently becomes subject to the com-

compensating use tax imposed under this act, shall be taxed on the basis of the purchase price of such property, provided, however:

(1) That where a taxpayer affirmatively shows that the property was used outside such State by him for more than six months prior to its use within this State, such property shall be taxed on the basis of current market value of the property at the time of its first use within this State. The value of such property, for compensating use tax purposes, may not exceed its cost.

(2) That the compensating use tax on such tangible personal property brought into this State (other than for complete consumption or for incorporation into real property located in this State) and used in the performance of a contract or subcontract within this State by a purchaser or user for a period of less than six months may be based, at the option of the taxpayer, on the fair rental value of such property for the period of use within this State.

(c) Leased tangible personal property which has been purchased outside this State for lease outside of this State and subsequently becomes subject to the compensating use tax imposed under this act shall be taxed on the basis of the purchase price of such property, provided however, that the compensating use tax on such property brought into and used within this State may be based, at the option of the lessor, on the total of the lease payments attributable to the lease of that property attributable to the period of the lease remaining after first use in this State.

(d) Unless tangible personal property purchased for lease has already been subject to the sales tax imposed under subsection (a) of section 3 or the compensating use tax imposed under section 6, the use tax computed with respect to such property, in the discretion of the director, may be assessed against the lessee or sub-lessee and shall be based on the total of the periodic payments required under the lease. The fact that the lessee has accepted in good faith the certificate of the lessor, in the form prescribed by the director, and the fact that the tax imposed on property purchased for lease in this act has been paid may be considered by the director, but shall not be deemed conclusive if good faith issuance or acceptance of such certificate is in question.

4. Section 18 of P.L.1980, c.105 (C.54:32B-8.6) is amended to read as follows:

C.54:32B-8.6 Casual sales.

18. Receipts from casual sales except as to sales of motor vehicles,

whether for use on the highways or otherwise, except as to sales of boats or vessels registered or subject to registration under the "New Jersey Boat Act of 1962," P.L.1962, c.73 (C.12:7-34.36 et seq.), and all amendments and supplements thereto, and except as to sales of tangible personal property purchased for lease which property was granted exemption from tax pursuant to section 6 of P.L.1989, c.123 (C.54:32B-8.40), are exempt from the tax imposed under the Sales and Use Tax Act. A manufactured home, as defined in subsection d. of section 3 of P.L.1983, c.400 (C.54:4-1.4) shall not be deemed a motor vehicle for the purposes of this section.

5. Section 11 of P.L.1966, c.30 (C.54:32B-11) is amended to read as follows:

C.54:32B-11 Exemptions from use tax.

11. Exemptions from use tax. The following uses of property shall not be subject to the compensating use tax imposed under this act:

(1) In respect to the use of property used by the purchaser in this State prior to July 1, 1966.

(2) In respect to the use of property purchased by the user while a nonresident of this State, except in the case of tangible personal property which the user, in the performance of a contract, incorporates into real property located in the State or except in the case of tangible personal property purchased for lease. A person while engaged in any manner in carrying on in this State any employment, trade, business or profession, not entirely in interstate or foreign commerce, shall not be deemed a nonresident with respect to the use in this State of property in such employment, trade, business or profession.

(3) In respect to the use of property or services upon the sale of which the purchaser would be expressly exempt from the taxes imposed under subsection (a) or (b) of section 3.

(4) In respect to the use of property which is converted into or becomes a component part of a product produced for sale or for market sampling by the purchaser.

(5) In respect to the use of paper in the application of newspapers and periodicals.

(6) In respect to the use of property or services to the extent that a retail sales or use tax was legally due and paid thereon, without any right to a refund or credit thereof, to any other State or jurisdiction within any other State but only when it is shown that such other

State or jurisdiction allows a corresponding exemption with respect to the sale or use of tangible personal property or services upon which such a sales tax or compensating use tax was paid to this State. To the extent that the tax imposed by this act is at a higher rate than the rate of tax in the first taxing jurisdiction, this exemption shall be inapplicable and the tax imposed by section 6 of this act shall apply to the extent of the difference in such rates.

C.54:32B-8.40 Tangible personal property exemptions.

6. Receipts from sales of tangible personal property purchased for lease are exempt from tax if the property, the use of such property or the lessee of such property is granted exemption from tax under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), provided however, that the tangible personal property is not later leased for a nonexempt use or leased to a nonexempt person or converted to a nonexempt use by any person. If property is so leased or converted, the tax shall be due pursuant to the provisions of the "Sales and Use Tax Act."

7. Section 13 of P.L.1966, c.30 (C.54:32B-13) is amended to read as follows:

C.54:32B-13 Tax payment prerequisite to registration.

13. Tax payment prerequisite to registration. (a) The Director of the Division of Motor Vehicles in the State Department of Law and Public Safety shall not issue a registration certificate for any motor vehicle, except in the case of a renewal of registration by the same owner, except upon proof, in a form approved by the Director of the Division of Taxation and the Director of the Division of Motor Vehicles, that any tax imposed by section 3 or section 6 of this act with respect to the sale of the motor vehicle to the registrant or to the lessor or the use thereof has been paid, or that no such tax is due.

(b) The Commissioner of the Department of Conservation and Economic Development shall not issue a registration certificate or an exempt certificate for any boat or vessel subject to registration under the New Jersey Boat Act of 1962 (c.73, laws of 1962, and all amendments thereto) except in the case of a renewal of registration by the same owner, except upon proof, in a form approved by the Director of the Division of Taxation and the Commissioner of the Department of Conservation and Economic Development, that any tax imposed by section 3 or section 6 of this act with respect to the sale of the boat or vessel to the registrant or to the lessor or the use thereof has been paid, or that no such tax is due.

8. Section 15 of P.L.1966, c.30 (C.54:32B-15) is amended to read as follows:

C.54:32B-15 Registration.

15. Registration. (a) On or before June 20, 1966, or in the case of persons commencing business or opening new places of business after such date, within three days after such commencement or opening, every person required to collect any tax imposed by this act and every person purchasing tangible personal property for resale or lease shall file with the director a certificate of registration in a form prescribed by him. The director shall within five days after such registration issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of such registrant. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificate of authority shall be prominently displayed in the place of business of the registrant. A registrant who has no regular place of doing business shall attach such certificate to his cart, stand, truck or other merchandising device. Such certificates shall be nonassignable and nontransferable and shall be surrendered to the director immediately upon the registrant's ceasing to do business at the place named.

(b) Any person who is not otherwise required to collect any tax imposed by this act and who makes sales to persons within the State of tangible personal property or services, the use of which is subject to tax under this act, may if he so elects file a certificate of registration with the director who may, in his discretion and subject to such conditions as he may impose, issue to him a certificate of authority to collect the compensating use tax imposed by this act.

9. Section 16 of P.L.1966, c.30 (C.54:32B-16) is amended to read as follows:

C.54:32B-16 Records to be kept.

16. Every person required to collect any tax imposed by this act shall keep records of every purchase, purchase for lease, sale or amusement charge or occupancy and of all amounts paid, charged or due thereon and of the tax payable thereon, in such form as the director may by regulation require. Such records shall include a true copy of each sales slip, invoice, receipt, statement or memorandum upon which subsection (a) of section 12 requires that the tax be stated separately. Such records shall be available for inspection and examination at any time upon demand by the director or his duly authorized agent or employee and shall be preserved for a period of

three years, except that the director may consent to their destruction within that period or may require that they be kept longer.

10. (a) Sections 1 through 9 of P.L.1989, c.123 (C.54:32B-2 et al.) shall apply to sales of tangible personal property for lease if the delivery of any of the property which was the subject matter of the agreement was completed on or after June 26, 1989. For the purpose of this subsection, if the lessor does not take delivery of the property, delivery to the lessee shall be deemed delivery to the lessor.

(b) Notwithstanding any provisions of P.L.1989, c.123 to the contrary, and except as provided in subsection (c) of this section, lease agreements for tangible personal property taxable under the sales and use tax act in effect before June 26, 1989, and under which delivery to the lessee of all the property was completed before that date, shall be subject to sales or use tax on the basis of and at the time that the periodic lease payments and other charges or payments are made by the lessee under the agreement, including but not limited to purchase options and excess usage charges.

(c) Upon renewal of a lease agreement which is subject to tax as provided under subsection (b) of this section, sales or use tax shall be due from the lessor on the purchase price of the property; provided however, that credit shall be granted for the tax paid with respect to the lease of such property in New Jersey prior to that renewal.

11. The Director of the Division of Taxation shall report quarterly, through the State Treasurer, commencing with the calendar quarter ending September 30, 1989, on the amount of sales and use tax collected pursuant to the amendments made to the general provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) by sections 1 through 10 of P.L.1989, c.123 (C.54:32B-2 et al.).

12. This act shall take effect immediately and be retroactive to June 26, 1989 and apply to purchases of tangible personal property for lease if the delivery of any of such property was completed on or after that date. Section 11 shall expire July 1, 1994. This act shall remain inoperative until enactment of P.L.1989, c.124 making a total appropriation in an amount of not less than \$108,900,000.

Approved July 1, 1989.

New Jersey State Library

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, 1990 and regulating the disbursement thereof," approved July 1, 1989.

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.1989, c.122, there are appropriated the following sums for the purposes specified:

GENERAL FUND	
DIRECT STATE SERVICES	
74 DEPARTMENT OF STATE	
30 Educational, Cultural and Intellectual Development	
37 Cultural and Intellectual Development Services	
05-2530 Support of the Arts	<u>\$7,500,000</u>
Grants:	
Cultural projects—excellence	
initiative	(\$7,500,000)
78 DEPARTMENT OF TRANSPORTATION	
60 Transportation Programs	
62 Public Transportation	
04-6050 New Jersey Transit Corporation	
Bus Operations	\$7,100,000
Rail Operations	4,400,000
Atlantic City Rail	6,800,000
Purchased Transportation	<u>2,800,000</u>
Total All Operations	<u>\$21,100,000</u>
Less:	
Farebox Revenue	(\$3,600,000)
Total Income Deductions	<u>(\$3,600,000)</u>
Total Appropriation,	
Public Transportation	<u>\$17,500,000</u>
Personal Services:	
Salaries and wages	(\$8,000,000)
Materials and Supplies	(1,900,000)
Services Other Than Personal	(1,300,000)

Special Purpose:

Purchased transportation	(2,800,000)
Insurance and claims	(300,000)
Atlantic City rail service	(6,800,000)

Less:

<i>Farebox Revenue</i>	<i>(\$3,600,000)</i>
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94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400 Property Rentals \$1,900,000

Services Other Than Personal:

Rent:

Newark Performing Arts

Center (\$1,900,000)

The amount hereinabove for Rent: Newark Performing Arts Center 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 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 infrastructure improvements thereon purchased 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. 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.

Total Appropriation, Inter-

Departmental Accounts \$1,900,000

Total Appropriation, Direct	
State Services	<u>\$26,900,000</u>

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020 Housing Services	\$12,000,000
04-8030 Local Government	
Services	<u>50,000,000</u>
Total Appropriation,	
Community Development	
Management	<u>\$62,000,000</u>

State Aid:

Urban multi-family	
production program	(\$10,000,000)
Two-family home	
production program	(2,000,000)
Aid to distressed	
municipalities P.L.1987,	
c.75 (C.52:27D-118.24 et seq.)	(50,000,000)
Total Appropriation,	
State Aid	<u>\$62,000,000</u>
Total Appropriation,	
General Fund	<u>\$88,900,000</u>

PROPERTY TAX RELIEF FUND

STATE AID

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid—State Aid

32-2071 Revenue Sharing	<u>\$20,000,000</u>
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State Aid:

Distribution of revenue	
sharing funds to eligible	
municipalities	(\$20,000,000)

Notwithstanding any provisions of P.L.1976, c.73 (C.54A:10-1 et seq.) to the contrary, the amount hereinabove for Revenue Sharing shall be paid to municipalities that received revenue sharing aid under P.L.1988, c.47, except that a municipality receiving as-

sistance from the appropriation made to the Department of Community Affairs for Aid to distressed municipalities in this act or any act to which this act is a supplement shall not be eligible to receive revenue sharing funds. Revenue sharing funds shall be distributed to each eligible municipality, as defined herein, in an amount equal to the amount received under P.L.1988, c.47 as a distribution from the Revenue Sharing Fund created pursuant to section 4 of P.L.1976, c.73 (C.54A:10-4), multiplied by a factor of .59629. The Local Finance Board in the Department of Community Affairs shall notify the State Treasurer concerning which municipalities have been determined to receive aid to distressed municipalities assistance, and the amount of such assistance to be distributed to each recipient municipality, as soon as such determination has been made.

Total Appropriation, Property	
Tax Relief Fund	<u>\$20,000,000</u>
Grand Total Appropriation,	
All Funds	<u>\$108,900,000</u>

2. This act shall take effect July 1, 1989, and if enacted later than July 1, 1989, shall be retroactive to that date; provided, however, that this act shall remain inoperative until the enactment of P.L.1989, c.123.

Approved July 1, 1989.

CHAPTER 125

AN ACT concerning certain juvenile proceedings and amending P.L.1982, c.77.

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

1. Section 4 of P.L.1982, c.77 (C.2A:4A-23) is amended to read as follows:

C.2A:4A-23 Definition of delinquency.

4. Definition of delinquency. As used in this act, "delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

- a. A crime;
- b. A disorderly persons offense or petty disorderly persons offense;
or
- c. A violation of any other penal statute, ordinance or regulation.

But, the commission of (1) an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of or over the age of 17 years; (2) an act relating to the ownership or operation of a motorized bicycle which constitutes a violation of chapter 3 or 4 of Title 39 of the Revised Statutes by a juvenile of any age; (3) an act which constitutes a violation of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes pertaining to pedestrians and bicycles, by a juvenile of any age; or (4) the commission of an act which constitutes a violation of P.L.1981, c.318 (C.26:3D-1 et seq.), P.L.1981, c.319 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15 et seq.), P.L.1985, c.185 (C.26:3E-7 et seq.), P.L.1985, c.186 (C.26:3D-32 et seq.), N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38 et seq.), P.L.1985, c.381 (C.26:3D-46 et seq.), or of any amendment or supplement thereof, by a juvenile of any age; or (5) an act which constitutes a violation of chapter 7 of Title 12 of the Revised Statutes relating to the regulation and registration of power vessels, by a juvenile of any age or section 2 of P.L.1987, c.453 (C.12:7-61) shall not constitute delinquency as defined in this act. The municipal court having jurisdiction over a case involving a violation by a juvenile of a section of Title 26 listed in this subsection, or N.J.S.2C:33-13, shall forward a copy of the record of conviction in that case to the Family Part intake service of the county where the municipal court is located.

If a municipal court orders detention or imposes a term of imprisonment on a juvenile in connection with a violation of Title 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or N.J.S.2C:33-13, that detention or term of imprisonment shall be served at a suitable juvenile institution and not at a county jail or county workhouse.

2. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to read as follows:

C.2A:4A-37 Place of detention or shelter.

18. Place of detention or shelter. a. The State Department of Corrections shall specify the place where a juvenile may be detained; and the Department of Human Services shall specify where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Corrections or Department of Human Services as provided in subsection a.

c. A juvenile being held for a charge under this act or for a violation of or contempt in connection with a violation of Title 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or N.J.S.2C:33-13, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity, as designated by the Department of Corrections.

d. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18.

e. (1) The Department of Corrections and the Department of Human Services shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for juvenile detention facilities or shelters under their respective supervision.

(2) The Department of Corrections and the Department of Human Services, in consultation with the appropriate county administrator of the county facility or shelter, shall assign a maximum population capacity for each juvenile detention facility or shelter based on minimum standards for these facilities.

f. (1) Where either the Department of Corrections or the Department of Human Services determines that a juvenile detention facility or shelter under its control or authority is regularly over the maximum population capacity or is in willful and continuous disregard of the minimum standards for these facilities or shelters, the department may restrict new admissions to the facility or shelter.

(2) Upon making such determination, the department shall notify the governing body of the appropriate county of its decision to impose such a restriction, which notification shall include a written statement specifying the reasons therefor and corrections to be made.

If the department shall determine that no appropriate action has been initiated by the administrator of the facility or shelter within 60 days following such notification to correct the violations specified in the notification, it shall order that such juvenile detention facility or shelter shall immediately cease to admit juveniles. The county shall be entitled to a hearing where such a restriction is imposed by the department.

(3) Any juvenile detention facility or shelter so restricted shall continue under such order until such time as the department determines that the violation specified in the notice has been corrected or that the facility or shelter has initiated actions which will ensure the correction of said violations.

(4) Upon the issuance of an order to cease admissions to a juvenile detention facility or shelter, the department shall determine whether other juvenile detention facilities or shelters have adequate room for admitting juveniles and shall assign the juveniles to the facilities or shelters on the basis of available space; provided that the department shall not assign the juvenile to a facility or shelter where such facility or shelter is at the maximum population. A juvenile detention facility or shelter ordered to accept a juvenile shall do so within five days following the receipt of an order to accept admission of such juvenile.

(5) A juvenile detention facility or shelter restricted by an order to cease admissions shall assume responsibility for the transportation of a juvenile sent to another juvenile detention facility or shelter so long as the order shall remain in effect.

(6) A facility or shelter receiving juveniles pursuant to paragraph (4) of this subsection shall receive from the sending county a reasonable and appropriate per diem allowance for each juvenile sent to the facility, such allowance to be used for the custody, care, maintenance, and any other services normally provided by the county to juveniles in the facility or shelter and which reflects all county expenditures in maintaining such juvenile, including a proportionate share of all buildings and grounds costs, personnel costs, including fringe benefits, administrative costs and all other direct and indirect costs.

(7) The governing body of a county whose juvenile detention facility or shelter has been prohibited from accepting new admissions, and whose juveniles have been assigned to other juvenile detention facilities or shelters, shall appropriate an amount to pay the county receiving such juveniles for all expenses incurred pursuant to paragraph (6) of this subsection.

3. This act shall take effect immediately, but the provision referencing a violation of section 2 of P.L.1987, c.453 (C.12:7-61) in paragraph (5) of subsection c. of section 4 of P.L.1982, c.77 (C.2A:4A-23) shall remain inoperative until January 19, 1989.

Approved July 3, 1989.

CHAPTER 126

AN ACT concerning real estate brokers and real estate salespersons, amending various parts of the statutory law and repealing R.S.45:15-23.

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

1. R.S.45:15-9 is amended to read as follows:

Real estate licenses.

45:15-9. All persons desiring to become real estate brokers or real estate salespersons shall apply to the commission for a license under the provisions of this article. Every applicant for a license as a broker or salesperson shall be of the age of 18 years or over, and in the case of an association or a corporation the directors thereof shall be of the age of 18 years or over. Application for a license, whether as a real estate broker or a real estate salesperson, shall be made to the commission upon forms prescribed by it and shall be accompanied by a fee of \$10.00 which fee shall not be refundable. Every applicant for a license whether as a real estate broker or real estate salesperson shall have the equivalent of a high school education. The issuance of a license to an applicant who is a nonresident of this State shall be deemed to be his irrevocable consent that service of process upon him as a licensee in any action or proceeding may be made upon him by service upon the secretary of the commission or the person in charge of the office of the commission. The applicant shall furnish evidence of good moral character, and in the case of an association, partnership or corporation, the members, officers or directors thereof shall furnish evidence of good moral character. The commission may make such investigation and require such proof as it deems proper and in the public interest as to the honesty, trustworthiness, character and integrity of an applicant. Every applicant for a license as a broker shall have first served an apprenticeship of two full years

as a duly licensed real estate salesperson in this State immediately preceding the date of application which requirement may be waived by the commission where the applicant has been the holder of a broker's license in another state and actively engaged in the real estate business for at least two years immediately preceding the date of his application, meets the educational requirements and qualifies by examination. No license as broker shall be granted to a partnership or corporation unless at least one of the partners or officers of said partnership or corporation qualifies as and holds a license as a broker to transact business in the name and on behalf of said partnership or corporation as its authorized broker and no such authorized broker shall act as a broker on his own individual account unless he is also licensed as a broker in his individual name; the license of said partnership or corporation shall cease if at least one partner or officer does not hold a license as its authorized broker at all times. A change in the status of the license of an authorized broker to an individual capacity or vice versa shall be effected by application to the commission accompanied by a fee of \$5.00.

In the event that any person to whom a broker's license has been or shall have been issued shall fail to renew such license or obtain a new license for a period of two consecutive years or more after the expiration of the last license, the commission shall require such person to serve the same apprenticeship, to pass an examination, and to attend school. This paragraph shall not apply to a person reapplying for a broker's license who was a licensed broker and who allowed his license to expire due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment.

In the event that any person to whom a salesperson's license has been or shall have been issued shall fail to renew such license or obtain a new license for a period of two consecutive years or more after the expiration of the last license, the commission shall require such person to attend an approved school and pass the State examination prior to issuance of a further license. This paragraph shall not apply to a person reapplying for a salesperson's license who was a licensed salesperson and who allowed his license to expire due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment.

2. Section 1 of P.L.1966, c.227 (C.45:15-10.1) is amended to read as follows:

C.45:15-10.1 Prerequisite to admission to examination.

1. a. As a prerequisite to admission to an examination, every individual applicant for license as a real estate salesperson shall give evidence of 75 hours' satisfactory completion in the aggregate of such courses of education in real estate subjects at a school approved by the commission as the commission shall by regulation prescribe. At least three hours of that course of study shall be on the subject of ethics and ethical conduct in the profession of a real estate salesperson.

b. As a prerequisite to admission to an examination, every individual applicant for license as a real estate broker shall give evidence of 90 hours' satisfactory completion in the aggregate of such courses of education in real estate and related subjects at a school approved by the commission as the commission shall by regulation prescribe. At least three hours of that course of study shall be on the subject of ethics and ethical conduct in the profession of a real estate broker.

3. R.S.45:15-17 is amended to read as follows:

Investigations of actions of licensees; suspension or revocation of licenses and causes therefor.

45:15-17. The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any real estate broker or real estate salesperson, or any person who assumes, advertises or represents himself as being authorized to act as a real estate broker or salesperson or engages in any of the activities described in R.S.45:15-3 of this article without being licensed so to do. The lapse or suspension of a license by operation of law or the voluntary surrender of a license by a licensee shall not deprive the commission of jurisdiction to proceed with any investigation as herein provided or prevent the commission from taking any regulatory action against such licensee, provided, however, that alleged charges arose while said licensee was duly licensed. Each transaction shall be construed as a separate offense.

The commission may place on probation, suspend for a period less than the unexpired portion of the license period, or may revoke any license issued under the provisions of this article, or the right of licensure when such person is no longer the holder of a license at the time of hearing, or may impose, in addition or as an alternative to such probation, revocation or suspension, a penalty of not more than \$5,000.00 for the first violation, and a penalty of not more than

\$10,000.00 for any subsequent violation, which penalty shall be sued for and recovered by and in the name of the commission and shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), where the licensee or any person, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

- a. Making any false promises or any substantial misrepresentation; or
- b. Acting for more than one party in a transaction without the knowledge of all parties thereto; or
- c. Pursuing a flagrant and continued course of misrepresentation or making of false promises through agents, salespersons, advertisements or otherwise; or
- d. Failure to account for or to pay over any moneys belonging to others, coming into the possession of the licensee; or
- e. Any conduct which demonstrates unworthiness, incompetency, bad faith or dishonesty; or
- f. Failure to provide his client with a fully executed copy of any sale or exclusive sales or rental listing contract at the time of execution thereof, and failure to specify therein a definite terminal date which terminal date shall not be subject to any qualifying terms or conditions; or
- g. Using any plan, scheme or method for the sale or promotion of the sale of real estate which involves a lottery, a contest, a game, a prize, a drawing, or the offering of a lot or parcel or lots or parcels for advertising purposes; or
- h. Being convicted of a crime, knowledge of which the commission did not have at the time of last issuing a real estate license to the licensee; or
- i. Collecting a commission as a real estate broker in a transaction, when at the same time representing either party in a transaction in a different capacity for a consideration; or
- j. Using any trade name or insignia of membership in any real estate organization of which the licensee is not a member; or
- k. Paying any rebate, profit, compensation or commission to anyone not possessed of a real estate license; or

l. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing; or

m. Accepting a commission or valuable consideration as a real estate salesperson for the performance of any of the acts specified in this act, from any person, except his employing broker, who must be a licensed broker; or

n. Procuring a real estate license, for himself or anyone else, by fraud, misrepresentation or deceit; or

o. Commingling the money or other property of his principals with his own or failure to maintain and deposit in a special account, separate and apart from personal or other business accounts, all moneys received by a real estate broker, acting in said capacity, or as escrow agent, or the temporary custodian of the funds of others, in a real estate transaction; or

p. Selling property in the ownership of which he is interested in any manner whatsoever, unless he first discloses to the purchaser in the contract of sale his interest therein and his status as a real estate broker or real estate salesperson; or

q. Purchasing any property unless he discloses to the seller in the contract of sale his status as a real estate broker or real estate salesperson; or

r. For the violation of any of the provisions of this article or of the administrative rules adopted by the commissioner pursuant to the provisions of this article. The commission is expressly vested with the power and authority to make, prescribe and enforce any and all rules and regulations for the conduct of the real estate brokerage business consistent with the provisions of this act.

If a licensee is deemed to be guilty of a third violation of any of the provisions of this section, whether of the same provision or of separate provisions, the commission may deem that person a repeat offender, in which event the commission may direct that no license as a real estate salesperson or real estate broker shall henceforth be issued to that person.

4. Section 6 of P.L.1953, c.229 (C.45:15-19.1) is amended to read as follows:

C.45:15-19.1 License revoked upon conviction.

6. When, during the term of any license issued by the com-

mission, the licensee shall be convicted in a court of competent jurisdiction in the State of New Jersey or any state (including federal courts) of forgery, burglary, robbery, any theft and related offense with the exception of shoplifting, criminal conspiracy to defraud, or other like offense or offenses, or any crime involving, related to or arising out of the licensee's activities as a real estate broker or real estate salesperson, and a duly certified or exemplified copy of the judgment of conviction shall be obtained by the commission, the commission shall revoke forthwith the license by it theretofore issued to the licensee so convicted.

5. Section 7 of P.L.1953, c.229 (C.45:15-19.2) is amended to read as follows:

C.45:15-19.2 License suspended when licensee is indicted.

7. In the event that any licensee shall be indicted in the State of New Jersey or any state or territory (including federal courts) for murder, kidnapping, aggravated sexual assault, robbery, burglary, arson, any theft offense, bribery, racketeering, distribution of a controlled dangerous substance or conspiracy to distribute a controlled dangerous substance, forgery, criminal conspiracy to defraud, or like offense or offenses, or any crime involving, related to or arising out of the licensee's activities as a real estate broker or salesperson, and a certified copy of the indictment is obtained by the commission, or other proper evidence thereof be to it given, the commission shall have authority, in its discretion, to suspend the license issued to such licensee pending trial upon such indictment.

6. Section 8 of P.L.1953, c.229 (C.45:15-12.1) is amended to read as follows:

C.45:15-12.1 Bars issuance of license.

8. No license shall be issued by the commission to any person known by it to have been, within five years theretofore, convicted of forgery, burglary, robbery, any theft offense other than shoplifting, criminal conspiracy to defraud, or other like offense or offenses, or to any copartnership of which such person is a member, or to any association or corporation of which said person is an officer, director, or employee, or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly. In the event of the revocation or suspension of the license issued to any member of a copartnership, or to any officer of an association or corporation, the license issued to such copartnership, association, or corporation, shall be revoked by the commission, unless, within a time fixed by the commission, where a copartnership, the connection therewith of the

member whose license has been revoked shall be severed and his interest in the copartnership and his share in its activities brought to an end, or where an association or corporation, the offending officer shall be discharged and shall have no further participation in its activity.

Repealer.

7. R.S.45:15-23 is repealed.

8. This act shall take effect immediately.

Approved July 3, 1989.

CHAPTER 127

AN ACT concerning the coverage of certain employees in the New Jersey State Health Benefits Program and supplementing P.L.1961, c.49 (C.52:14-17.25 et seq.).

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

C.52:14-17.32g Benefits program continued.

1. Notwithstanding any other provisions of P.L.1961, c.49 (C.52:14-17.25 et seq.) to the contrary, the basic benefits and the major medical expense benefits of any employee of an employer with at least three years of service under a permanent appointment with that employer and any dependent of the employee may be continued and the premiums for the coverage may be paid by the employer during any approved leave of absence of the employee with or without pay, for a period of up to two years.

For the purposes of this section "employer" means a local board of education, regional board of education, county college, educational services commission, jointure commission, county special services school district, county vocational-technical school district, or any board or commission under the authority of the Commissioner of Education, or State Board of Education, as the case may be.

2. This act shall take effect immediately.

Approved July 3, 1989.

CHAPTER 128

AN ACT concerning judges of the Superior Court in certain counties
and amending N.J.S.2A:2-1.

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 361 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. (1) The Superior Court shall at all times consist of the following number of judges of each county who at the time of their appointment and reappointment were residents of that county:

Atlantic	10
Bergen	24
Burlington	7
Camden	14
Cape May	4
Cumberland	6
Essex	28
Gloucester	8
Hudson	22
Hunterdon	3
Mercer	8
Middlesex	20
Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	3

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved July 20, 1989.

CHAPTER 129

AN ACT concerning the servicing of automobile insurance policies by terminated agents and amending P.L.1970, c.217.

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

1. Section 1 of P.L.1970, c.217 (C.17:22-6.14a) is amended to read as follows:

C.17:22-6.14a Rates of commission to be set forth in contracts; exceptions; termination of contracts.

1. a. In the event that a policy is canceled by the insurer, either at its own behest or at the behest of the agent or broker of record, the unearned premium, including the unearned commission, shall be returned to the policyholder.

b. In the event that a policy of insurance, issued by the automobile insurance plan established pursuant to P.L.1970, c.215 (C.17:29D-1) or any successor thereto, is canceled by reason of nonpayment of premium to the insurer issuing the policy or nonpayment of an installment payment due pursuant to an insurance premium finance agreement, the broker of record for that policy may retain the full annual commission due thereon and, if a premium finance agreement is not involved, the effective date of cancellation of the policy shall be no earlier than 10 days prior to the last full day for which the premium paid by the insured, net of the broker's full annual commission, would pay for coverage on a pro rata basis in accordance with rules established by the commissioner.

c. Contracts between insurance companies and agents for the appointment of the agent as the representative of the company shall set forth the rate of commission to be paid to the agent for each class of insurance within the scope of such appointment written on all risks or operations in this State, except:

- (1) Reinsurance.
- (2) Life insurance.

- (3) Annuities.
- (4) Accident and health insurance.
- (5) Title insurance.
- (6) Mortgage guaranty insurance.
- (7) Hospital service, medical service, health service, or dental service corporations, investment companies, mutual benefit associations, or fraternal beneficiary associations.

Said rates of commission shall continue in force and effect unless changed by mutual written consent or until termination of said contract as hereinafter provided. Failure to achieve such mutual consent shall require that the agent's contract be terminated as hereinbelow provided. The rate of commission being paid on each class of insurance on the date of enactment hereof shall be deemed to be pursuant to the existing contract between agent and company.

d. Termination of any such contract for any reason other than one excluded herein shall become effective after not less than 90 days' notice in writing given by the company to the agent and the Commissioner of Insurance. No new business or changes in liability on renewal or in force business, except as provided in subsection l. of this section, shall be written by the agent for the company after notice of termination without prior written approval of the company. However, during the term of the agency contract, including the said 90-day period, the company shall not refuse to renew such business from the agent as would be in accordance with said company's current underwriting standards. The company shall, during a period of 12 months from the effective date of such termination, provided the former agent has not been replaced as the broker of record by the insured, and upon request in writing of the terminated agent, renew all contracts of insurance for such agent for said company as may be in accordance with said company's then current underwriting standards and pay to the terminated agent a commission in accordance with the agency contract in effect at the time notice of termination was issued. Said commission can be paid only to the holder of a valid New Jersey insurance producer's license. In the event any risk shall not meet the then current underwriting standards of said company, that company may decline its renewal, provided that the company shall give the terminated agent and the insured not less than 60 days' notice of its intention not to renew said contract of insurance.

e. The agency termination provisions of this act shall not apply to those contracts in which the agent is paid on a salary basis without commission or where he agrees to represent exclusively one company or to the termination of an agent's contract for insolvency, abandonment, gross and willful misconduct, or failure to pay over to the company moneys due to the company after his receipt of a written demand therefor, or after revocation of the agent's license by the Commissioner of Insurance; and in any such case the company shall, upon request of the insured, provided he meets the then current underwriting standards of the company, renew any contract of insurance formerly processed by the terminated agent, through an active agent, or directly pursuant to such rules and regulations as may be promulgated by the Commissioner of Insurance.

f. The Commissioner of Insurance, on the written complaint of any person stating that there has been a violation of this act, or when he deems it necessary without a complaint, may inquire and otherwise investigate to determine whether there has been any violation of this act.

g. All existing contracts between agent and company in effect in the State of New Jersey on the effective date of this act are subject to all provisions of this act.

h. The Commissioner of Insurance may, if he determines that a company is in unsatisfactory financial condition, exclude such company from the provisions of this act.

i. Whenever under this act it is required that the company shall renew a contract of insurance, the renewal shall be for a time period equal to one additional term of the term specified in the original contract, but in no event to be less than one year.

j. The provisions of subsection b. of this section shall not apply to policies written by the New Jersey Automobile Full Insurance Underwriting Association established pursuant to sections 13 through 34 of P.L.1983, c.65 (C.17:30E-1 et seq.).

k. The New Jersey Automobile Full Insurance Underwriting Association established pursuant to sections 13 through 34 of P.L.1983, c.65 (C.17:30E-1 et seq.), shall not be liable to pay any commission required by subsection b. of this section on any policies written by the association prior to January 1, 1986.

l. A company which terminates its contractual relationship with an agent subject to the provisions of subsection d. of this section

shall, at the time of the agent's termination, with respect to insurance covering an automobile as defined in subsection a. of section 2 of P.L.1972, c.70 (C.39:6A-2), notify each named insured whose policy is serviced by the terminated agent in writing of the following: (1) that the agent's contractual relationship with the company is being terminated and the effective date of that termination; and (2) that the named insured may (a) continue to renew and obtain service through the terminated agent; or (b) renew the policy and obtain service through another agent of the company.

Notwithstanding any provision of this section to the contrary, no insurance company which has terminated its contractual relationship with an agent subject to subsection d. of this section shall, upon the expiration of any automobile insurance policy renewed pursuant to subsection d. of this section which is required to be renewed pursuant to section 3 of P.L.1972, c.70 (C.39:6A-3), refuse to renew, accept additional or replacement vehicles, refuse to provide changes in the limits of liability or refuse to service a policyholder in any other manner which is in accordance with the company's current underwriting standards, upon the written request of the agent or as otherwise provided in this section, provided the agent maintains a valid New Jersey insurance producer's license and has not been replaced as the broker of record by the insured. However, nothing in this section shall be deemed to prevent nonrenewal of an automobile insurance policy pursuant to the provisions of section 26 of P.L.1988, c.119 (C.17:29C-7.1).

The company shall pay a terminated agent who continues to service policies pursuant to the provisions of this subsection a commission in an amount not less than that provided for under the agency contract in effect at the time the notice of termination was issued. A terminated agent who continues to service automobile insurance policies pursuant to this subsection shall be deemed to be an insurance broker as defined in section 2 of P.L.1987, c.293 (C.17:22A-2), and not an agent of the company, except that the terminated agent shall have the authority to bind coverage for renewals, additional or replacement vehicles, and for changed limits of liability as provided in this subsection to the same extent as an active agent for the company. The company shall provide the terminated agent with a written copy of its current underwriting guidelines during the time the agent continues to service policies pursuant to this subsection.

If a terminated agent who is continuing to service policies pursuant

to the provisions of this subsection violates the written underwriting guidelines of the company in such a manner or with such frequency as to substantially affect the company's ability to underwrite or provide coverage, the company may discontinue accepting renewal and service requests from, and paying commissions to, the terminated agent; provided, however, that the company provides the terminated agent with at least 45 days' written notice which shall include a detailed explanation of the reasons for discontinuance. A copy of this notice, along with supporting documentation providing evidence that the terminated agent received proper notice of discontinuance pursuant to this subsection and evidence in support of the company's action, shall be sent by the company to the Division of Enforcement and Consumer Protection in the Department of Insurance.

The provisions of this subsection shall not apply to any policy issued by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to the provisions of P.L.1983, c.65 (C.17:30E-1 et seq.).

2. This act shall take effect immediately and shall apply to all policies in effect on or after the effective date.

Approved July 20, 1989.

CHAPTER 130

AN ACT concerning the New Jersey Transit Corporation and amending P.L.1979, c.150.

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

1. Section 5 of P.L.1979, c.150 (C.27:25-5) is amended to read as follows:

C.27:25-5 Powers and duties of corporation.

5. In addition to the powers and duties conferred upon it elsewhere in this act, the corporation may do all acts necessary and reasonably incident to carrying out the objectives of this act, including but not in limitation thereof the following:

- a. Sue and be sued;
- b. Have an official seal and alter the same at pleasure;

c. Make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;

d. Maintain an office at such place or places within the State as it may determine;

e. Adopt, amend and repeal such rules and regulations as it may deem necessary to effectuate the purposes of this act, which shall have the force and effect of law; it shall publish the same and file them in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) with the Director of the Office of Administrative Law;

f. Call to its assistance and avail itself of the service of such employees of any federal, State, county or municipal department or agency as it may require and as may be available to it for said purpose;

g. Apply for, accept and expend money from any federal, State, county or municipal agency or instrumentality and from any private source; comply with federal statutes, rules and regulations, and qualify for and receive all forms of financial assistance available under federal law to assure the continuance of, or for the support or improvement of public transportation and as may be necessary for that purpose to enter into agreements, including federally required labor protective agreements;

h. Plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, public transportation services, capital equipment and facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof, which may be funded under section 3 of the federal Urban Mass Transportation Act of 1964, P.L.88-365 (49 U.S.C. § 1602), or any successor or additional federal act having substantially the same or similar purposes or functions; the operation of the facilities of the corporation, by the corporation or any public or private entity, may include appropriate and reasonable limitations on competition in order that maximum service may be provided most efficiently to the public;

i. Apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

j. Purchase, lease as lessee, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, from any public or private entity, wherever situated;

k. Lease as lessor, sell or otherwise dispose of on terms which the corporation may prescribe, real and personal property, including tangible or intangible property and consumable goods, or any interest therein, to any public or private entity, in the exercise of its powers and the performance of its duties under this act. In order to provide or encourage adequate and efficient public transportation service, the corporation may lease or otherwise permit the use or occupancy of property without cost or at a nominal rental;

l. Restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the corporation, except under such terms as the corporation may prescribe; perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

m. Establish one or more operating divisions as deemed necessary. Upon the establishment of an operating division, there shall be established a geographically coincident advisory committee to be appointed by the Governor with the advice and consent of the Senate. The committee shall consist of county and municipal government representatives and concerned citizens, in the number and for such terms as may be fixed by the corporation, and shall advise the corporation as to the public transportation service provided in the operating division. At least two members of each advisory committee shall be public transportation riders, including but not limited to urban transit users and suburban commuters as appropriate. One public member from the board of corporation shall serve as a liaison to each advisory committee;

n. Set and collect fares and determine levels of service for service provided by the corporation either directly or by contract including, but not limited to, such reduced fare programs as deemed appropriate by the corporation; revenues derived from such service may be collected by the corporation and shall be available to the corporation for use in furtherance of any of the purposes of this act;

o. Set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the corporation; such revenues shall be available to the corporation for use in furtherance of any of the purposes of this act;

p. Deposit corporate revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.28 (C.52:18A-90.4);

q. Delegate to subordinate officers of the corporation such powers and duties as the corporation shall deem necessary and proper to carry out the purposes of this act;

r. 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 corporation, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment or any other insurable risk. In addition, the corporation may carry its own liability insurance;

s. Promote the use of public transportation services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the corporation;

t. Adopt and maintain employee benefit programs for employees of the corporation including, but not limited to, pension, deferred compensation, medical disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the corporation;

u. Own, vote, and exercise all other rights incidental to the ownership of shares of the capital stock of any incorporated entity acquired by the corporation pursuant to the powers granted by this act;

v. Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the corporation, or to carry out any power expressly or implicitly given in this act; and,

w. Notwithstanding the provisions of section 17 of P.L.1979, c.150 (C.27:25-17) or any other law to the contrary, (1) issue operating grant anticipation notes which shall be secured and retired from operating assistance grants authorized under section 9 of the federal Urban Mass Transportation Act of 1964, P.L.88-365 (49 U.S.C. § 1602), or any successor or additional federal act having substantially the same or similar purposes or functions and (2) issue capital grant anticipation notes which shall be secured and retired from capital assistance grants authorized under section 3 or section 9 of the federal Urban Mass Transportation Act of 1964, P.L.88-365 (49 U.S.C. §

1602), or any successor or additional federal act having substantially the same or similar purposes or functions. As used in this subsection, "operating grant anticipation notes" or "capital grant anticipation notes" (hereafter referred to as "notes") means credit obligations issued in anticipation of these grants. The notes shall be authorized by a resolution or resolutions of the corporation, and may be issued in one or more series and shall bear the date, or dates, 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 such manner as the resolution or resolutions require. The notes may be sold at public or private sale at the price or prices and in the manner that the corporation determines. The notes of the corporation, the sale or transfer thereof, and the income derived therefrom by the purchasers of the notes, shall, at all times, be free from taxation for State or local purposes, under any law of the State or any political subdivision thereof. Notes may be issued under the provisions of P.L.1979, c.150 (C.27:25-1 et seq.) without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings, conditions, or things which are specifically required by P.L.1979, c.150 (C.27:25-1 et seq.). The notes issued pursuant to P.L.1979, c.150 (C.27:25-1 et seq.) shall not in any way create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof or of the corporation, except as provided herein.

The notes shall be payable solely from (1) note proceeds, to the extent not disbursed to the corporation, (2) grant payments if, as, and when received from the federal government, and (3) investment earnings on note proceeds, to the extent not disbursed to the corporation. Each note shall contain on its face a statement to the effect that the corporation is obligated to pay the principal thereof or the interest thereon only from these grants to the corporation and from the proceeds of the notes and investment earnings on the proceeds of the notes, to the extent not disbursed to the corporation, and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof or of the corporation is pledged to the payment of the principal and interest on these notes. Neither the members of the corporation's board nor any person executing the transactions are personally liable on those notes nor are they otherwise liable for their actions.

2. This act shall take effect immediately.

Approved July 20, 1989.

CHAPTER 131

AN ACT concerning disbursing moneys or incurring obligations in excess of appropriations or an amount limited by law and supplementing chapter 30 of Title 2C of the New Jersey Statutes.

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

C.2C:30-4 Disbursing moneys, incurring obligations in excess of appropriations.

1. A person or member of a board or body charged with or having the control of a State office, division, department or institution or a member of a county or municipal governing body or a member of a board of education, commits a crime of the fourth degree if he purposely and knowingly:

a. Disburses, orders or votes for the disbursement of public moneys, in excess of the appropriation for that office, division, department, institution, board or body; or

b. Incurs obligations in excess of the appropriation and limit of expenditure provided by law for that office, division, department, institution, board or body.

Nothing contained in this section shall be construed to prevent a board of education from keeping open the public schools.

2. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 132

AN ACT concerning the displaying of motor vehicle license plates and amending R.S.39:3-33.

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

1. R.S.39:3-33 is amended to read as follows:

Markers; requirements concerning; display of fictitious, wrong numbers, etc.; punishment.

39:3-33. The owner of an automobile which is driven on the public highways of this State shall display not less than 12 inches nor more than 48 inches from the ground in a horizontal position, and in such

a way as not to swing, an identification mark or marks to be furnished by the division; provided, that if two marks are issued they shall be displayed on the front and rear of the vehicle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the vehicle; and provided, further, that the rear identification mark may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse. Motorcycles shall also display an identification mark or marks; provided, that if two marks are issued they shall be displayed on the front and rear of the motorcycle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the motorcycle.

The identification mark or marks shall contain the number of the registration certificate of the vehicle and shall be of such design and material as the director prescribes. All registration plates issued by the division after January 1, 1982 shall be of a permanent nature and shall be fully treated with a reflectorized material designed to increase the nighttime visibility and legibility thereof, according to specifications prescribed by the division, except that the division shall first use any existing supplies of nonreflectorized plates which it ordered prior to that date. Whenever reflectorized registration plates are issued for any vehicle for which a registration fee is normally charged, the division may charge an additional fee not to exceed \$0.05 above actual costs. All identification marks shall be kept clear and distinct and free from grease, dust or other blurring matter, so as to be plainly visible at all times of the day and night.

No person shall drive a motor vehicle which has a license plate frame or identification marker holder that conceals or otherwise obscures any part of any marking imprinted upon the vehicle's registration plate or any part of any insert which the director, as hereinafter provided, issues to be inserted in and attached to that registration plate or marker.

The director is authorized and empowered to issue registration plate inserts, to be inserted in and attached to the registration plates or markers described herein. They may be issued in the place of new registration plates or markers; and inscribed thereon, in numerals, shall be the year in which registration of the vehicle has been granted.

No person shall drive a motor vehicle the owner of which has not complied with the provisions of this subtitle concerning the proper registration and identification thereof, nor drive a motor vehicle

which displays a fictitious number, or a number other than that designated for the motor vehicle in its registration certificate. During the period of time between the application for motor vehicle registration and the receipt of registration plates from the division, no person shall affix a plate or marker for the purpose of advertisement in the position on a motor vehicle normally reserved for the display of the registration plates required by this section if the plate or marker is designed with a combination of letters, numbers, colors, or words to resemble the registration plates required by this section.

A person convicted of displaying a fictitious number, as prohibited herein, shall be subject to a fine not exceeding \$500.00 or imprisonment in the county jail for not more than 60 days.

A person violating any other provision of this section shall be subject to a fine not exceeding \$100.00. In default of the payment thereof, there shall be imposed an imprisonment in the county jail for a period not exceeding 10 days. A person convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding 20 days. These penalties shall not apply to the display of a fictitious number.

2. This act shall take effect on the 120th day after the day of enactment.

Approved August 2, 1989.

CHAPTER 133

AN ACT concerning emergency television broadcasts by the New Jersey Public Broadcasting Authority, amending P.L.1972, c.123, and supplementing P.L.1968, c.405 (C.48:23-1 et seq.) and Title 52 of the Revised Statutes.

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

C.48:23-11 Broadcast of news, information during emergency.

1. In order to qualify for funding provided pursuant to section 4 of this act, the New Jersey Public Broadcasting Authority shall, upon notification by the Director of the State Office of Emergency Man-

agement in the Division of State Police that an emergency condition exists, immediately operate its television stations in order to broadcast news and information concerning the emergency condition. If the emergency condition affects less than the entire State, the authority may limit its broadcast to its television stations which broadcast in the affected region or regions. The authority shall then operate its television stations for the duration of the emergency, or longer, as is necessary to provide emergency information to the public.

C.48:23-12 Coordination of emergency broadcast activities.

2. In order to qualify for funding provided pursuant to section 4 of this act, the New Jersey Public Broadcasting Authority shall coordinate its emergency broadcast activities with the federal, State, county, and municipal entities in charge of emergency services in order to assure that the authority has relevant and accurate emergency information and to enhance the overall emergency communications network.

C.53:1-21.6 Notification of emergency.

3. The Director of the State Office of Emergency Management in the Division of State Police shall notify the New Jersey Public Broadcasting Authority when an emergency condition exists or is imminent. The director shall give the authority all information necessary for the authority to operate its television stations in order to alert and inform the public about the emergency condition. For the purpose of this section "emergency" means any flood, hurricane, storm, tornado, high water, wind driven water, tidal wave, fire, explosion, civil disorder or other catastrophe which is or threatens to be of sufficient severity and magnitude to substantially endanger the health, safety and property of the citizens of this State.

C.52:14E-8.1 Reimbursement for emergency broadcasts.

4. Upon a determination by the Director of the Division of Budget and Accounting in the Department of the Treasury that funds available to the New Jersey Public Broadcasting Authority are not sufficient to meet the expenses of emergency broadcasts pursuant to the provisions of section 1 of this act, the Governor's Advisory Council for Emergency Services shall, upon application to it by the authority and approval by the Governor, authorize payment to the authority from the Emergency Services Fund. The payment shall reimburse the authority for the cost of its emergency broadcasts pursuant to the notification by the Director of the State Office of Emergency Management in the Division of State Police.

5. Section 4 of P.L.1972, c.133 (C.52:14E-4) is amended to read as follows:

C.52:14E-4 Governor's Advisory Council for Emergency Services; membership.

4. There is hereby created a Governor's Advisory Council for Emergency Services, which shall consist of the Attorney General, who shall be the presiding officer; the Adjutant General of the Department of Military and Veterans' Affairs, the Commissioner of Community Affairs, the Commissioner of Environmental Protection, the Commissioner of Transportation, the President of the Board of Public Utilities, and the Executive Director of the New Jersey Public Broadcasting Authority, or their designees. The members of the council shall serve without pay in connection with all such duties as are prescribed in this act.

6. Section 8 of P.L.1972, c.133 (C.52:14E-8) is amended to read as follows:

C.52:14E-8 Council's powers, duties.

8. The council shall be authorized to perform the following functions and exercise the following powers:

a. Review, evaluate and recommend to the Legislature any necessary changes in any existing compact between this State and the federal government or between this State and any other state created for the purposes set forth in this act or develop such compacts where they do not exist.

b. Review, evaluate and periodically recommend changes in existing emergency master plans.

c. Encourage and coordinate comprehensive services available through private organizations and intercommunity cooperations.

d. Authorize expenditures from the fund upon approval of the Governor to provide emergency relief deemed appropriate by the council or to reimburse municipalities or counties for damages or excessive costs sustained as a result of an emergency or to reimburse the New Jersey Public Broadcasting Authority for the cost of its emergency broadcasts pursuant to P.L.1989, c.133 (C.48:23-11 et al.).

e. Utilize the manpower facilities and materials of the various State departments for the purposes of this act.

7. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 134

AN ACT concerning limitations on the per capita cost of county welfare and amending P.L.1981, c.60.

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

1. Section 4 of P.L.1981, c.60 (C.44:14-4) is amended to read as follows:

C.44:14-4 Entitlement; certification.

4. On or before January 10 of each year the Commissioner of Human Services shall determine and certify to the chief financial officer of each eligible county the amount to which the county may be entitled under the provisions of this act. The State Treasurer, upon certification of the commissioner and upon warrant of the State Comptroller, shall, in the manner and subject to the restrictions provided in section 5 of this act, pay and distribute to each such county the amount determined and certified.

2. Section 6 of P.L.1981, c.60 (C.44:14-6) is amended to read as follows:

C.44:14-6 Anticipation of amount of funds.

6. A county entitled to receive funds under this act shall anticipate the amount certified by the Commissioner of Human Services in its budget.

3. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 135

AN ACT directing the Division of Veterans' Administrative Services in the Department of Veterans' Affairs and Defense to establish a program to oversee the transfer of the remains of veterans from pauper's or potter's cemeteries to the Arneytown Veterans' Memorial Cemetery, 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. While in service to the nation during years of peace and in time of war, veterans preserved freedom and liberty in America and brought honor to New Jersey;

b. After leaving the service and upon their subsequent death, many veterans were buried with full and appropriate military honors in veterans' cemeteries while others died in poverty or obscurity and have been laid to rest in potters' or paupers' cemeteries; and

c. As a means of recognizing the importance of the service rendered by those veterans who died and were buried in obscurity, a program should be established that will provide for the re-interment of those veterans with full and appropriate military honors in a veterans' cemetery.

C.38A:3-2b1 Transfer of veterans' remains.

2. The Division of Veterans' Administrative Services in the Department of Military and Veterans' Affairs is directed to establish a program to oversee the transfer of the remains of veterans from paupers' or potters' cemeteries to the Arneytown Veterans' Memorial Cemetery at the request of the veterans' next-of-kin, friends or fellow veterans. This service shall be provided without cost to the requester. As part of this program, the division shall also inform the general public that this service is available and explain the procedure for requesting that the remains be transferred to the Arneytown Veterans' Memorial Cemetery.

3. The Administrator of Veterans' Affairs shall report to the Legislature no later than the 180th day after the effective date of this act on:

a. The number of remains of veterans that have been transferred from paupers' and potters' cemeteries to the Arneytown Veterans' Memorial Cemetery since the inception of this program;

b. The cost of each transfer;

c. The name of the veteran whose remains were transferred, if known; and

d. The date on which the transfer occurred.

4. There is appropriated \$17,000 from the General Fund to the Division of Veterans' Administrative Services in the Department of Military and Veterans' Affairs to effectuate the purposes of this act.

5. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 136

AN ACT to amend the title of "An act permitting the use of school buses for the transportation of senior citizens' groups and handicapped citizens and supplementing Title 18A of the New Jersey Statutes," approved January 18, 1977 (P.L.1977, c.5), as said title was amended by P.L.1979, c.403, so that the same shall read "An act permitting the use of school buses for the transportation of senior citizens' groups, handicapped citizens and children and adults in certain municipal programs and supplementing Title 18A of the New Jersey Statutes," and to amend the body of said act.

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

Title amended.

1. The title of P.L.1977, c.5, as said title was amended by P.L.1979, c.403, is amended to read as follows:

An act permitting the use of school buses for the transportation of senior citizens' groups, handicapped citizens, and children and adults in certain municipal programs and supplementing Title 18A of the New Jersey Statutes.

2. Section 1 of P.L.1977, c.5 (C.18A:39-22) is amended to read as follows:

C.18A:39-22 Permission to use school buses for transporting senior citizens, handicapped citizens, children and adults in recreation or other programs.

1. The board of education of any district may, pursuant to rules adopted by it, permit the use of school buses owned or leased by the school district for the purpose of transporting senior citizens' groups to and from events within its district or in any contiguous district, for transporting handicapped citizens in any district, and for transporting children and adults participating in a recreation or other program operated by the municipality or municipalities in which the district is located or the municipality in which any constituent district of a regional school district is located; provided that each use of school buses for these purposes is approved by the board; provided that such use of school buses shall not interfere with the transportation of school pupils; and provided that school buses so used shall be operated only by persons licensed as bus drivers. The board shall require groups seeking such use of school buses to pay all or part of any costs incurred by the district in permitting such use, including but not limited to the costs of fuel, driver salaries, insurance and depreciation.

3. Section 2 of P.L.1977, c.5 (C.18A:39-23) is amended to read as follows:

C.18A:39-23 No fee registration continued.

2. The use of school buses as herein provided shall not be construed as use for hire and shall in no way affect the no fee registration of such vehicles as provided in R.S.39:3-27.

4. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 137

AN ACT concerning parking penalties and amending P.L.1985, c.14.

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

1. Section 8 of P.L.1985, c.14 (C.39:4-139.9) is amended to read as follows:

C.39:4-139.9 Operating costs; civil contempt.

8. a. Out of each parking penalty assessed and disbursed to the municipality where a failure to appear notice was issued under these provisions, \$2.00 shall be designated and distributed to the municipal court by the municipality to provide for the operating costs to administer this act. These funds shall be in addition to the municipal court's normal budget allocation but in no event shall exceed those additional costs to the court incurred as a result of this act.

b. If a respondent defaults in the payment of a fine, penalty or costs, or of an installment, the court may require the respondent to show cause why the default should not be treated as a civil contempt and may issue a summons or order to show cause or a bench warrant of arrest for the respondent's appearance. The officers of a corporation or the partners, directors or officers of an association may be held in contempt upon a default by the corporation or association.

2. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 138

AN ACT concerning the exemption of private bathing places from certain public recreational bathing safety regulations and supplementing Title 26 of the Revised Statutes.

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

1. As used in this act:

“Private lake or private community lake association” means an organization of property owners within a fixed or defined geographical area with deeded or other rights to utilize, with similarly situated owners, various lakefront properties, which lakefront properties are not open to the general public, other than bona fide guests of a member of the private lake or private community lake association;

“Common interest community” means:

a. property subject to the “Condominium Act,” P.L.1969, c.257 (C.46:8B-1 et seq.) or the “Horizontal Property Act,” P.L.1963, c.168 (C.46:8A-1 et seq.);

b. a housing corporation or association, commonly known as a cooperative, 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; or

c. real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the instrument, however denominated, which creates the common interest community. Ownership of a unit does not include holding a lease-hold interest of less than 20 years in a unit, including renewal options;

“Private bathing place” means a private lake or private community lake association, or a private nonprofit common interest community which restricts the use of its lake or pool, as appropriate, to the owners of units thereof and their invited guests.

2. Notwithstanding the provisions of P.L.1946, c.172 (C.26:4A-1 et seq.) or section 7 of P.L.1947, c.177 (C.26:1A-7), or any rules or

regulations promulgated pursuant thereto to the contrary, a private bathing place shall be exempt from mandatory compliance with the public recreational bathing regulations pertaining to waterfront safety.

3. A private bathing place which does not voluntarily comply with the public recreational bathing regulations pertaining to waterfront safety shall post a sign which shall be prominently displayed stating: "This bathing place is not subject to the State waterfront safety regulations requiring the presence of lifesaving personnel or equipment. Swim at your own risk."

4. This act shall take effect immediately and shall expire on October 1, 1990.

Approved August 2, 1989.

CHAPTER 139

AN ACT concerning energy conservation on farms and appropriating moneys from the Petroleum Overcharge Reimbursement Fund established pursuant to P.L.1987, c.231.

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

1. There is appropriated to the Department of Commerce, Energy and Economic Development from the Petroleum Overcharge Reimbursement Fund established pursuant to section 1 of P.L.1987, c.231 the sum of \$3,000,000 for an energy conservation grant program to be established by the department and dedicated to financing energy conservation improvements on farms.

2. a. The Commissioner of Commerce, Energy and Economic Development shall issue guidelines concerning the eligibility for available funds and procedures for the distribution of funds pursuant to the program established pursuant to section 1 of this act, and may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this act.

b. The sum appropriated pursuant to this act shall be obligated by the department within three years of the effective date of this act.

c. Within two years of the effective date of this act, the department shall submit to the Governor and the Legislature a report detailing the proposed and actual expenditure of the sum appropriated.

3. This act shall take effect immediately.

Approved August 2, 1989.

CHAPTER 140

AN ACT concerning the regulation of swimming in certain counties and supplementing Title 26 of the Revised Statutes.

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

1. As used in this act:

“Campground” means a plot of ground in a county of the fifth class upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more during the months of May through September, inclusive, for recreation, education, or vacation purposes, with a swimming pool of 2,000 square feet or less.

“Hotel” or “motel” means a commercial establishment in a county of the fifth class with a building of four or more dwelling units or rooms used for rental and lodging by guests, with a swimming pool of 2,000 square feet or less which is used and kept open only during the months of May through September, inclusive.

“Mobile home park” means a parcel of land, or two or more contiguous parcels of land, containing at least 10 sites equipped for the installation of mobile or manufactured homes and with a swimming pool of 2,000 square feet or less, where these sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a mobile or manufactured home for the installation thereof, and where the owner provides 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:

- a. Construction and maintenance of streets;
- b. Lighting of streets and other common areas;
- c. Garbage removal;
- d. Snow removal; and
- e. Provision for the drainage of surface water from home sites and common areas.

"Retirement community" means a retirement community in a county of the fifth class which is registered with the Division of Housing and Development in the Department of Community Affairs pursuant to "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.), with a swimming pool of 2,000 square feet or less.

2. Notwithstanding the provisions of section 7 of P.L.1947, c.177 (C.26:1A-7) or the provisions of P.L.1946, c.172 (C.26:4A-1 et seq.) or any rules or regulations adopted pursuant thereto to the contrary, a hotel, motel, campground, mobile home park or retirement community is exempt from mandatory compliance with the lifeguard requirements of section 1 of subchapter 5 (Waterfront Safety) of the Public Recreational Bathing regulations (N.J.A.C.8:26-5.1); except that, the hotel, motel, campground, mobile home park or retirement community shall have a manager or owner on the premises when its swimming pool is open for use.

3. A hotel, motel, campground, mobile home park or retirement community which does not voluntarily comply with the lifeguard requirements of section 1 of subchapter 5 (Waterfront Safety) of the Public Recreational Bathing regulations (N.J.A.C.8:26-5.1) shall post a sign not less than three feet by four feet which shall be prominently displayed at the entrance to each swimming area stating: "This swimming pool is not required by State law to have a lifeguard on duty. Persons under the age of 16 must be accompanied by an adult. Swim at your own risk. This pool shall be closed when the owner or manager is not on the premises." This notice shall also be posted on a sign not less than eight inches by 10 inches at the registration desk of the hotel, motel or campground and in each room or suite of the hotel, motel or campground used for occupancy by guests.

Notwithstanding the provisions of N.J.A.C.8:26-2.5 to the contrary, swimming pools covered by this act shall comply with N.J.A.C.8:26-3.12 pertaining to pool enclosures.

4. A person who violates the provisions of this act shall be subject to a penalty of \$500 for the first offense and \$1,000 for each subsequent offense to be recovered in a summary proceeding brought in the name of the State pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

5. The Department of Health shall monitor and evaluate the impact of this law on public safety and shall report its findings to the Legislature on or before January 1, 1991.

6. This act shall take effect immediately and shall expire two years after the effective date.

Approved August 2, 1989.

CHAPTER 141

AN ACT concerning the Council of County Colleges, amending N.J.S.18A:3-6, N.J.S.18A:3-7, N.J.S.64A-26 and N.J.S.18A:64A-27 and supplementing chapter 64A 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:3-6 is amended to read as follows:

Membership.

18A:3-6. The Board of Higher Education shall be composed of the Chairman of the Board of Governors of Rutgers, The State University; the Chairman of the Board of Trustees of The New Jersey Institute of Technology; the Chairman of the New Jersey State College Governing Boards Association; the Chairman of the Board of Trustees of the University of Medicine and Dentistry of New Jersey; a representative trustee member of the Council of County Colleges; the President of the State Board of Education; a representative of the private colleges and universities of New Jersey, to be designated by the Association of Independent Colleges and Universities in New Jersey, with the approval of the Governor; and nine citizens, residents of the State, of whom at least two shall be women. The Chancellor and the State Commissioner of Education shall ex officio be additional members but without vote.

2. N.J.S.18A:3-7 is amended to read as follows:

Alternate members; designation.

18A:3-7. The Chairman of the Board of Governors at Rutgers, The State University; the Chairman of the Board of Trustees of The New Jersey Institute of Technology; the Chairman of the New Jersey State College Governing Boards Association; Chairman of the Board of Trustees of the University of Medicine and Dentistry of New Jersey; the representative trustee member of the Council of County Colleges; the President of the State Board of Education and the representative of the private colleges and universities in New Jersey may each designate in writing another member of his board, council or association as an alternate to attend in his absence and vote at the meetings of the board; provided, however, that such alternate shall be selected from among the membership of the group from which the member's status on the board arises and further that where the member is a lay member of such a group, his alternate must likewise be a lay member of said group.

3. N.J.S.18A:64A-26 is amended to read as follows:

Council of County Colleges established.

18A:64A-26. There is established a body corporate and politic, with succession, to be known as the New Jersey Council of County Colleges. The county colleges and the county college commissions shall be members of the council.

4. N.J.S.18A:64A-27 is amended to read as follows:

Membership; alternates; compensation.

18A:64A-27. The council shall consist of the presidents and chairmen of the boards of trustees of the several county community colleges and of the county college commissions. A trustee board chairman may designate another member of the board as an alternate to attend and to vote at council meetings in the chairman's absence. The Chancellor shall ex officio be an additional member without vote.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

C.18A:64A-28.1 Officers; rules.

5. The council shall select such officers and make such rules as may be necessary for the transaction of business.

C.18A:64A-28.2 Perpetual succession; powers, responsibilities.

6. The council 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 government and guidance, not inconsistent with the purposes of the council;
- 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 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;
- f. To act as an advocate and promote the advancement of the county community colleges of New Jersey; and
- g. To promote diversity of development among the county community colleges in ways which will be responsive to the particular needs of the particular counties, and the State's diverse population and regions.

C.18A:64A-28.3 Executive director.

7. The council shall employ an executive director, who shall be responsible for the administration of all the activities of the council including staff services and shall promote the educational quality of the county community colleges. The executive director shall serve at the pleasure of the council. The salary of the executive director and all other personnel shall be determined by the council.

C.18A:64A-28.4 Improvement of county college education.

8. The council shall encourage and aid movements which it deems necessary for the improvement of county college education and shall, from time to time, make recommendations to the Board of Higher Education regarding the coordination of the county colleges on matters of mutual interest and concern.

C.18A:64A-28.5 Expenses; assessment for dues.

9. For the purposes of defraying the expenses of the council, the county colleges and county college commissions shall pay the necessary expenses incurred by the council and shall appropriate annually such sums for dues as may be assessed by the council. The assessment shall be made only upon a two-thirds vote of the membership present at the meeting after written notice of the proposed vote shall be given to each county college and county college commission at least 60 days before the council meeting at which the vote will be taken. Dues shall

be on a graduated scale according to the size of the county college and county college commission.

10. This act shall take effect immediately.

Approved August 3, 1989.

CHAPTER 142

AN ACT concerning the demolition of certain residential structures for fair housing purposes, and supplementing P.L.1985, c.222 (C.52:27D-301 et al.).

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

C.52:27D-311.1 Demolition invalidated.

1. Nothing in the act to which this act is supplementary, P.L.1985, c.222 (C.52:27D-301 et al.), shall be construed to require that a municipality fulfill all or any portion of its fair share housing obligation through permitting the development or redevelopment of property within the municipality on which is located a residential structure which has not been declared unfit, or which was within the previous three years negligently or willfully rendered unfit, for human occupancy or use pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), and which is situated on a lot of less than two acres of land or on a lot formed by merging two or more such lots, if the development or redevelopment would require the demolition of that structure. Any action heretofore taken by the Council on Affordable Housing based upon such a construction of P.L.1985, c.222 is invalidated.

C.52:27D-313.1 Previous application for development.

2. The Council on Affordable Housing shall not consider for substantive certification any application of a housing element submitted which involves the demolition of a residential structure, which has not been declared unfit, or which was within the previous three years negligently or willfully rendered unfit, for human occupancy or use pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), and which is situated on a lot of less than two acres of land or on a lot formed by merging two or more such lots, unless an application for development has been previously approved by the municipal planning board or municipal zoning board pursuant to procedures prescribed by the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

3. This act shall take effect immediately.

Approved August 3, 1989.

CHAPTER 143

AN ACT concerning 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 20 of P.L.1968, c.266 is amended to read as follows:

20. This act shall take effect immediately and remain in effect until December 31, 1994.

2. This act shall take effect immediately.

Approved August 3, 1989.

CHAPTER 144

AN ACT allocating certain monies appropriated from the State Recreation and Conservation Land Acquisition and Development Fund created pursuant to the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," P.L.1974, c.102, to the Department of Environmental Protection, and amending P.L.1983, c.377.

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

1. Section 1 of P.L.1983, c.377 is amended to read as follows:

1. There is appropriated to the Department of Environmental Protection from the State Recreation and Conservation Land Acquisition and Development Fund created pursuant to the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," P.L.1974, c.102 the sum of \$4,560,000.00 for the acquisition of lands by the State for recreation and conservation purposes. This sum shall

be appropriated from the funds which revert to the fund pursuant to the provisions of P.L.1976, c.50 (C.4:1B-1 et seq.).

2. There is allocated from monies appropriated to the Department of Environmental Protection from the State Recreation and Conservation Land Acquisition and Development Fund created pursuant to the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974" the sum of \$1,500,000 for the acquisition by the State for recreation and conservation purposes of lands comprising portions of Pyramid Mountain and environs, located within the Morris county municipalities of Kinnelon borough, Montville township, and Boonton township, which sum shall include administrative costs. Any portion of the monies appropriated pursuant to this act that is not expended shall revert to the State Recreation and Conservation Land Acquisition and Development Fund created pursuant to the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974."

3. Prior to the acquisition by the department of any real property pursuant to this act, the department shall submit a report in writing to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee including:

- a. A statement of any liabilities arising from the real property or the ownership thereof that would pass to the State in association with the acquisition of the property;
- b. A statement of the manner in which any such liability is to be resolved; and
- c. Copies of appraisals of the real property.

The department shall not enter into any agreement to purchase any real property unless the Commissioner of Environmental Protection and the Attorney General jointly determine that the State will be free of any liability for any mitigation or clean up of pollution, for the condition of any dams and for any existing hazards upon the real property that may result in costs to the State.

4. This act shall take effect immediately.

Approved August 3, 1989.

CHAPTER 145

AN ACT concerning certain waterworks or water commissions and supplementing chapter 62 of Title 40 of the Revised Statutes.

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

C.40:62-110.1 Waterworks or water commission, membership, salaries.

1. In any county of the second class with a population of at least 440,000, but not more than 450,000, according to the 1980 federal decennial census, in which at least three municipalities, two of which each have populations of 50,000 or more, but less than 100,000, and one of which has a population of 100,000 or more according to the 1980 federal decennial census, have joined together to create, under R.S.40:62-109, or elect or appoint under R.S.40:62-129, a waterworks or water commission, the provisions of this section shall control the number and method of appointment of the waterworks or water commission members, their terms of office and their salaries, notwithstanding the provisions of R.S.40:62-108 et seq. to the contrary. Any agreements entered into pursuant to R.S.40:62-129 shall be amended to conform with the provisions of this section.

a. The commission shall consist of seven members. A municipality with a population of 100,000 or more shall have three members on the commission and a municipality with a population of 50,000 or more, but less than 100,000, shall have two members on the commission. Members shall be appointed by the mayor in any municipality organized under P.L.1950, c.210 (C.40:69A-1 et seq.) and by the governing body, by a majority vote, in any municipality organized under R.S.40:79-1 et seq. A member of the commission shall be required to reside in the appointing municipality at the time of appointment; however, if the commission member moves outside the appointing municipality during the member's term of office, the member may continue to serve on the commission to the end of the member's term. A mayor, a manager or a member of the governing body of the appointing municipality may serve as a member of the commission unless this service is prohibited by the conflict of interest laws of this State.

b. Each commission member shall be appointed for a four-year term. All additional members who may be appointed to a commission under this section shall be appointed before January 1, 1989, and their first term shall expire not later than December 31, 1992. All

terms of office of commission members already appointed and serving on the effective date of this amendatory and supplementary act shall not be affected by the provisions of this act.

c. The salaries of the president and the members of the commission shall be as follows: The president shall receive a salary at the rate of \$8,500.00 annually as compensation for service on the commission; and any other member of the commission shall receive a salary at the rate of \$7,500.00 annually as compensation for service on the commission.

2. This act shall take effect immediately.

Approved August 9, 1989.

CHAPTER 146

AN ACT concerning uranium mining and amending P.L.1981, c.130 (C.13:1J-1 et seq.).

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

1. Section 1 of P.L.1981, c.130 (C.13:1J-1) is amended to read as follows:

C.13:1J-1 Legislature's findings and declarations.

1. The Legislature finds and declares that the exploration, mining or milling of fissionable source materials poses a significant danger to the public health, safety and welfare; that the hazards associated with these activities cannot now be prevented or satisfactorily minimized; that, therefore, unprecedented caution is needed in determining public policy pertaining to the exploration, mining and milling of fissionable source materials; and that the prohibition of these activities is necessary at this time to insure the protection of the public health, safety and welfare.

2. Section 7 of P.L.1981, c.130 is amended to read as follows:

7. This act shall take effect immediately.

Repealer.

3. Section 5 of P.L.1981, c.130 (C.13:1J-5) is repealed.

4. This act shall take effect immediately.

Approved August 9, 1989.

CHAPTER 147

AN ACT concerning the operation of certain vehicles and motorized bicycles, amending R.S.39:4-66 and P.L.1951, c.23 and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

1. R.S.39:4-66 is amended to read as follows:

Emerging from alley, driveway, garage, or private road or driveway.

39:4-66. a. The operator of a vehicle emerging from an alley, driveway, garage, or private road or driveway, shall stop the vehicle immediately prior to driving upon the sidewalk, and shall proceed to enter the sidewalk only after yielding the right of way to a pedestrian on the sidewalk, if the pedestrian is so close as to constitute an immediate hazard.

b. In addition to any duty imposed under subsection a. of this section, the operator of a vehicle emerging from an alley, driveway, garage, or private road or driveway, shall stop the vehicle immediately prior to entering or crossing a highway, and shall proceed to enter or cross the highway only after yielding the right of way to the traffic on the highway, if the traffic is so close as to constitute an immediate hazard.

2. Section 48 of P.L.1951, c.23 (C.39:4-66.1) is amended to read as follows:

C.39:4-66.1 Right of way on entering or leaving alley, driveway, garage, or private road or driveway.

48. When the driver of a vehicle, about to enter an alley, driveway, garage, or private road or driveway from a highway, shall find it necessary to drive upon the sidewalk, he first shall yield the right of way to all pedestrians on the sidewalk, if the pedestrians are so close as to constitute an immediate hazard.

C.39:4-14.3x Motorized bicycle operators subject to penalties.

3. An operator of a motorized bicycle who is convicted of a violation of R.S.39:4-66 concerning the operation of a vehicle when emerging from an alley, driveway, garage, or private road or driveway or section 48 of P.L.1951, c.23 (C.39:4-66.1) concerning the operation of a vehicle when entering an alley, driveway, garage, or private road or driveway from a highway shall be subject to the penalties set forth in R.S.39:4-203.

4. This act shall take effect on the 90th day after enactment.
Approved August 9, 1989.

CHAPTER 148

AN ACT concerning the Vietnam Veterans' Memorial Committee.

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

1. The Vietnam Veterans' Memorial Committee, created by P.L.1985, c.494, is reconstituted with the same membership, powers and duties as heretofore provided. Members serving on the committee on June 30, 1988 are hereby reappointed to membership. Any vacancy in the membership of the committee shall be filled in the same manner as the original appointments were made.
2. All administrative expenses incurred by the committee shall be accounted for in a report submitted every quarter to the Adjutant General of the Department of Military and Veterans' Affairs for the duration of the committee's existence.
3. This act shall take effect immediately and shall expire on the day that the Vietnam Veterans' Memorial is officially dedicated.

Approved August 9, 1989.

CHAPTER 149

AN ACT concerning the fixing of a certain municipal boundary line between the township of Warren and the borough of Watchung, both in the county of Somerset, and the township of Berkeley Heights, in the county of Union, and changing the boundaries between Somerset county and Union county.

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

1. The common boundary line between the township of Warren and the borough of Watchung, both in the county of Somerset, and the township of Berkeley Heights in the county of Union, between

the locations hereinafter mentioned, is fixed and shall hereafter be stated and described as follows:

Beginning at a monument situated on the southerly bank of the Passaic River and labeled as Monument "A" as shown on Sheet 33 of the Warren Township Tax Map and running thence;

1. In a southeasterly direction 1830+ feet to a monument labeled Monument "B" on Sheet 33 of the Warren Township Tax Map, thence;

2. Running along the same southeasterly line 850+/- feet to a monument labeled Monument "C" on the northerly side of Mountain Avenue as shown on Sheet 33 of the Warren Township Tax Map, thence;

3. Running along the same southeasterly line 1850+/- feet, crossing Mountain Avenue and bisecting several lots to a monument situated approximately on the property line between lots 32 and 33 of Block 620 as indicated on Sheet 35 of the Warren Township Tax Map, thence;

4. Running along the same southeasterly line 1390+/- feet bisecting several lots to a monument situated on the property line between lots 4 and 5 of Block 621 as indicated on Sheet 35 of the Warren Township Tax Map, thence;

5. Running along the same southeasterly line 680+/- feet to a monument situated on the northerly sideline of Emerson Lane, as shown on Sheet 35 of the Warren Township Tax Map, thence;

6. Running along a new southeasterly line across Emerson Lane 950+/- feet bisecting Lot 8 of Block 623 to a point in the center of the Green Brook as shown on Sheet 36 of the Warren Township Tax Map, thence;

7. Running along the centerline of the Green Brook in a general easterly direction 710+/- feet to the point of intersection with a tributary of the Green Brook as indicated on Sheet 36 of the Warren Township Tax Map, thence;

8. Running along the centerline of the tributary of the Green Brook in a general southerly direction 740+/- feet crossing the northerly right-of-way line of State Highway Route #78 to a point within said right-of-way as indicated on Sheet 36 of the Warren Township Tax Map, thence;

9. Running along a southwesterly direction within the right-

of-way line of State Highway Route #78 150+/- feet to a point indicated as the southerly terminus of a line labeled Township Line 1806 shown on Sheet 36 of the Warren Township Tax Map.

2. The boundary line between the county of Somerset and the county of Union at this place, is made and established as the courses set forth in section 1 of this act.

3. The governing bodies of the township of Warren, borough of Watchung and township of Berkeley Heights shall, upon the enactment of this act into law forthwith cause the common boundary line to be plotted upon the respective official maps of the municipalities.

4. The governing bodies of the township of Warren, borough of Watchung and township of Berkeley Heights shall further, upon the enactment of this act into law, cause their respective Acts of Incorporation to be amended to reflect the change in boundaries as established herein.

5. The governing bodies of the counties of Somerset and Union shall, if applicable, upon the enactment of this act into law forthwith cause the common boundary line to be plotted upon the respective official maps of the counties.

6. This act shall take effect immediately.

Approved August 9, 1989.

CHAPTER 150

AN ACT concerning consultants used by the Division of Gaming Enforcement and amending P.L.1977, c.110.

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

1. Section 59 of P.L.1977, c.110 (C.5:12-59) is amended to read as follows:

C.5:12-59 Employment restrictions on commissioners, commission employees and division employees.

59. Employment Restrictions on Commissioners, Commission Employees and Division Employees. a. The "New Jersey Conflicts of Interest Law" (P.L.1971, c.182; C.52:13D-12 et seq.) shall apply

to members of the commission and to all employees of the commission and the division, except as herein specifically provided.

b. The commission shall, no later than January 1, 1981, promulgate a Code of Ethics that is modeled upon the Code of Judicial Conduct of the American Bar Association, as amended and adopted by the Supreme Court of New Jersey. This Code of Ethics shall include, but not be limited to, provisions that address the propriety of relationships and dealings between the commission and its staff, and licensees and applicants for licensure under this act.

c. The division shall promulgate a Code of Ethics governing its specific needs.

d. The Codes of Ethics promulgated by the commission and the division shall not be in conflict with the laws of this State, except, however, that said Codes of Ethics may be more restrictive than any law of this State.

e. The Codes of Ethics promulgated by the commission and the division shall be submitted to the Executive Commission on Ethical Standards for approval. The Codes of Ethics shall include, but not be limited to provisions that:

(1) No commission member or employee or division employee or agent shall be permitted to gamble in any establishment licensed by the commission except in the course of his duties.

(2) No commission member or employee or division employee or agent shall solicit or accept employment from any person licensed by or registered with the commission or from any applicant for a period of four years after termination of service with the commission or division, unless subject to section 60 of this act.

(3) No commission member or employee or any division employee or agent shall act in his official capacity in any matter wherein he or his spouse, child, parent or sibling has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

(4) No commission employee or any division employee or agent shall act in his official capacity in a matter concerning an applicant for licensure or a licensee who is the employer of a spouse, child, parent or sibling of said commission or division employee or agent when the fact of the employment of such spouse, child, parent or sibling might reasonably be expected to impair the objectivity and

independence of judgment of said commission employee or division employee or agent.

(5) No spouse, child, parent or sibling of a commission member shall be employed in any capacity by an applicant for a casino license or a casino licensee nor by any holding, intermediary or subsidiary company thereof.

(6) No commission member shall meet with any person, except for any other member of the commission or employee of the commission, or discuss any issues involving any pending or proposed application or any matter whatsoever which may reasonably be expected to come before the commission, or any member thereof, for determination unless the meeting or discussion takes place on the business premises of the commission, provided, however, that commission members may meet to consider matters requiring the physical inspection of equipment or premises at the location of the equipment or premises. All meetings or discussions subject to this paragraph shall be noted in a log maintained for this purpose and available for inspection pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

f. No commission member or employee or division employee or agent shall have any interest, direct or indirect, in any applicant or in any person licensed by or registered with the commission during his term of office or employment.

g. Each commission member and employee of the commission, including legal counsel, and each employee and agent of the division shall devote his entire time and attention to his duties and shall not pursue any other business or occupation or other gainful employment; provided, however, that secretarial and clerical personnel may engage in such other gainful employment as shall not interfere with their duties to the commission or division, unless otherwise directed; and provided further, however, that other employees of the commission and division and agents of the division may engage in such other gainful employment as shall not interfere or be in conflict with their duties to the commission or division, upon approval by the commission or the director of the division, as the case may be.

h. No member of the commission, employee of the commission, or employee or agent of the division shall:

(1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise any person to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(3) Take any active part in political campaigns or the management thereof; provided, however, that nothing herein shall prohibit a person from voting as he chooses or from expressing his personal opinions on political subjects and candidates.

i. For the purpose of applying the provisions of the "New Jersey Conflicts of Interest Law," any consultant or other person under contract for services to the commission and the division shall be deemed to be a special State employee, except that the restrictions of section 4 of P.L.1981, c.142 (C.52:13D-17.2) shall not apply to such person. Such person and any corporation, firm or partnership in which he has an interest or by which he is employed shall not represent any person or party other than the commission or the division before the commission.

2. This act shall take effect immediately.

Approved August 9, 1989.

CHAPTER 151

AN ACT concerning leaf composting facilities, amending and supplementing P.L.1987, c.102, amending R.S.4:24-22, and supplementing chapter 24 of Title 4 of the Revised Statutes.

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

1. Section 2 of P.L.1987, c.102 (C.13:1E-99.12) is amended to read as follows:

C.13:1E-99.12 Definitions.

2. As used in sections 1 through 24 of P.L.1987, c.102 (C.13:1E-99.11 et seq.):

"Agricultural or horticultural land" means land deemed 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.);

"Beverage" means milk, alcoholic beverages, including beer or

other malt beverages, liquor, wine, vermouth and sparkling wine, and nonalcoholic beverages, including fruit juice, mineral water and soda water and similar nonalcoholic carbonated and noncarbonated drinks intended for human consumption;

“Beverage container” means an individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage;

“Commingled” means a combining of exclusively nonputrescible recyclable materials solely with other nonputrescible recyclable materials;

“County” means any county of this State of whatever class;

“Department” means the Department of Environmental Protection;

“Designated recyclable materials” means those recyclable materials, including metal, glass, paper, or plastic containers, food waste, corrugated and other cardboard, newspaper, magazines, or high-grade office paper designated in a district recycling plan to be source separated in a municipality pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13);

“Disposition” or “disposition of designated recyclable materials” means the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months of designated recyclable materials for all possible uses except for disposal as solid waste;

“District” means a solid waste management district as designated by section 10 of P.L.1975, c.326 (C.13:1E-19), except that, as used in the provisions of P.L.1987, c.102 (C.13:1E-99.11 et seq.), “district” shall not include the Hackensack Meadowlands District;

“District recycling plan” means the plan prepared and adopted by the governing body of a county and approved by the department to implement the State Recycling Plan goals pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13);

“Leaf composting facility” means a solid waste facility which is designed and operated solely for the purpose of composting leaves and shall also include leaf mulching operations on land deemed actively devoted to agricultural or horticultural use as defined in section 5 of P.L.1964, c.48 (C.54:4-23.5);

“Market” or “markets” means the disposition of designated recyclable materials source separated in a municipality which entails a disposition cost less than the cost of transporting the recyclable materials to solid waste facilities and disposing of them as municipal solid waste at the facility utilized by the municipality;

“Municipality” means any city, borough, town, township or village situated within the boundaries of this State;

“Municipal solid waste stream” means all residential, commercial and institutional solid waste generated within the boundaries of any municipality;

“Paper” means and includes all newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper, and related types of cellulosic material containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants;

“Paper product” means any paper items or commodities, including but not limited to, paper napkins, towels, corrugated and other cardboard, construction material, toilet tissue, paper and related types of cellulosic products containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants;

“Plastic container” means any hermetically sealed, or made airtight with a metal or plastic cap, container with a minimum wall thickness of not less than 0.010 inches, and composed of thermoplastic synthetic polymeric material;

“Post-consumer waste material” means any product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling and disposition and which does not include secondary waste material or demolition waste;

“Recognized academic institution” means any of the following educational or research institutions located in this State: a duly authorized institution of higher education licensed by the Board of Higher Education; a public school operated by a local school district; a private vocational school; or a nonpublic school satisfying the State’s compulsory attendance requirements;

“Recyclable material” means those materials which would otherwise become municipal solid waste, and which may be collected,

separated or processed and returned to the economic mainstream in the form of raw materials or products;

“Recycled paper” means any paper having a total weight consisting of not less than 50% secondary waste paper material;

“Recycled paper product” means any paper product consisting of not less than 50% secondary waste paper material;

“Recycling” means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

“Recycling center” means any facility designed and operated solely for receiving, storing, processing and transferring source separated, nonputrescible or source separated commingled nonputrescible metal, glass, paper, plastic containers, and corrugated and other cardboard, or other recyclable materials approved by the department;

“Recycling services” means the services provided by persons engaging in the business of recycling, including the collection, transportation, processing, storage, purchase, sale or disposition, or any combination thereof, of recyclable materials;

“Secondary waste material” means waste material generated after the completion of a manufacturing process;

“Secondary waste paper material” means paper waste generated after the completion of a paper making process, such as post-consumer waste material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls and mill wrappers; except that secondary waste paper material shall not include fibrous waste generated during the manufacturing process, such as fibers recovered from waste water or trimmings of paper machine rolls, fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark;

“Source separated recyclable materials” means recyclable materials, including but not limited to, paper, metal, glass, noncommingled food waste, office paper and plastic which are kept separate and apart from residential, commercial and institutional solid waste by the generator thereof for the purposes of collection, disposition and recycling;

“Vegetative waste composting facility” means a solid waste facility which is designed and operated for the purpose of composting leaves, either exclusively or in combination with other vegetative wastes authorized by the department.

2. Section 13 of P.L.1987, c.102 (C.13:1E-99.21) is amended to read as follows:

C.13:1E-99.21 Use of leaf composting, vegetative waste composting facilities or recycling center.

13. a. After April 20, 1989, all leaves collected by a municipality pursuant to the provisions of section 14 of P.L.1987, c.102 (C.13:1E-99.22) shall be transported to a leaf composting facility, vegetative waste composting facility or recycling center authorized or approved by the department. Each district recycling plan shall identify the leaf composting facility, vegetative waste composting facility or recycling center to be utilized by each municipality within the county. Any two or more counties may negotiate an interdistrict agreement for the development or use of a regional leaf composting facility, vegetative waste composting facility or recycling center. Notwithstanding the provisions of section 18 of P.L.1975, c.326 (C.13:1E-27) or any other law, rule or regulation to the contrary, the Board of Public Utilities shall not have jurisdiction over, or otherwise regulate the tariffs or return of, a leaf composting facility, vegetative waste composting facility or recycling center authorized or approved by the department.

b. No solid waste facility in this State, other than a leaf composting facility, vegetative waste composting facility or recycling center, shall accept for final disposal truckloads containing leaves at any time, except that leaves source separated from solid waste may be accepted by a sanitary landfill facility in those instances where the facility has provided and maintains for that purpose separate leaf composting facilities, and the composted leaves are utilized as part of the final vegetative cover for the landfill, or for other uses as a soil conditioning material.

c. No person shall transport leaves to an out-of-State facility except in those instances where the out-of-State facility is designed and operated for the purpose of accepting leaves for recycling and the facility is designated in the district recycling plan required pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13).

3. Section 14 of P.L.1987, c.102 (C.13:1E-99.22) is amended to read as follows:

C.13:1E-99.22 Municipal leaf collection.

14. a. No later than April 20, 1989, each municipality in this State shall, by a duly adopted ordinance of its governing body, provide for a collection system for leaves generated from residential premises, prohibit the placement of leaves for collection or disposal as solid waste, and require that persons occupying residential premises within its municipal boundaries shall source separate leaves from solid waste generated at those premises and, unless leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided by the ordinance.

b. As an alternative to the provisions of subsection a. of this section, a municipality may, by a duly adopted ordinance of its governing body, prohibit the placement of leaves for collection or disposal as solid waste, and specify that all persons occupying residential premises within its municipal boundaries shall mulch or compost the leaves generated at those premises.

4. R.S.4:24-22 is amended to read as follows:

District a governmental subdivision and body corporate; enumeration of powers of districts and supervisors.

4:24-22. A soil conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this chapter:

a. To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in co-operation with the agricultural experiment stations or any other agency of this State, as may be dealing with allied problems;

b. To conduct in co-operation with existing State agencies, projects within the district on lands owned or controlled by this State or any of its agencies, with the co-operation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner thereof, or those who have rights or interests in such lands, in order to demonstrate methods of soil erosion control;

c. To carry out preventive and control measures within the district including but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, on lands owned or controlled by this State or any of its agencies, with the co-operation of the agency administering and having jurisdiction thereof, and on any other lands within the district;

d. To co-operate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any owner of lands within the district, in the carrying on of erosion control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter;

e. To acquire machinery and other necessary personal property, to make provision for its safekeeping and to dispose of said property when no longer needed;

f. To make available, on such terms as it shall prescribe, to landowners within the district, agricultural and engineering machinery and equipment, as will assist such landowners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

g. To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

h. To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specifications of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners of lands within the district;

i. To develop site plans for the construction, operation and maintenance of proposed leaf composting facilities located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, as required pursuant to section 7 of P.L.1989, c.151 (C.4:24-22.1); and to conduct an annual inspection of each operational facility within the district authorized by the Department of Environmental Protection in order to certify to the department

that the facility is in compliance with the rules and regulations adopted by the department therefor and is operating in conformance with recommended agricultural management practices;

j. To act as agent for the United States, or any of its agencies, or for this State or any of its agencies, in connection with any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to accept payments, donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, or from any governmental subdivision or its agencies, or from any corporation, association, group or individual, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

k. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations, not inconsistent with this chapter, to carry into effect its purposes and powers;

l. To acquire, by gift, devise, purchase or condemnation, any real property located within the district, or any interest or estate therein, which is required for the proper exercise by the district of its powers; provided, however, that the district shall not acquire any real property, or interest or estate therein, by condemnation without first obtaining the approval of the Secretary of Agriculture and the Commissioner of Environmental Protection;

m. As a condition to the extending of any benefits under this chapter, to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon;

n. To borrow money for the purchase of equipment, either with or without security;

o. No provisions with respect to the acquisition, operations, or disposition of property by other public bodies shall be applicable to

a district organized hereunder unless the Legislature shall specifically so state.

C.13:1E-99.21a Authorization to own or operate leaf composting facility.

5. a. No person shall own or operate a leaf composting facility located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, unless that person shall have obtained authorization or approval thereof from the Department of Environmental Protection.

b. To be eligible for authorization pursuant to this act, the proposed leaf composting facility shall be located on land which qualifies for differential property tax assessment pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or on lands owned or operated by a recognized academic institution as defined in section 2 of P.L.1987, c.102 (C.13:1E-99.12).

C.13:1E-99.21b Requirements for licensing for owner, operator of leaf composting facility.

6. a. Every person proposing to own or operate a leaf composting facility located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, shall submit to the department for authorization a filing package which shall contain a site plan and any other information as may be prescribed by the department.

b. No owner or operator of a leaf composting facility located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, which facility is authorized by the department pursuant to this act shall be subject to the registration requirements of section 5 of P.L.1970, c.39 (C.13:1E-5) or the licensing requirements of P.L.1983, c.392 (C.13:1E-126 et seq.).

C.4:24-22.1 Site plan for leaf composting facility; annual inspection.

7. a. Every Soil Conservation District shall develop a site plan for each proposed leaf composting facility to be located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, within the district. The site plan shall include such information as may be prescribed by the Department of Environmental Protection and shall be certified in a manner as may be prescribed by the department.

b. Every Soil Conservation District shall conduct an annual inspection of each operational leaf composting facility located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, within the district and authorized

by the department in order to certify to the department that the facility is operated and maintained in compliance with the rules and regulations adopted by the department therefor and the site plan developed by the district, and in conformance with recommended agricultural management practices.

C.4:24-22.2 Conditions for operation of leaf composting facility.

8. Each leaf composting facility located on agricultural or horticultural land, or on lands owned or operated by a recognized academic institution, shall operate in accordance with the conditions specified in the program of agricultural management practices developed by the New Jersey Cooperative Extension Service of Rutgers, The State University, and approved by the department.

C.13:1E-99.21c Leaf composting demonstration projects.

9. a. The department may authorize the development of leaf composting demonstration projects for educational purposes on lands owned or operated by a recognized academic institution.

b. A recognized academic institution proposing to undertake a leaf composting demonstration project, in conjunction with the relevant Soil Conservation District, shall submit to the department for authorization a filing package which shall contain a site plan and any other information as may be prescribed by the department.

c. No leaf composting demonstration project authorized by the department pursuant to this section shall accept leaves for composting in excess of 500 cubic yards per year.

C.13:1E-99.21d Vehicles for transporting leaves to facility, registration not required.

10. Notwithstanding the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) or any other law, rule or regulation to the contrary, vehicles used exclusively for the transportation of leaves to a leaf composting facility, vegetative waste composting facility, recycling center or lands owned or operated by a recognized academic institution authorized or approved by the department shall not be required to be registered with, or approved by, the department.

C.13:1E-99.21e Jurisdiction over charges, rates; revenue not included in tariff computation.

11. Notwithstanding the provisions of P.L.1970, c.40 (C.48:13A-1 et seq.) or any other law, rule or regulation to the contrary, the Board of Public Utilities shall not have jurisdiction over charges or rates for services provided by persons engaging in the transportation of leaves to a leaf composting facility, vegetative waste composting facility, recycling center or lands owned or operated by a recognized academic institution authorized or approved by the Department of

Environmental Protection pursuant to P.L.1989, c.151 (C.13:1E-99.21a et al.). The revenues generated by persons engaging in the transportation of leaves shall not be included within the computation of current or adjusted tariffs established pursuant to law for solid waste collection.

C.4:9-38 Composting, handling of animal wastes.

12. The Department of Agriculture shall, by rule or regulation and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establish criteria and standards for the composting and handling of animal wastes.

C.13:1E-99.21f Rules, regulations.

13. The Department of Environmental Protection shall, pursuant to the "Administrative Procedure Act," adopt rules and regulations necessary to implement this act.

14. This act shall take effect immediately.

Approved August 9, 1989.

CHAPTER 152

AN ACT concerning the educational placement of special education pupils and amending N.J.S.18A:46-14.

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

1. N.J.S.18A:46-14 is amended to read as follows:

Facilities and programs.

18A:46-14. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

- a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;
- b. A special class in the public schools of another district in this State or any other state in the United States;
- c. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;
- d. A jointure commission program;

- e. A State of New Jersey operated program;
- f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;
- g. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or, with the approval of the commissioner to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsection a., b., c., d., e. or f. otherwise;
- h. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsection a., b., c., d., e., f. or g. otherwise.

Whenever a child study team determines that a suitable special education program for a child cannot be provided pursuant to subsection a., b., c., d., e., f., g. or h. of this section, and that the most appropriate placement for that child is in an academic program in an accredited nonpublic school within the State or, to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian, and which is not specifically approved for the education of handicapped pupils, that child may be placed in that academic program by the board of education, with the consent of the commissioner, or by order of a court of competent jurisdiction. An academic program which meets the requirements of the child's Individual Education Plan as determined by the child study team and which provides the child with a thorough and efficient education, shall be considered an approved placement for the purposes of Chapter 46 of this Title, and the board of education shall be entitled to receive State aid for that child as provided pursuant to P.L.1975, c.212 (C.18A:7A-1 et seq.), and all other pertinent statutes.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or in any other state in the United States and is enrolled in an education program approved under this article, or shall be placed in any other State facility as defined in section 3 of P.L.1975, c.212 (C.18A:7A-3), the board of

education of the district in which the child resides shall pay the tuition of said child.

The board of education may also furnish (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other state in the United States, (b) suitable approved facilities and programs for children under the age of five.

2. This act shall take effect immediately.

Approved August 9, 1989.

CHAPTER 153

AN ACT establishing a State Board of Chiropractic Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, requiring the licensing of chiropractors by that board and revising parts of the statutory law.

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

C.45:9-41.17 Short title.

1. This act shall be known and may be cited as the "Chiropractic Board Act."

C.45:9-41.18 Legislative findings and declarations.

2. The Legislature finds and declares that it is a valid public purpose to establish a separate board to regulate the practice of chiropractic in this State to properly protect the citizenry who receive the services of a chiropractor by maintaining and ensuring standards of competency and integrity of the profession and preventing unsafe, fraudulent or deceptive practices which may damage the health of those citizens, as well as the reputation of the profession in this State.

C.45:9-41.19 Definitions.

3. As used in this act, sections 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5 et al.):

a. "Board" means the State Board of Chiropractic Examiners created pursuant to section 4 of this act.

b. "Chiropractor" means a person trained and qualified in the discipline of chiropractic whose license is in force and not suspended or revoked at the time in question.

C.45:9-41.20 State Board of Chiropractic Examiners created.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the State Board of Chiropractic Examiners. The board shall consist of 11 members who are residents of the State, two of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members shall be licensed chiropractors who have been actively engaged in the practice of chiropractic in this State for at least five years immediately preceding their appointments.

The Governor shall appoint each member, other than the State executive department member, with the advice and consent of the Senate, for a term of three years, except that three of the initial chiropractic members of the board shall consist of the incumbent chiropractic member of the State Board of Medical Examiners, who shall serve until the expiration of his current term as a chiropractic member, and the two incumbent chiropractic assistants of the State Board of Medical Examiners, each of whom shall serve until the expiration of his current term as a chiropractic assistant, and except that of the remaining five chiropractic members first appointed, two shall serve for terms of three years, two shall serve for terms of two years and one 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 board shall be filled for the unexpired term in the manner provided for the original appointment. No member of the board may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

C.45:9-41.21 Compensation of board members.

5. Members of the board shall be compensated and reimbursed for expenses and provided with office and meeting facilities pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5).

C.45:9-41.22 Election of officers, meetings.

6. The board shall annually elect from among its members a president, vice-president, secretary and treasurer. The board shall meet at least four times per year and may hold additional meetings as necessary to discharge its duties.

C.45:9-41.23 Duties of the board.

7. The board shall:

- a. Appoint and prescribe the duties of an executive secretary. The executive secretary shall serve at its pleasure;
- b. Review the qualifications of applicants for licensure;
- c. Insure the proper conduct and standards of examinations;
- d. Issue and renew annual licenses for chiropractors pursuant to this act, sections 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5 et al.);
- e. Refuse to admit a person to an examination, or refuse to issue a license, or suspend, revoke or fail to renew the license of a chiropractor pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- f. Maintain a record of chiropractors licensed in this State, their places of business, places of residence and the date and number of their licenses;
- g. Prescribe or change the charges for examinations, licensures, renewals and other services it performs pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.);
- h. Adopt and promulgate 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, sections 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5 et al.).

C.45:9-41.24 Transfer of records to the board.

8. All records of the State Board of Medical Examiners relating to the practice of chiropractic shall be transferred to the State Board of Chiropractic Examiners, and the State Board of Chiropractic Examiners is empowered to take over and complete all unfinished undertakings of the State Board of Medical Examiners concerning the practice of chiropractic.

C.45:9-41.25 Transfer of jurisdiction, powers, duties and responsibilities to the board.

9. All jurisdiction, powers, duties and responsibilities heretofore vested in the State Board of Medical Examiners with respect to the practice of chiropractic and the granting, suspension or revocation of licenses of chiropractors under chapter 9 of Title 45 of the Revised Statutes shall be immediately transferred to and vested in the State Board of Chiropractic Examiners created by this act, which board shall hereafter govern the practice of chiropractic in this State in accordance with all applicable laws.

C.45:9-41.26 Existing laws, licenses unaffected.

10. Laws of this State relating to the practice of chiropractic and not amended by, or inconsistent with, this act shall remain in effect. Chiropractic licenses heretofore issued shall be unaffected by this act.

C.45:9-41.27 Scope of practice of chiropractic unaffected.

11. The scope of practice of chiropractic shall remain as defined in existing statutes. Nothing in this act shall be deemed to prohibit a chiropractor from caring for chiropractic subluxation as determined by chiropractic analytical procedures. Chiropractic analysis which identifies the existence of a subluxation may be the only basis for chiropractic care.

12. The Legislature finds and declares that within the chiropractic profession there exist different philosophies of practice, that properly trained and licensed adherents of all philosophies should be allowed to practice and educate the public and that students who graduate from properly accredited schools, institutions or colleges teaching each philosophy should be admitted to examination for licensure without being hindered.

13. Section 9 of P.L.1953, c.233 (C.45:9-41.6) is amended to read as follows:

C.45:9-41.6 Requirements for approval of chiropractic applicant or school for licensure.

9. The board shall accept as an applicant for licensure as a chiropractor any individual who has graduated from a school, institution or college of chiropractic which was approved during the individual's entire course of study by the board, and accredited by the Council of Chiropractic Education, or the Straight Chiropractic Academic Standards Association, or other accrediting agency approved by the United States Department of Education.

The board, in approving a school, institution or college of chiropractic, shall consult with and take into consideration the standards suggested by the Council of Chiropractic Education, the Straight Chiropractic Academic Standards Association, or other accrediting agency approved by the United States Department of Education.

Board approval of a school, institution or college of chiropractic accredited by the Council of Chiropractic Education, the Straight Chiropractic Academic Standards Association, or other accrediting agency approved by the United States Department of Education shall be based upon the standards set forth below and may include an on site inspection.

a. Organization: The chiropractic school, institution or college shall be incorporated as a nonprofit institution of learning and shall be lawfully chartered to grant the degree of Doctor of Chiropractic within the state of its residence.

b. Faculty:

(1) The basic science division and each department within the division shall be headed by a person possessing at least a Master of Science degree.

(2) Each member of the chiropractic science division shall be headed by a person possessing a degree of Doctor of Chiropractic and shall be eligible for licensure within the state in which the school, institution or college is located.

c. Plant:

(1) The school, institution or college shall have sufficient space to provide lecture rooms, laboratories, library, administrative and faculty offices, as well as out-patient clinics for men and women.

(2) The library shall be headed by a full-time librarian with a degree in library science, and shall consist of at least 10,000 volumes whose quality reflects current knowledge in the field.

(3) There shall be a medical museum containing sufficient pathological, embryological, histological and anatomical specimens to augment the teaching of related subjects.

(4) There shall be sufficient, useful auxiliary equipment sufficient for the teaching of the student body, such as mannikins, charts, skeletons, models, projectors, microscopes, adjusting tables and other equipment peculiar to the teaching of chiropractic.

d. Clinical facilities: Each school, institution or college of chiropractic shall operate a general chiropractic clinic or clinics in which the student shall gain clinical chiropractic practice with patients with chiropractic case management, which shall include the chiropractic clinical aspects of the courses which are required in the curriculum, for a proper understanding of the knowledge gained from the classroom and laboratory instruction. The clinic shall include proper experience in various aspects of patient examination for the purpose of determining the appropriateness of chiropractic care. Clinical instruction shall encourage the student to refer patients to doctors in the practice of medicine when impressions obtained as a result of chiropractic examination indicate a consultation is in the patient's best interest.

e. Resources: The school shall have sufficient resources to ensure financial stability and continuous operation.

f. Administration: There shall be responsible supervision of the entire school by the dean or other executive officer who, by training and experience, is qualified to interpret the prevailing standards in chiropractic and therapeutic education and who shall possess sufficient authority to integrate such standards into the school's, institution's or college's curriculum.

g. Records: There shall be a comprehensive system of records showing conveniently and in detail the credentials, grades and accounts of the students, by means of which an exact knowledge of each student's work can be obtained. Records shall also be kept showing the clinical work of each student and attendance. Except for good cause, such as illness, no credit shall be given for any course when the attendance has been less than 80% of full time, or when the student fails to satisfactorily complete course requirements.

h. Requirement for admission: Prior to commencing a course of study in the approved school, institution or college of chiropractic, the student shall have successfully completed at least two years of study in a school or college of arts and sciences accredited or recognized by the New Jersey State Department of Education, no less than 1½ years of which shall have been completed prior to commencing his course of study in the approved school of chiropractic pursuant to the provisions of section 10 of P.L.1953, c.233 (C.45:9-41.7).

i. Publications: The school, institution or college shall issue, at least annually, a bulletin setting forth the nature and content of the courses of study offered. Such announcements shall contain a list of the faculty with their respective qualifications, academic degree received and the name of the degree-granting school, institution or college. The courses available should be set forth by departments (anatomy, physiology, pathology, etc.) showing for each course its contents, character, number of hours, etc. Information should be given regarding entrance requirements, tuition and other fees.

j. Curriculum: The entire course of four years shall consist of 3,600 to 4,400 class hours of not less than 45 minutes each, distributed from 900 to 1,100 hours per year, and shall be grouped as set forth in the following schedule. Each group is to be allotted approximately the percentage of the whole number of hours in the course as follows:

Subject	Percentage of Total
1. Anatomy, including dissection wherever possible, embryology and histology	25%
2. Principles of Chiropractic	37½%
3. Physiology	6¼%
4. Diagnosis and Symptomatology	7½%
5. Pathology, Bacteriology and Laboratory Technique	8¾%
6. Chemistry	2½%
7. Neurology	5%
8. Hygiene	1¼%
9. Jurisprudence	1¼%
10. Gynecology, Obstetrics, Spinography, Endocrinology, Dermatology, Pediatrics, Special Sense	5%
	<hr/>
	100%

14. Section 11 of P.L.1953, c.233 (C.45:9-41.8) is amended to read as follows:

C.45:9-41.8 Form and content of examination, approval.

11. Each applicant for licensure as a chiropractor shall submit to the Board of Chiropractic Examiners, on a form prescribed by the board, satisfactory evidence of his qualifications as prescribed by P.L.1953, c.233 (C.45:9-41.5 et al.).

The form and content of any examination of applicants for a license to practice chiropractic in New Jersey hereunder shall be prepared by the board.

15. Section 13 of P.L.1953, c.233 (C.45:9-41.10) is amended to read as follows:

C.45:9-41.10 Application for reciprocal license, fee.

13. Any applicant for a license to practice chiropractic under section 10 of P.L.1953, c.233 (C.45:9-41.7) upon proving that he has been examined and licensed to practice chiropractic by the examining and licensing board of another state of the United States having requirements for examination and licensure equivalent to those required under section 8 of P.L.1953, c.233 (C.45:9-41.5), or upon certification by the National Board of Chiropractic Examiners, may, in the discretion of the State Board of Chiropractic Examiners, be granted a license to practice chiropractic without further examination upon payment to the treasurer of the State Board of Chiropractic Examiners of a license fee of one hundred dollars (\$100.00);

provided, such applicant shall furnish proof that he fulfills the requirements demanded in the other sections of P.L.1953, c.233 (C.45:9-41.5 et al.) relating to applicants for admission by examination. In any such application for a license without examination all questions of academic requirements of other states shall be determined by the Commissioner of Education of this State.

16. Section 19 of P.L.1953, c.233 (C.45:9-41.12) is amended to read as follows:

C.45:9-41.12 Term "board" defined.

19. As used in P.L.1953, c.233 (C.45:9-41.5 et al.) the term "board" means the State Board of Chiropractic Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety established pursuant to section 4 of P.L.1989, c.153 (C.45:9-41.20).

17. R.S.45:9-1 is amended to read as follows:

State board of medical examiners; membership; appointments; terms; oath; advisory committee to assist in administration of certain laws; advisory committee.

45:9-1. The State Board of Medical Examiners, hereinafter in this chapter designated as the "board" shall consist of 15 members, two of whom shall be public members and one an executive department designee as required pursuant to section 2 of P.L.1971, c.60 (C.45:1-2.2), and 12 of whom shall be persons of recognized professional ability and honor, and shall possess a license to practice their respective professions in New Jersey, and all of whom shall be appointed by the Governor in accordance with the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2); provided, however, that said board shall consist of nine graduates of schools of medicine who shall possess the degree of M.D., and in addition the membership of said board shall comprise one osteopath, one podiatrist and one licensed bio-analytical laboratory director, who may or may not be the holder of a degree of M.D. The term of office of members of the board hereafter appointed shall be three years or until their successors are appointed. Said appointees shall, within 30 days after receipt of their respective commissions, take and subscribe the oath or affirmation prescribed by law and file the same in the office of the Secretary of State.

The Governor shall also appoint an advisory committee to consist of four licensed bio-analytical laboratory directors, only two of whom shall possess the degree of M.D., and who shall be appointed from a list to be submitted by the society or organization of which the persons nominated are members. The members of this advisory com-

mittee shall serve for a term of three years and until their successors are appointed and qualified, and shall be available to assist the board in the administration of the "Bio-analytical Laboratory and Laboratory Directors Act (1953)," P.L.1953, c.420 (C.45:9-42.1 et seq.). The advisory committee shall meet at the call of the board. The board may authorize reimbursement of the members of the advisory committee for their actual expenses incurred in connection with the performance of their duties as members of the committee.

18. The duties and functions of the incumbent chiropractic member and assistants on the State Board of Medical Examiners shall terminate on the effective date of this act and they shall assume their duties and functions as members of the State Board of Chiropractic Examiners. No additional chiropractic members and assistants shall be appointed to the State Board of Medical Examiners.

19. R.S.45:9-16 is amended to read as follows:

Refusal to grant, suspension or revocation of license, or registration of certificate or diploma; grounds; procedure; relicense.

45:9-16. The board may refuse to grant or may suspend or revoke a license or the registration of a certificate or diploma to practice medicine and surgery filed in the office of any county clerk in this State under any act of the Legislature, upon proof to the satisfaction of the board that the holder of such license (a) has been adjudicated insane, or (b) habitually uses intoxicants, or (c) has practiced criminal abortion, or been convicted of the crime of criminal abortion, or has been convicted of crime involving moral turpitude, or has pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging the commission of the crime of criminal abortion or of crime involving moral turpitude, or (d) has been determined to be physically or mentally incapacitated, (e) knowingly becomes employed by any physician, surgeon, homeopath, eclectic, osteopath, or doctor who advertises, or (f) shall have presented to the board any diploma, license or certificate that shall have been illegally obtained or shall have been signed or issued unlawfully or under fraudulent representations, or obtains or shall have obtained a license to practice in this State through fraud of any kind, or (g) has been guilty of employing unlicensed persons to perform work which, under chapter 9 of Title 45 of the Revised Statutes can legally be done only by persons licensed to practice medicine and surgery in this State, or (h) has been guilty of gross malpractice or gross neglect in the practice of medicine which has endangered the health or life of any person, or (i) has been demonstrated professionally incompetent to practice medicine, or (j) has advertised in any man-

ner, whether as an individual, through a professional service corporation or through a third party on his behalf, the practice of medicine and surgery; provided, however, that the following shall not be deemed to be advertising prohibited under this chapter:

a. Public information for educational purposes on the practice or profession of medicine and surgery which does not contain the name of any person licensed to practice medicine and surgery in this State or the address of any location where medical examination or treatment may be had or is recommended or suggested;

b. Publication of a brief announcement of the opening of an office or the removal to a new location, containing the name, professional degree, type of practice, address, telephone number, and office hours of the licensee;

c. A listing in an alphabetical telephone directory of the name of a licensee together with his professional degree or the abbreviation therefor;

d. A listing in a classified telephone directory with standard type limited to the name, professional degree, type of practice, office and home addresses and telephone numbers, and office hours of a licensee;

e. The use of small signs on the doors, windows and walls of a licensee's office or on the building in which he maintains an office, or the use of a sign directory separate and apart from, but in reasonable proximity to, the building in which he maintains an office as an aid to the public in locating the office, setting out his name, professional degree, type of practice, address and office hours in lettering no larger than six inches in height for street level offices, and no larger than eight inches in height for offices above street level;

f. Communications with or without the name of the licensee distributed or mailed to his patients of record at his discretion;

g. A directory of physicians for consumer use which shall include the educational background, degrees, fellowships, certifications, specialties, experience and any other pertinent information which is related to the practice of medicine and surgery of the physicians.

The board shall refuse to grant or shall suspend or revoke any such license or the registration of any such certificate or diploma upon proof to the satisfaction of the board that the applicant for, or holder of, such license habitually uses drugs or has been convicted of a violation of or has pleaded *nolo contendere*, *non vult contendere* or

non vult to an indictment, information or complaint alleging a violation of any federal or State law relating to narcotic drugs. Before any license, or registration of a certificate or diploma to practice medicine or surgery filed in the office of any county clerk of this State under any act of the Legislature, shall be suspended or revoked, except in the case of conviction of criminal abortion or conviction of crime involving moral turpitude or plea of nolo contendere, non vult contendere or non vult to indictment, information or complaint alleging commission of the crime of criminal abortion or crime involving moral turpitude, or conviction of violation of or plea of nolo contendere, non vult contendere or non vult to indictment, information, or complaint alleging violation of, any federal or State law relating to narcotic drugs, the accused person shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney, and any person whose license shall be suspended or revoked in accordance with this section shall be deemed an unlicensed person during the period of such suspension or revocation, and as such shall be subject to the penalties hereinafter prescribed for persons who practice medicine and surgery without first having obtained a license so to do. Any person whose license, or registration of a certificate or diploma to practice medicine and surgery filed in the office of any county clerk of this State under any act of the Legislature, shall be suspended or revoked under the authority of chapter 9 of Title 45 of the Revised Statutes may, in the discretion of the board be relicensed at any time to practice without an examination, or have his registration of a certificate or diploma, as aforesaid, reinstated, on application being made to the board.

The record of conviction or the record of entry of a plea of nolo contendere, non vult contendere or non vult in any of the courts of this State, or any other state of the United States, or any of the courts of the United States, or the court of any foreign nation, shall be sufficient warrant for the board to refuse to grant or to suspend or revoke the license or the registration of a certificate or diploma to practice medicine and surgery filed in the office of any county clerk in this State under any act of the Legislature.

20. R.S.45:9-21 is amended to read as follows:

Certain persons and practices excepted from operation of chapter.

45:9-21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United

States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any state or of the United States;

b. A lawfully qualified physician or surgeon of another state taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination or indorsement from another state. Such permission may be granted for a period of not less than two weeks nor more than four months upon payment of a fee of \$50.00. The board in its discretion may extend such permission for further periods of two weeks to four months but not to exceed in the aggregate one year;

c. A physician or surgeon of another state of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of five years;

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministrations to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of podiatry by any legally licensed podiatrist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended

to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A podiatrist, professional nurse, or a registered physical therapist, masseur, while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician, or surgeon or under the direction thereof;

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director;

n. Any employee of a State or county institution holding the degree of M.D. or D.O., regularly employed on a salary basis on its medical staff or as a member of the teaching or scientific staff of a State agency, may apply to the State Board of Medical Examiners of New Jersey and may, in the discretion of said board, be granted exemption from the provisions of this chapter; provided said employee continues as a member of the medical staff of a State agency or county institution or of the teaching or scientific staff of a State agency and does not conduct any type of private medical practice; or

o. The practice of chiropractic by any legally licensed chiropractor.

21. R.S.45:9-22 is amended to read as follows:

Illegal practice; names of members of firm and of employees of others to be displayed; penalties, recovery of.

45:9-22. Any person commencing or continuing the practice of medicine and surgery in this State without first having obtained a license, as provided in this chapter or any supplement thereto, or contrary to any of the provisions of this chapter or any supplement thereto, or who practices medicine and surgery under false or assumed name, or falsely impersonates another practitioner of a like or different name, or buys, sells or fraudulently obtains a diploma as a doctor of medicine and surgery or any branch thereof, or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition or a license to practice medicine and surgery, record or registration pertaining to the same, or any person, company or association who shall employ for a stated salary or otherwise, or aid or assist any person not regularly licensed to practice medicine and surgery in this State, to practice medicine and surgery therein, or who violates any of the provisions of this chapter or any supplement thereto, shall be liable to a penalty of two hundred dollars (\$200.00), for the first offense. Every person practicing medicine and surgery under a firm name and every person practicing medicine and surgery or as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice shall be conducted, and any person who shall neglect to cause his name to be displayed as herein required, shall be liable to a penalty of one hundred dollars (\$100.00). The penalties provided for by this section shall be sued for and recovered by and in the name of the State Board of Medical Examiners of New Jersey, in a summary manner, pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) and the Rules Governing the Courts of the State of New Jersey. Process shall be either in the nature of a summons or warrant.

22. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as follows:

C.45:1-2.1 Applicability of act.

1. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers

and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, and the State Board of Chiropractic Examiners.

23. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as follows:

C.45:1-3.1 Applicability of act.

1. The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, and the State Board of Chiropractic Examiners.

24. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as follows:

C.45:1-15 Application of act.

2. The provisions of this act shall apply to the following boards and all professions or occupations regulated by or through such boards: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic

Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Acupuncture Examining Board, and the State Board of Chiropractic Examiners.

25. This act shall take effect on the 180th day following enactment, but, on or after the enactment date of this act, membership of the board may be appointed, may organize itself and may promulgate rules and regulations to implement the provisions of this act in anticipation of this act taking effect.

Approved August 11, 1989.

CHAPTER 154

AN ACT concerning the commission to study services and programs for hearing impaired children and making an appropriation.

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

1. The commission to study services and programs available to hearing impaired children established pursuant to P.L.1987, Joint Resolution No. 2 shall report its findings and recommendations to the Governor and Legislature by December 31, 1989.

2. There is appropriated to the commission to study services and programs available to hearing impaired children \$30,000 from the General Fund for the purposes of conducting a Statewide survey and preparing the commission's final report.

3. This act shall take effect immediately and shall expire on December 31, 1989.

Approved August 11, 1989.