LAWS—NEW JERSEY
1975

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ACTS

OF THE

Second Annual Session

OF THE

One Hundred and Ninety-sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-fifth Under the New Constitution

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1975

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

J. EDWARD CRABIEL,
Secretary of State.

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LAWS

ACTS

ENACTED BY THE

Second Annual Session

OF THE

One Hundred and Ninety-sixth Legislature

CHAPTER 1

AN ACT concerning responsibility of relatives for the support of needy persons, and amending sections 44:1–140 and 44:4–101 of Title 44 and section 30:4–66 of Title 30 of the Revised Statutes.

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

1. R. S. 44:1–140 is amended to read as follows:

Father, mother, children, and husband or wife chargeable.

44:1–140. a. The father, mother, children, and husband or wife, severally and respectively, of a person who applies for and is eligible to receive public assistance, shall, if of sufficient ability, at his or their charge and expense, relieve and maintain the poor person or child in such manner as shall be ordered, after due notice and opportunity to be heard, by any county or municipal director of welfare, or by any court of competent jurisdiction upon its own initiative or the information of any person.

b. The provisions of this section shall apply to the minor children of a mother whose husband shall fail properly to support and maintain such children when by reason thereof they are likely to become a public charge.

c. The provisions of this section shall not apply to any person 55 years of age or over except with regard to his or her spouse, or his or her natural or adopted child under the age of 21 years.

2. R. S. 44:4–101 is amended to read as follows:

Father, mother, children, and husband or wife chargeable.

44:4–101. a. The father, mother, children, and husband or wife, severally and respectively, of a person who applies for and is eligible to receive public assistance, shall, if of sufficient ability, at his or their charge and expense, relieve and maintain the poor person or child in such manner as shall be ordered, after due notice and opportunity to be heard, by any county director of welfare, or by any court of competent jurisdiction upon its own initiative or the information of any person.

b. The provisions of this section shall apply to the minor children of a mother whose husband shall fail properly to support and maintain such minor children when by reason thereof they are likely to become a public charge.

c. The provisions of this section shall not apply to any person 55 years of age or over except with regard to his or her spouse, or his or her natural or adopted child under the age of 21 years.

3. R. S. 30:4–66 is amended to read as follows:

Those liable for patient's support.

30:4–66. Every patient supported in a State or county charitable institution shall be personally liable for his maintenance and for all necessary expenses incurred by the institution in his behalf and the husband, wife, father, mother, and the children, severally and respectively, being of sufficient ability, of every patient so confined, whose estate is not sufficient for his support, shall support, and maintain the patient in the institution in such manner and to such an amount as the court shall direct and as provided in section 30:4–60 of this Title. All spouses living separate and apart from their spouses so confined, and all parents of illegitimate children so confined shall also be personally liable for such expense.

But no payment shall be ordered to be made by a chargeable relative 55 years of age or over except with respect to the maintenance of his or her spouse or his or her natural or adopted child under the age of 21 years.

4. This act shall take effect immediately.

Approved January 14, 1975.

CHAPTER 2

AN ACT to amend "An act concerning interests in real property and providing for the creation and regulation of condominiums," approved January 7, 1970 (P. L. 1969, c. 257).

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

1. Section 19 of P. L. 1969, c. 257 (C. 46:8B–19) is amended to read as follows:

C. 46:8B-19 Taxes, assessments and charges; valuation of units; exemptions or deductions.

19. Taxes, assessments and charges; valuation of units; exemptions or deductions. All property taxes, special assessments and other charges imposed by any taxing authority shall be separately assessed against and collected on each unit as a single parcel, and not on the condominium property as a whole. Such taxes, assessments and charges shall constitute a lien only upon the unit and upon no other portion of the condominium property. All laws authorizing exemptions from taxation or deductions from tax bills shall be applicable to each individual unit to the same extent they are applicable to other separate property.

2. This act shall take effect immediately.

Approved January 22, 1975.

CHAPTER 3

AN ACT to amend and supplement the "New Jersey Tort Claims Act," approved June 1, 1972 (P. L. 1972, c. 45).

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

1. N. J. S. 59:9–1 is amended to read as follows:

Manner of trial.

59:9–1. Manner of trial. Tort claims under this act shall be heard by a judge sitting without a jury or a judge and jury where

appropriate demand therefor is made in accordance with the rules governing the courts of the State of New Jersey.

2. N. J. S. 59:9–4 is amended to read as follows:

Comparative negligence.

59:9–4. Comparative negligence.

Contributory negligence shall not bar recovery in an action by any party or his legal representative to recover damages to the extent permitted under this act if such negligence was not greater than the negligence of the party against whom recovery is sought, but any damages sustained shall be diminished by the percentage of negligence attributable to the person recovering.

In all negligence actions in which the question of liability is in dispute, the trier of fact shall make the following as findings of fact:

a. The amount of damages which would be recoverable by the injured party regardless of any consideration of negligence, that is, the full value of the injured party's damages to the extent permitted under this act.

b. The extent, in the form of a percentage, of each party's negligence. The percentage of negligence of each party shall be based on 100% and the total of all percentages of negligence of all the parties to a suit shall be 100%.

c. The judge shall mold the judgment from the findings of fact made by the trier of fact in accordance with the provisions of this act.

C. 59:9-7 Right of court to review amount of verdict.

3. Nothing in the act to which this act is a supplement shall affect the right of the court, in accordance with the rules governing the courts, to review the amount of a verdict or judgment on its own initiative or in acting on a motion of a party for a new trial.

4. This act shall take effect immediately and shall apply to claims that accrue on or after its effective date and it shall also apply retroactively to those claims which have accrued since July 1, 1972 and which have not been reduced to judgment.

Approved January 22, 1975.

CHAPTER 4

AN ACT to validate certain proceedings 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:*

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24–16 was not prepared and filed as required by N. J. S. 18A:24–17, or notwithstanding that the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all bonds and notes of the school district then issued and outstanding or authorized but unissued less the amount of any sinking funds held for payment of the same, exceeded any limitation or other restriction prescribed by N. J. S. 18A:24–19 and such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of N. J. S. 18A:24–23 and N. J. S. 18A:24–24; provided however that such supplemental debt statement has heretofore been made, sworn to, and filed in the places required by N. J. S. 18A:24–16 and N. J. S. 18A:24–17; and provided further that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon 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 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved January 22, 1975.

CHAPTER 5

AN ACT to amend "The New Jersey Highway Authority Act," approved April 14, 1952 (P. L. 1952, c. 16).

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

1. Section 4 of P. L. 1952, c. 16 (C. 27:12B–4) is amended to read as follows:

C. 27:12B-4 New Jersey Highway Authority; establishment; members; issuance of bonds or fixing of tolls; approval of State officers; approval of actions by Governor.

4. There is hereby established in the State Department of Transportation a body corporate and politic, with corporate succession, to be known as the "New Jersey Highway Authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of projects shall be deemed and held to be an essential governmental function of the State.

The New Jersey Highway Authority shall consist of seven members, each of whom shall be a resident of the State, who shall have been a qualified elector therein for a period of at least 1 year next preceding his appointment. Each member of the authority shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 5 years and shall serve until his successor is appointed and has qualified. Of the two members first appointed pursuant to this amendatory act, one shall be for a term of 4 years and one for a term of 5 years. Each member of the authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the authority before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

Any vacancies in the membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

The Governor shall designate one of the members of the authority as chairman thereof and another member as vice-chairman thereof. The chairman and vice-chairman of the authority so

designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The authority shall elect a secretary and a treasurer who need not be members. At the option of the authority the same person may be elected to serve both as secretary and treasurer. Four members of the authority shall constitute a quorum and the vote of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

Before the issuance of any bonds or notes under the provisions of this act, each member of the authority shall execute a surety bond in the penal sum of $25,000.00, and the treasurer shall execute a surety bond in the penal sum of $50,000.00, each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls for the use of any highway projects or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and at least one of the following: the State Treasurer and the Comptroller of the Treasury. The powers conferred in this section upon the Governor, the State Treasurer and the Comptroller of the Treasury shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this section shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days (Saturdays, Sundays and holidays excepted) after such copy of the minutes shall have been delivered or the approval thereof by the Governor

prior thereto. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action, except action to negotiate or execute a collective negotiation agreement with a certified public employee organization representing employees of the authority, taken by the authority or any member thereof at such meeting, such action shall be null and of no effect.

The members of the authority shall not receive compensation for their services as members of the authority. Each member shall be reimbursed by the authority for his actual expenses necessarily incurred in the performance of his duties.

2. This act shall take effect 30 days after enactment.

Approved January 22, 1975.

CHAPTER 6

AN ACT to supplement the "Unsatisfied Claim and Judgment Fund Law," approved May 10, 1952 (P. L. 1952, c. 174).

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

C. 39:6-84.1 Applicability of provisions to certain claims.

1. The provisions of sections 9, 13 and 24 of the act of which this act is supplementary (C. 39:6–69, 39:6–73 and 39:6–84) as amended by sections 3, 4 and 5 of P. L. 1972, c. 198 which increase the maximum amounts payable from the fund shall be applicable only to claims made by qualified persons, or the personal representatives of such persons, who suffered damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance or use of a motor vehicle in this State on or after January 1, 1973, and whose damages may be satisfied in whole or in part from the fund.

2. This act shall take effect immediately and be retroactive to January 1, 1973.

Approved February 4, 1975.

CHAPTER 7

AN ACT to amend "An act relating to State parks and State forest park reserves and reservations and supplementing Title 13 of the Revised Statutes," approved February 3, 1971 (P. L. 1971, c. 18).

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

1. Section 1 of P. L. 1971, c. 18 (C. 13:2–11) is amended to read as follows:

C. 13:2-11 No admission fee for certain residents of State.

1. Notwithstanding the provisions of any rule or regulation of the Department of Environmental Protection no admission fee shall be charged for entrance into any State park or State forest park reserve or reservation by any resident of this State 65 or more years of age or who is totally disabled. The Commissioner of Environmental Protection shall by regulation prescribe the types of evidence which may be used to qualify persons for the benefits of this act.

2. This act shall take effect 30 days after enactment.

Approved February 6, 1975.

CHAPTER 8

AN ACT to amend "An act providing for the licensing and regulation of convalescent and nursing home administrators, and supplementing chapter 11 of Title 30 of the Revised Statutes," approved November 26, 1968 (P. L. 1968, c. 356).

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

1. Section 10 of P. L. 1968, c. 356 (C. 30:11–20) is amended to read as follows:

C. 30:11-20 Nursing Home Administrator's Licensing Board; appointment; membership; qualifications; terms; compensation; reimbursement for expenses.

10. The Commissioner of the Department of Health subject to the approval of the Governor, shall appoint a Nursing Home Administrator's Licensing Board which shall consist of the Commissioner of the Department of Institutions and Agencies; the Commissioner of the Department of Health, and seven nursing home administrators of recognized ability, two of whom shall be registered nurses who are graduates of accredited schools of nursing, licensed by the New Jersey State Board of Nursing to practice nursing in this State, one of whom shall be a fellow of the American College of Nursing Home Administrators, one of whom shall be a member of the American College of Nursing Home Administrators, one of whom shall be an administrator of a governmentally operated nursing home, one of whom shall be an administrator of a nonprofit home for the aged with a licensed infirmary, and one of whom shall be a physician licensed to practice medicine in this State. There shall be appointed six additional members who shall be representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients other than nursing home administrators or persons associated with nursing homes, but in no event shall a majority of the board be representative of a single professional or institutional category. Any noninstitutional member of the board, which does not include nursing home administrators, shall have no direct financial interest in nursing homes. Each member of the board who is a nursing home administrator shall have a minimum of not less than 5 years experience as an administrator in the supervision of a convalescent home or private nursing home and shall at all times be licensed as a nursing home administrator pursuant to the term of this act. The board shall be appointed for terms of 4 years, except when appointed to complete an unexpired term. Members whose terms shall expire shall hold office until appointment of their successors. Members may be reappointed for one additional term. They shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

2. This act shall take effect immediately.

Approved February 6, 1975.

CHAPTER 9

AN ACT concerning insurance with reference to the making and applying of insurance rates and supplementing P. L. 1944, c. 27 (C. 17:29A–1 et seq.).

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

C. 17:29A-5.1 Determination of varying rates for motor vehicle liability and collision insurance.

1. The Commissioner of Insurance in promulgating rules and regulations as to statistical plans adapted to rating systems for motor vehicle liability and collision insurance for reporting an insurer's loss experience may include sufficient detail to enable him to determine whether varying rates should be established based upon the type of safety features and equipment of various types and models of motor vehicles.

2. This act shall take effect immediately.

Approved February 6, 1975.

CHAPTER 10

AN ACT to amend "An act concerning certain deductions from the compensation of persons holding public office, position or employment, whose compensation is paid by this State or any county, municipality, school district or other political subdivision of this State, or by any board, body, agency, or commission thereof," approved May 12, 1947 (P. L. 1946, c. 7).

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

1. Section 1 of P. L. 1946, c. 7 (C. 52:14–15.9a.) is amended to read as follows:

C. 52:14-15.9a Deductions for group insurance premiums; authorization; withdrawal.

1. Whenever any person holding public office, position or employment, whose compensation is paid by this State or any county, municipality, school district or other political subdivision of this State, or by any board, body, agency or commission thereof, shall indicate in writing to the proper disbursing officer his desire to have any deduction made from his compensation for the payment of insurance premiums written on the group plan of accident and sickness insurance, or property or liability insurance, or for any hospital service plan and medical-surgical plan, such disbursing officer shall, except in counties of the first class, make such deduction from the compensation of such person, and such disbursing officer shall transmit the sum so deducted to the company carrying such insurance. In counties of the first class, such disbursing officer shall make such deduction from the compensation of such person and shall transmit the sum so deducted to the company carrying such insurance only when directed so to do by the board of chosen freeholders.

Any such written authorization may be withdrawn by such person holding public office, position or employment at any time upon filing notice of such withdrawal with the above mentioned disbursing officer.

2. This act shall take effect immediately.

Approved February 6, 1975.

CHAPTER 11

AN ACT to amend "The New Jersey Campaign Contributions and Expenditures Reporting Act," approved April 24, 1973 (P. L. 1973, c. 83).

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

1. Section 16 of P. L. 1973, c. 83 (C. 19:44A–16) is amended to read as follows:

C. 19:44A-16 Contents and filing of reports by treasurers of candidates, of certain committees, or of certain organizations.

16. a. Each campaign treasurer of a candidate shall make a full report, upon a form prescribed by the Election Law Enforcement Commission, of all moneys, loans, paid personal services or other things of value, contributed to him or to the deputy campaign treasurers of the candidate, and all expenditures paid out of the campaign fund of the candidate, during the period ending with the day preceding the date of the report and beginning on the date the most recent such report was filed, or, in the case of the first such report filed after the appointment of the campaign treasurer, beginning on the date of the appointment of the campaign treasurer. The report shall also contain the name and address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group. The campaign treasurer and the candidate shall certify the correctness of the report.

b. During the period between the appointment of the campaign treasurer and the election with respect to which contributions are accepted or expenditures made by him, the campaign treasurer shall file his report (1) on the seventh day preceding the election, and (2) on the twenty-fifth day preceding the election; and after the election he shall file his report on the fifteenth day following such election. Concurrent with the report filed on the fifteenth day following an election, or at any time thereafter, the campaign treasurer of a candidate or political committee or committee of a political party or the treasurer of a political information organization may certify to the Election Law Enforcement Commission that the campaign fund of such candidate, political committee or committee of a political party, or the fund of such political information organization, having been instituted for the purposes of the late election, has wound up its business and been dissolved or, in the case of a political committee or a committee of a political party or a political information organization which continues its activities beyond the election, that its business regarding the late election has been wound up; and said certification shall be accompanied by a final accounting of such campaign fund, or of the transactions relating to such election, including the final disposition of any balance remaining in such fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution. Until such certification has been filed, each such treasurer shall continue to file, at the conclusion of each 60-day interval from

the fifteenth day following such election, reports in the form and manner herein prescribed.

c. In the case of a primary, general, municipal, school, or special election of a candidate for an office elected by a municipal or county-wide constituency or a school district a duplicate copy of the campaign treasurer's report, duly certified, shall be filed at the same time with the county clerk of the county in which the candidate resides.

d. There shall be no obligation to file the reports required by this section on behalf of a candidate if such candidate files with the Election Law Enforcement Commission a sworn statement to the effect that the total amount to be expended in behalf of his candidacy by the candidate, by any State, county or municipal committee of a political party, by any political committee, or by any person shall not in the aggregate exceed $1,000.00; provided, that if a candidate who has filed such a sworn statement receives contributions from any one source aggregating more than $100.00 he shall forthwith make report of the same, including the identity of the source and the aggregate total of contributions therefrom, to the Election Law Enforcement Commission.

e. There shall be no obligation imposed upon a candidate seeking election to a public office of a school district to file either the reports required under section 16 (b) or the sworn statement referred to in subsection d. of this section or to comply with the requirements of sections 9, 11 or 12 of this act, if the total amount expended and to be expended in behalf of his candidacy by the candidate, any political committee, any political party committee or by any person, does not in the aggregate exceed $1,000.00; provided, that if such candidate receives contributions from any one source aggregating more than $100.00 he shall forthwith make a report of the same, including the identity of the source and the aggregate total of contributions therefrom, to the commission.

f. In any report filed pursuant to the provisions of this section, the names and addresses of contributors whose contributions during the period covered by the report did not exceed $100.00 may be excluded; provided, however, that (1) such exclusion is unlawful if any person responsible for the preparation or filing of the report knew that such exclusion was made with respect to any person whose contributions relating to the same election and made to the reporting candidate or to an allied campaign organization or organizations aggregate, in combination with the contribution in respect of which such exclusion is made, more than

$100.00, and (2) any person who knowingly prepares, assists in preparing, files or acquiesces in the filing of any report from which the identity of any contributor has been excluded contrary to the provisions of this section is subject to the provisions of section 21 of this act, but (3) nothing in this proviso shall be construed as requiring any candidate reporting pursuant to this act to report the amounts, dates or other circumstantial data regarding contributions made to any other candidate, political committee or committee of a political party.

g. Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affair held since the date of the most recent report filed, which accounting shall include the names and addresses of each contributor in excess of $100.00 to such testimonial affair and the amount contributed by each, the expenses incurred, and the disposition of the proceeds of such testimonial affair.

2. This act shall take effect immediately.

Approved February 6, 1975.

CHAPTER 12

AN ACT to amend the "New Jersey State Health Benefits Program Act," approved June 3, 1961 (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 Coverages.

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, in the case of family contracts; and

(e) Post-hospital 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 post-hospital services, 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 $25,000.00 shall be paid for major medical expense benefits with respect to any one person for any 1 calendar year and not more than $100,000.00 shall be paid for such 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 these maximums 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. For retired employees, the maximum lifetime benefit for each person shall be the unused balance of the lifetime maximum remaining while in active service or $20,000.00, whichever is less, with a minimum benefit of $5,000.00. 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 3 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.

(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 subgroups 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 State. Subsequent terms for which any contract may be renewed as herein provided shall each be limited to a period not to exceed 1 year.

(E) The contract shall contain a provision that if basic benefits of an employee or of an eligible dependent under the contract, after having been in effect for at least 1 month, 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 left-group conversion coverage issued by the carrier on a direct payment basis. Such conversion coverage shall include benefits of the type classified as "basic benefits" in subsection (A) hereof. The provision shall further stipulate that the employee or dependent exercising the option to convert shall pay the full periodic charges for the left-group 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 agerement.

2. This act shall take effect immediately.

Approved February 13, 1975.

CHAPTER 13

AN ACT to supplement Title 9 by extending the Interstate Compact as to Juveniles.

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

C. 9:23-1.1 Amendment to compact.

1. The Governor is authorized and directed to execute, with any other state or states legally joining in the same, an amendment to the Interstate Compact on Juveniles, which shall provide the remedies set forth in section 2 of this act in addition to those provided by P. L. 1955, c. 55 or any other law, and shall be binding among and between those party states which execute the same.

C. 9:23-1.2 Application of certain provisions and procedures.

2. All provisions and procedures of Article V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found, provided that the underlying offense is designated a crime in this State. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

3. This act shall take effect immediately.

Approved February 13, 1975.

CHAPTER 14

AN ACT to amend the "Judicial Retirement System Act," approved May 22, 1973 (P. L. 1973, c. 140).

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

1. Section 13 of P. L. 1973, c. 140 (C. 43:6A–13) is amended to read as follows:

C. 43:6A-13 Retired judge not to engage in practice of law; recall for temporary service; per diem compensation and expenses.

13. a. No member of the retirement system shall, while receiving a pension pursuant to this act, engage in the practice of law before any of the courts of this State.

b. Subject to rules of the Supreme Court, any justice of the Supreme Court who has retired on pension may, with his consent, be recalled by the Supreme Court for temporary service in the Supreme Court or elsewhere within the judicial system, and any judge of the superior court, county court, juvenile and domestic relations court or county district court who has retired on pension may, with his consent, be recalled by the Supreme Court for temporary service within the judicial system other than the Supreme Court.

c. Upon such recall the retired justice or judge shall have all the powers of a justice or judge of the court to which he is assigned and shall be paid a per diem allowance fixed by the Supreme Court in accordance with its rules, provided however that in no event shall he receive a salary which together with his pension exceeds the current salary of a justice or judge of the court from which he retired. In addition the recalled justice or judge shall be reimbursed for reasonable expenses actually incurred by him in connection with his assignment and shall be provided with such facilities as may be required in the performance of his duties. Such per diem compensation and expenses shall be paid by the State.

d. Payment for services and expenses shall be made in the same manner as payment is made to the justices or judges of the court from which he retired.

e. The Supreme Court is empowered to adopt such rules as it deems necessary or appropriate for the prompt and efficient administration of justice in furtherance of the purposes of this act.

2. This act shall take effect immediately.

Approved February 14, 1975.

CHAPTER 15

AN ACT concerning voter registration, and amending sections 19:31–2 and 19:31–6 of the Revised Statutes, and sections 16 and 21 of P. L. 1974, c. 30.

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

1. R. S. 19:31–2 is amended to read as follows:

Commissioner of registration; temporary and permanent employees; civil service; expenses; powers and duties.

19:31–2. In all counties having a superintendent of elections, the superintendent of elections is hereby constituted the commissioner of registration and in all other counties the secretary of the county board is hereby constituted the commissioner of registration.

The commissioner of registration in all counties having a superintendent of elections, and the county board in all other counties, shall have complete charge of the permanent registration of all eligible voters within their respective counties.

The commissioner of registration in counties of the first class having a superintendent of elections and having less than 800,000 inhabitants, and the county board in all other counties, shall have power to appoint temporarily, and the commissioner of registration in counties of the first class having more than 800,000 inhabitants shall have power to appoint on a permanent, or temporary basis, such number of persons, as in his or its judgment may be necessary in order to carry out the provisions of this Title. All persons appointed by the commissioner of registration in counties of the first class having more than 800,000 inhabitants to serve for terms of more than 6 months in any 1 year shall be in the classified service of the civil service and shall be appointed, and hold their positions, in accordance with the provisions of Title 11, Civil Service. Persons appointed by the commissioner of registration in such counties to serve for terms of 6 months or less in any 1 year and persons appointed by the commissioner of registration, or by the county board of elections, in other counties shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service.

In each county the commissioner of registration shall submit to the Secretary of State on or before February 15 of each year a plan providing for evening registration for the primary election and on or before July 1 plans providing for evening and out-of-office registration for the general election, which plans shall be subject to approval by the Secretary of State. Evening registration shall be made available in the office of each commissioner of registration between the hours of 4 p.m. and 9 p.m. for at least 6 working days immediately preceding the close of registration, in each municipality having a population in excess of 12,000 persons according to the most recent United States census between the hours of 4 p.m.

and 9 p.m. for at least 3 working days immediately preceding the close of registration, and in each municipality having a population of less than 12,000 persons between the hours of 4 p.m. and 9 p.m. on the day of the close of registration for the primary and general elections and for municipal elections. Such plan for out-of-office registration may include door-to-door registration, and shall include the schedule and route to be followed by any out-of-office registration units, as well as a description of the number and nature of units to be used, and such further pertinent information as the Secretary of State may by rule or regulation require. Out-of-office registration shall be made available pursuant to such plan in each municipality having a population in excess of 12,000 persons according to the most recent United States census. Nothing in this section shall preclude the commissioner from providing pursuant to plan evening registration or out-of-office registration in excess of the requirements of this section, or shall preclude or in anyway limit out-of-office registration conducted by persons or groups other than the commissioner.

On or before the last school day on which a person may register to be entitled to vote in the ensuing primary election, the commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall arrange for and conduct registration in each public and nonpublic high school in the county, of all students who are eligible to register to vote in the ensuing election. School officials shall cooperate with efforts to register students in such schools.

The commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall provide such printed forms, blanks, supplies and office telephone and transportation equipment and shall prescribe such reasonable rules and regulations not inconsistent with those of the Secretary of State as are necessary in the opinion of the commissioner or county board to carry out the provisions of this Title and any amendments or supplements thereto.

Subject to the limitations set forth in chapter 32 of this Title as hereby amended all necessary expenses incurred, as and when certified and approved by the commissioner of registration in counties having a superintendent of elections, and by the county board in all other counties, shall be paid by the county treasurer of the county.

Nothing in the provisions of subtitle 2 of the Title, Municipalities and Counties (40:16–1 et seq.), shall in anywise be construed

to affect, restrict or abridge the powers herein conferred on the commissioners in counties having a superintendent of elections, and upon the county boards in all other counties.

All powers granted to the commissioner in all counties not having superintendents of elections by the provisions of this Title are hereby conferred on the county board in such counties and any and all duties conferred upon the commissioner in all counties not having a superintendent of elections by the provisions of this Title shall only be exercised and performed by such commissioner under the instructions and directions of and subject to the approval of the county board of such counties.

2. R. S. 19:31–6 is amended to read as follows:

Place of registration; notice; oath; questions; signature by mark; ill person.

19:31–6. Up to and including the twenty-ninth day preceding any election the commissioner, in counties having a superintendent of elections, and the members of the county board in all other counties, or a duly authorized clerk or clerks acting for him or it, as the case may be, shall receive the application for registration of all eligible voters who shall personally appear for registration during office hours at the office of the commissioner or the county board, as the case may be, or at such other place or places as may from time to time be designated by him or it for registration.

When any person shall apply to the commissioner in writing setting forth that due to a chronic or incurable illness, or that he is totally incapacitated and he cannot attend a place of registration and such application is accompanied by an affidavit by a physician duly licensed to practice medicine in this State certifying that such person is chronically or incurably ill or totally incapacitated, that such person is mentally competent and that such person cannot attend a place of registration, then the commissioner shall cause such person to be registered at his place of residence or confinement.

A duly authorized clerk is any person that has been appointed by the commissioner or the county board, as the case may be, to accept such registrations.

When the commissioner or county board has designated a place or places other than his office or its office for receiving registrations, he or it, as the case may be, shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located. Such notice shall be published pursuant to R. S. 19:12–7.

Any eligible voter who applies for registration in person shall subscribe to the following oath or affirmation, viz.:

"You do solemnly swear (or affirm) that you will fully and truly answer such questions as shall be put to you touching your eligibility as a voter under the laws of this State."

Upon being sworn the applicant shall answer such questions as are provided for in the original and duplicate permanent registration forms hereinbefore set forth, and the person receiving the application shall fill out the forms which the applicant shall sign. If an eligible voter is unable to write his name, he shall be required to make a cross, which shall be followed by the writing of the words "his or her mark," as the case may be, by the person receiving the application, and such applicant shall answer the additional questions required under this Title. Such additional questions shall be sworn to or affirmed in the manner above provided.

3. Section 16 of P. L. 1974, c. 30 (C. 19:31–6.4) is amended to read as follows:

C. 19:31-6.4 Secretary of State, providing and preparing registration forms; contents.

16. a. The Secretary of State shall cause to be prepared and shall provide to each county commissioner of registration registration forms of size and weight suitable for mailing, which shall require the information required by R. S. 19:31–3 in substantially the following form:

VOTER REGISTRATION FORM

(Please print *in ink* or type)

(1) Name: .....
Last First Middle

(2) Residence: .....
Street Address Apt. No.
.....
Municipality County Zip

(3) Rural Mailing Address (if any):
.....
R. D. Number Box Municipality Zip

(4) This form is being used as (check one):
☐ New registration
☐ Change of address
☐ Change of name

(5) Birth Date: .....
Month Day Year

(6) From what address did you last register to vote; and under what name?

.....
Last Name First Middle

.....
Street Address Apt. No.

.....
Municipality County State Zip

(7) I am a native born ☐ naturalized ☐ citizen (check one). I was naturalized on .....
Month Day Year

in .....
Municipality State

(8) By the time of the next general election, I will be at least 18 years of age, I will be a citizen of the United States, and I will have resided in this State at least 30 days and in the county of ..... at least 30 days. To the best of my knowledge and belief, all the foregoing statements made by me are true and correct. I understand that any false or fraudulent registration or attempted registration may subject me to a fine of up to $1,000.00 or imprisonment of up to 5 years, or both pursuant to R. S. 19:34-1.

.....
Signature or mark of the registrant Date

(9) I, being a registered voter in ..... county in the State of New Jersey, witnessed the making of the above signature or mark.

.....
Signature of the witness Date

.....
Name (Please print)

.....
Street Address of the witness

.....
Municipality County Zip

b. The reverse side of the registration form shall bear the address of the commissioner of registration to whom such form is supplied, and a United States postal permit the charges upon which shall be paid by the State.

c. The Secretary of State shall cause to be prepared registration forms of the size, weight and form described in subsection a. of this section in both the English and Spanish language and shall provide such forms to each commissioner of registration of any county in which there is at least one election district in which bilingual sample ballots must be provided pursuant to R. S. 19:14–21, R. S. 19:49–4 or section 2 of P. L. 1965, c. 29 (C. 19:23–22.4).

d. The commissioner of registration shall furnish such registration forms upon request in person to any person or organization in such reasonable quantities as such person or organization shall request. The commissioner shall furnish no fewer than two such forms to any person upon request by mail or by telephone.

e. Each such registration form shall have annexed thereto instructions specifying the manner and method of registration and stating the qualifications for an eligible voter.

4. Section 21 of P. L. 1974, c. 30 (C. 19:31–6.9) is amended to read as follows:

C. 19:31-6.9 Rules.

21. To effectuate the purposes of this act and in addition to any other powers and duties provided in or by this act, the Secretary of State may promulgate such rules as may be necessary, including rules delineating which defects if any in partially completed voter registration forms may be cured and the manner in which such defects if any may be cured, all of which shall have the force of law.

5. This act shall take effect immediately.

Approved February 14, 1975.

CHAPTER 16

AN ACT creating a Joint Committee on the Public Schools to monitor the system of free public schools in New Jersey, and repealing P. L. 1970, c. 233 (C. 52:9N–1 et seq.).

WHEREAS, The New Jersey Constitution provides that the maintenance and support of a thorough and efficient system of free

public schools for the instruction of all children in the State between the ages of 5 and 18 years is a legislative responsibility; and

WHEREAS, The Joint Legislative Committee established pursuant to P. L. 1974, c. 14, has reported to the Legislature and has identified issues of educational funding and policy which warrant further study and possible legislative action; and

WHEREAS, The sufficiency of education is a growing and evolving concept; now, therefore

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

C. 52:9R-1 Joint Committee on the Public Schools; creation; membership; appointment; compensation; vacancies.

1. There is hereby created a committee to be known as the "Joint Committee on the Public Schools." The committee shall consist of seven members of the Senate, including five members of the Senate Education Committee, to be appointed by the President of the Senate and seven members of the Assembly, including five members of the Assembly Education Committee, to be appointed by the Speaker of the General Assembly. No more than four of the members from each House shall be of the same political party. All members shall serve without compensation and vacancies in the membership of the committee shall be filled in the same manner as the original appointments are made.

C. 52:9R-2 Selection of chairman, vice chairman and secretary.

2. The committee shall select a chairman and vice chairman from among its members and a secretary who need not be a member of the committee.

C. 52:9R-3 Authorization to study public school system; recommendations.

3. The committee is authorized, empowered and directed to conduct a continuing study of the system of free public schools, its financing, administration, and operations, and to make recommendations for legislative action as it deems practicable and desirable for the maintenance and support of a thorough and efficient system of free public schools.

C. 52:9R-4 Services of various governmental agencies; expenses; powers.

4. The committee shall be entitled to call to its assistance and avail itself of the services of the employees of the Law Revision and Legislative Services Commission, as well as employees of any

other State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such professional, stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes. The committee shall have all the powers of a joint committee of the Legislature under the provisions of chapter 13 of Title 52 of the Revised Statutes.

C. 52:9R-5 Meetings and hearings; annual report.

5. The committee may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall make an annual report of its findings and recommendations to the Governor and the Legislature, and may make other reports or recommendations as it deems necessary or desirable.

6. Funds appropriated pursuant to P. L. 1974, c. 14 and not spent shall be made available for the purposes of the joint committee. Any obligations of the Joint Legislative Committee established pursuant to P. L. 1974, c. 14, still outstanding as of December 31, 1974, shall be paid by the committee from such funds.

C. 52:9N-1 to C. 52:9N-7 Repealed.

7. P. L. 1970, c. 233 (C. 52:9N–1 et seq.) is hereby repealed.

8. This act shall take effect December 31, 1974.

Approved February 24, 1975.

CHAPTER 17

AN ACT concerning additional space in the State House for use by the Legislature.

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

1. It is hereby declared that: a. During the past several years, the Senate and General Assembly, separately and jointly, have restructured their organization, rules and procedures to provide

for more deliberate and open consideration of legislative proposals. b. As part of that restructuring, the 23 standing reference committees of the two houses have been meeting regularly in open meetings, and additional full-time staff has been provided to assist these committees and the leadership in both houses. c. The space now available in the State House for use by the Senate and General Assembly, their committees and commissions and their staffs is severely inadequate and constitutes a serious obstacle to the effective initiation, review and consideration of legislative proposals. d. It is essential that adequate space be made available in the State House for legislative leaders, committees and commissions and staff engaged in the day-to-day operations of the Legislature which cannot be effectively conducted in locations remote from the chambers of the two houses. e. In view of this critical need, it is the policy of the State that, in addition to such communications personnel as may be accommodated, occupancy in the State House shall be limited primarily to (1) the Governor and his staff and principal advisors who need to be near-at-hand and (2) the Legislature and essential legislative staff; those executive operating agencies that can perform their duties equally as well, or better, outside the State House shall be removed. f. By law, P. L. 1944, c. 112 (C. 52:27B–64), the Director of the Division of Purchase and Property, with the approval of the State Treasurer, is vested with the duty and responsibility for allocating, to every practicable extent, the space in the State House in a manner to provide for the most efficient conduct of the business of the State.

2. The Director of the Division of Purchase and Property, under the supervision and direction of the State Treasurer, shall conduct an immediate survey of the needs of the Legislative branch for additional space in the State House, which survey shall include conferring with the President of the Senate, the Speaker of the General Assembly, and the Law Revision and Legislative Services Commission, and shall as soon as practicable, but no later than December 31, 1975, provide reasonable additional space in the State House to house the Senate and Assembly standing reference committees and commissions and their staffs, the leaders of the two houses and their staffs, and the staff of the Law Revision and Legislative Services Commission.

3. This act shall take effect immediately.

Approved February 27, 1975.

CHAPTER 18

AN ACT concerning the Passaic Valley Sewerage District and amending R. S. 58:14–25.

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

1. R. S. 58:14–25 is amended to read as follows:

Contracts with certain municipalities and persons for use of sewers, etc.

58:14–25. At any time after the making of a contract in accordance with the provisions of this chapter, the commissioners may, with the consent of each of the municipalities which have contracted with them, evidenced by resolution of the body or board having charge of its sewer system or authorized to construct sewers therein, enter into a contract with any municipality lying in whole or in part within the drainage area of the Passaic river between the Great falls at the city of Paterson and Newark bay, and including the boroughs of Totowa, West Paterson and North Haledon in Passaic county, for the following purposes:

a. The use of said intercepting sewer and its appurtenances and for participation in the benefits and in the cost of the construction, operation and maintenance of the same.

b. To permit any municipality already a party to the original contract to allot a portion of its capacity in said sewer to any other municipality within the drainage area for the purpose of providing an outlet for the sewage of such other municipality.

The commissioners may, with like consent, enter into a contract with any person owning or occupying lands in said drainage area for the use of said intercepting sewer and appurtenances, and for participation in the benefits and in the cost of construction and maintenance of the same.

All of said contracts shall be entered into by the commissioners upon such terms and conditions as may be agreed upon in any such contract, and any moneys paid in accordance with the terms of such further contract by such municipality or person may be used and applied by the commissioners to the cost of the completion of the intercepting sewer and appurtenances, or to the payment of the cost of the operation and maintenance of the same, or to the reduction of the amount which any contracting municipality

may be called upon to pay to the commissioners by virtue of its said contract, as may be agreed upon in any such contract.

2. This act shall take effect immediately.

Approved February 27, 1975.

CHAPTER 19

AN ACT concerning alcoholic beverages, and supplementing chapter 1 of Title 33 of the Revised Statutes.

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

C. 33:1-45.4 Issuance of additional club licenses.

1. It shall be lawful for the municipal issuing authority of any municipality having a population of more than 20,000 and located in a county having a population between 800,000 and 1,200,000 in which a referendum has been held pursuant to the provisions of R. S. 33:1–45, wherein a majority of the legal voters of said municipality voted "No," to the question "Shall the retail sale of all kinds of alcoholic beverages, for consumption on the licensed premises by the glass or other open receptacle pursuant to chapter 1 of Title 33, Intoxicating Liquors, of the Revised Statutes (R. S. 33:1–1 et seq.) be permitted in this municipality?", and where club licenses have been issued pursuant to P. L. 1949, c. 255, to issue an additional club license as defined in and regulated by subparagraph 5 of R. S. 33:1–12, after public hearing held at least 10 days after publication of notice thereof and favorable vote by said authority, to any constituent unit, chartered or otherwise duly enfranchised chapter or member club of a national organization or association which is in possession of suitable premises and which is operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and which comply with all conditions which may be imposed by the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety.

This act shall be operative only during the 90-day period immediately following its effective date, and thereafter shall be inoperative.

Any license issued by said municipality during the said operative period shall entitle the holder of the license to retain it and any renewals thereof notwithstanding that this act shall so become inoperative.

Nothing herein contained shall be deemed to affect any license or renewal thereof heretofore issued pursuant to P. L. 1949, c. 255.

2. This act shall take effect immediately.

Approved February 27, 1975.

CHAPTER 20

AN ACT authorizing certain municipalities to impose an employer payroll tax, providing for the administration and collection thereof and supplementing Title 40 of the Revised Statutes.

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

C. 40:48D-1 Definitions.

1. As used in this act, the following words and phrases shall have the following meanings:

a. "Employer" means any person, corporation, company, association, society, firm, partnership, joint stock company, trust, estate, or foundation standing in the position of employer in an employer-employee relationship, and having one or more employees; other than:

(1) The Government of the United States and its agencies and instrumentalities;

(2) The State of New Jersey and its political subdivisions, agencies and instrumentalities;

(3) An interstate agency and its agencies and instrumentalities;

(4) Any insurance company formed by authority of another state or foreign country and subject to the provisions of P. L. 1950, c. 231 (C. 17:32–15); or

(5) Corporations, institutions and associations organized not for profit and operated exclusively for religious, educational, charitable or hospital purposes.

b. "Payroll" means that amount of the total remuneration in excess of $10,000.00 in any calendar quarter paid by an employer

to employees which is subject to withholding by the employer for Federal income tax purposes for services, other than domestic services in a private residence, if:

(1) The services are performed within the municipality; or

(2) The services are performed outside the municipality and the place from which the services are supervised is within the municipality.

C. 40:48D-2 Imposition and collection of employer payroll tax.

2. Any municipality having a population in excess of 250,000 but less than 350,000 may by ordinance impose and collect an employer payroll tax for the general municipal purposes of the municipality at a rate between 0.25% and 2% of the employer's payroll; provided, however, that such rate shall not be imposed at fractional parts less than 0.25%.

C. 40:48D-3 Requirements and provisions of any ordinance adopted pursuant to act.

3. Any ordinance adopted pursuant to this act shall:

a. Require each employer to report his payroll for the preceding calendar quarter to the chief fiscal officer of the municipality, who shall collect the tax together with such other related information as shall be required by the ordinance and regulations issued pursuant thereto;

b. Require the report and payment of the tax imposed for the preceding calendar quarter on or before the last day of April, July, October and January, respectively;

c. Provide methods for reporting taxes due and providing for the collection thereof;

d. Provide methods for enforcement of, and for the imposition of penalties for failure to report and pay, the tax imposed;

e. Provide procedures for claims for refunds, and repayment of overpayment of taxes;

f. Prohibit any employer from deducting or withholding any amount from remuneration payable to an employee on account of the tax imposed by the ordinance;

g. Provide that information contained in any employer's report or received by the municipality or any of its officers or employees as a result of any investigation, hearing or verification of a report shall be confidential except for official purposes and shall not be disclosed except in accordance with an order of court or as otherwise provided by law;

h. Provide that if for any reason the tax is not paid when due, interest at a rate of 12% per annum on the amount of said tax,

and an additional penalty of ½ of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where action is brought for the recovery of any such tax, the taxpayer liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties therein imposed.

C. 40:48D-4 Employer not obligated to pay tax to more than one municipality; resolution of disputes.

4. No employer shall be obligated to report and pay an employer payroll tax, or any interest, penalty or costs with respect thereto, to more than one municipality with respect to remuneration paid to an employee for services performed. Where any dispute as to the liability for an employer's payroll tax to more than one municipality for services performed by an employee is not resolved by agreement between the employer and the municipalities, all of said municipalities shall be joined in a proceeding in the Division of Tax Appeals to collect the tax alleged to be due.

C. 40:48D-5 Services performed prior to January 1, 1975.

5. No tax shall be imposed under any ordinance adopted pursuant to this act with respect to services performed prior to January 1, 1975, or in a calendar quarter prior to that in which the ordinance is adopted, or on or after January 1, 1976, but any such ordinance shall remain in effect with respect to the right of the municipality to receive reports and enforce and collect taxes due thereunder for any period prior to January 1, 1976.

C. 40:48D-6 Taxes, constituted as debt of taxpayer and revenue of municipality.

6. a. The taxes, interest and penalties imposed by any ordinance adopted pursuant to this act from the date on which they are due shall be a debt of the taxpayer, payable to the municipality and recoverable in any court of competent jurisdiction in a civil action to be instituted in the name of the municipality within 3 years of the date due or of the filing of the report, whichever date is later.

b. All taxes imposed pursuant to this act shall constitute revenues of the municipality available for any lawful municipal purpose.

C. 40:48D-7 Chief fiscal officer, remedies for collection.

7. As an additional remedy, the chief fiscal officer of the municipality adopting any ordinance hereunder may issue a certificate to the clerk of the Superior Court or to the clerk of the Law Division of the County Court of any county, that any person is indebted

under such ordinance in an amount as shall be stated in the certificate. Thereupon, the clerk to whom such certificate shall have been issued shall immediately enter upon his record of documented judgments the name of such person, the address of the place of business where such tax liability was incurred, the amount of the debt so certified and the date of making such entry. The making of the entries shall have the same force and effect as the entry of a documented judgment in the office of such clerk, and said fiscal officer shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action, but without prejudice to the taxpayer's right of appeal.

C. 40:48D-8 Appeal.

8. Any aggrieved taxpayer may, within 3 months after any decision, order, finding, assessment or action of the chief fiscal officer of any municipality adopting an ordinance hereunder, appeal to the Division of Tax Appeals by filing a petition of appeal with said division in the manner and form prescribed by the said division and upon payment of the amount stated by said chief fiscal officer to be due. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the chief fiscal officer in respect of the determination of a liability for the taxes imposed hereunder.

C. 40:48D-9 Violations.

9. a. Any person who fails, neglects or refuses to make any report required by an ordinance adopted pursuant to this act, any person who refuses to permit an officer or agent designated by the municipality to examine his books, records and papers, and any person who knowingly makes any incomplete, false, or fraudulent report, or attempts to do anything whatever to avoid the full disclosure of the amount due under the ordinance to avoid the payment of the whole or any part thereof is a disorderly person.

b. The failure of any person to receive or procure the forms required for making reports required by an ordinance adopted pursuant to this act shall not excuse him from making such report.

C. 40:48D-10 Clerk to forward copy of ordinance to director of Division of Local Finance.

10. The clerk of any municipality adopting an ordinance pursuant to this act shall, immediately following the adoption of the ordinance or any amendment thereof, forward a copy thereof to the Director of the Division of Local Finance in the Department

of Community Affairs and the Director of the Division of Taxation in the Department of the Treasury.

11. This act shall take effect immediately.

Approved February 27, 1975.

CHAPTER 21

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 15 of P. L. 1945, c. 162 (C. 54:10A–15) is amended to read as follows:

C. 54:10A-15 Tax payable with respect to year 1959 and thereafter; manner of payment; partial payment of tax; same calendar or fiscal year used for federal income tax.

15. The tax imposed by this act shall be due and payable annually hereafter, commencing with the calendar year 1959, in the manner provided under subsection (a), (b) or (c) of this section, whichever shall be applicable.

(a) Every taxpayer shall annually pay a franchise tax, with respect to all or any part of each of its fiscal or calendar accounting years beginning after January 1, 1959, to be computed as herein provided, for such fiscal or calendar accounting year or part thereof, on a report which shall be filed on or before April 15 next succeeding the close of each such accounting year, or, if any such fiscal year ends after the last day of December and prior to July 1, on or before the fifteenth day of the fourth month after the close of such fiscal year, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the return.

(b) Every taxpayer shall pay a like franchise tax with respect to all or any part of the period beginning January 1, 1959 and extending through any subsequent part of its first fiscal or calendar accounting year ending after said date. Such tax shall be computed as herein provided, for each and every fiscal or calendar accounting year or part thereof begun not earlier than July 2, 1957 and ending not later than December 31, 1959 on the basis of which a franchise

tax has not accrued under this act prior to January 1, 1959. The tax imposed pursuant to this subsection shall be deemed a single tax for such period but shall be computed separately with respect to each such fiscal or calendar accounting year or part thereof on the basis of which a franchise tax has not previously accrued as aforesaid, on a report which shall be filled on or before April 15 next succeeding the close of each such accounting year, or, if any such fiscal year ends after the last day of December and prior to July 1, on or before the fifteenth day of the fourth month after the close of such fiscal year, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the report.

(c) With respect to all or any part of each of its fiscal or calendar accounting years ending after June 30, 1967, every taxpayer shall annually pay a franchise tax on a report which shall be filed on or before the fifteenth day of the fourth month after the close of such fiscal or calendar accounting year, or part thereof, and the full amount of the tax hereunder shall be due and payable on or before the date prescribed herein for the filing of the return.

(d) With respect to its fiscal or calendar accounting years ending after February 29, 1968 and prior to March 1, 1969, every taxpayer shall pay as a partial payment of franchise tax in addition to the tax payable under subsection (c) of this section, an amount equal to ¼ of the tax payable under said subsection (c). With respect to each of its fiscal or calendar accounting years ending after February 28, 1969, every taxpayer shall annually pay as a partial payment of franchise tax in addition to the tax payable under subsection (c) of this section, an amount equal to ½ of the tax payable under said subsection (c). In the calculation of the tax pertaining to each succeeding accounting period, due in accordance with subsection (c) hereof, every taxpayer shall be entitled to a credit in the amount of the tax paid under this subsection (d) as a partial payment and shall be entitled to the return of any amount so paid which shall be found in excess of the total amount payable in accordance with said subsection (c) and this subsection (d).

(e) With respect to its fiscal or calendar accounting years ending on or after June 30, 1974, every taxpayer shall annually pay as a partial payment of franchise tax in addition to the tax payable under subsection (c) of this section, an amount equal to 60% of the tax payable under said subsection (c). In the calculation of the tax pertaining to each succeeding accounting period, due in accordance with subsection (c) hereof, every taxpayer shall be entitled to a

credit in the amount of the tax paid under this subsection (e) as a partial payment 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 said subsection (c) and this subsection (e).

(f) For the purpose of this act, every taxpayer shall use the same calendar or fiscal year upon which it reports to the United States Treasury Department for Federal Income Tax purposes.

2. This act shall take effect immediately.

Approved February 28, 1975.

CHAPTER 22

AN ACT concerning public support for railroad and bus services, amending and supplementing P. L. 1969, c. 134 and making an appropriation.

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

C. 27:1A-28.1a Quarterly report.

1. (New section) Any agreement entered into by the commissioner for operating subsidies with bus companies pursuant to P. L. 1969, c. 134 and this act shall, in addition to other provisions determined necessary by him, include a requirement for a quarterly report to the commissioner as a condition of the agreement. The reports shall provide information sufficient to determine ridership by month, senior citizen ridership by month, operating cost and revenue per mile of scheduled operation and the average subsidy per rider. A 12-month summary of these reports shall annually be made available to the Legislature, through the Office of Fiscal Affairs, with the first such summary being transmitted not later than March 15, 1976. Such a summary shall include an estimate for these items for the next annual period following the period reported.

2. Section 6 of P. L. 1969, c. 134 (C. 27:1A–28.6) is amended to read as follows:

C. 27:1A-28.6 Joint committee; membership; contents of report.

6. A 12-member legislative committee is constituted a joint committee to confer with and receive reports from the Commissioner of Transportation with respect to the implementation of this act by

the commuter operating agency. The joint committee membership shall include the following:

a. The Chairman of the Senate Revenue, Finance and Appropriations Committee;

b. The Chairman of the General Assembly Appropriations Committee;

c. The chairmen of the Senate and General Assembly committees on Transportation and Communications;

d. Two members of the Senate Committees on Revenue, Finance and Appropriations and Transportation and Communications to be designated by the President of the Senate; and

e. Two members of the General Assembly Committees on Appropriations and Transportation and Communications to be designated by the Speaker of the General Assembly.

Of the members designated pursuant to d. and e. above no more than one from each named committee shall be a member of the same political party.

Such report shall be submitted no later than November 15, 1975 and annually thereafter, and shall include, in addition to information as may be specifically requested by the joint committee, or which the commissioner desires to be included in the report, the following:

a. Proposals recommended by the Department of Transportation to improve the operation of each subsidized carrier including but not limited to such problems as duplicate routes, incentives in contracts to improve carrier efficiency, and the extent to which such proposals affect the subsidy payment to each such carrier.

b. Alternatives for solution of current policy questions such as fares and fare structure, and department program objectives and the alternatives for accomplishing those objectives.

c. Department problems in developing a comprehensive master plan, including the role of the State regional planning proposals. A department proposal for solving the problem should be included compared to proposals made by other planning agencies.

d. Current status of plans implemented in prior years.

No expenditure of any appropriation for the purposes of this act shall be made, nor agreements signed requiring any such expenditure unless and until the foregoing report is made and accepted by the joint committee; except, that appropriations made available for the balance of the fiscal year 1975 and one-half of the appropriation for fiscal year 1976 shall be exempt from the provisions of this section.

3. (New section) In addition to sums heretofore appropriated, there is appropriated to the Department of Transportation from the General State Fund for railroad and bus subsidies (Account No. 63201) for the remainder of the fiscal year ending June 30, 1975, and to reimburse other accounts for funds advanced therefrom for railroad and bus subsidies, the sum of $26,000,000.00. Any balance of said appropriation available on June 30, 1975 is appropriated for such purposes in the succeeding quarter.

4. Section 8 of P. L. 1969, c. 134 (C. 27:1A–28.1 et seq.) is amended to read as follows:

8. This act shall take effect immediately but shall terminate on July 1, 1976.

5. This act shall take effect immediately.

Approved February 28, 1975.

CHAPTER 23

A SUPPLEMENT to "An act concerning school district elections and school budgets and supplementing Title 18A of the New Jersey Statutes," approved December 26, 1974 (P. L. 1974, c. 191).

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

1. If the voters reject any of the items submitted at the 1975 annual school election, the board of education of each Type II district, not having a board of school estimate, shall deliver the proposed school budget to the governing body of the municipality, or of each of the municipalities included in the district within 2 days thereafter. The governing body of the municipality or of each municipality included in the district shall, after consultation with the board, and within 15 days after receipt of the proposed school budget from the board, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. Current expenses of schools;
b. Vocational evening schools or classes;
c. Evening schools or classes for foreign-born residents;
d. Appropriations to capital reserve fund; or
e. Any capital project, the cost whereof is to be paid directly from such taxes;

which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

Within 20 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the commissioner the amounts which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

2. This act shall take effect immediately.

Approved March 4, 1975.

CHAPTER 24

AN ACT to insure the maintenance of proficiency by requiring continuing education for registered optometrists in order to qualify for renewal certificates of registration of optometrists and supplementing chapter 12 of Title 45 of the Revised Statutes.

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

C. 45:12-9.1 Declaration of policy.

1. It is hereby declared in the interest of the citizens of this State, to encourage the maintenance of continuing proficiency for registered active optometrists to the end that the utilization and application of new techniques, scientific and clinical advances and the achievement of research will be in the public interest.

C. 45:12-9.2 Requirement of continuing education; exemption; approval of programs by board.

2. All registered active optometrists now or hereafter licensed in the State of New Jersey shall be required to take courses of study

relating to the practice of the profession of optometry or to maintain proficiency in some other alternative manner to be prescribed and established by the New Jersey State Board of Optometrists; except that any practitioner who has been granted his license by examination during the preceding year shall be exempt from this requirement for the succeeding year. The board shall approve only such continuing educational programs as are available to all persons practicing optometry in the State on a reasonable nondiscriminatory basis. The board may approve programs to be held within or without the State of New Jersey. The board shall approve such programs that enable optometrists in all sections of the State to attend such programs. In no event shall the board approve a program offered by any professional association that discriminates against any licensed optometrist in the State.

C. 45:12-9.3 Credit requirements.

3. Fifty credits of continuing professional optometric education shall be required biennially of each New Jersey optometrist holding an active license during the period preceding the established license renewal date. Each credit shall represent or be equivalent to one hour of actual course attendance or in the case of those electing an alternative method of satisfying the requirements of this act shall be approved by the board and certified to the board on forms to be provided for that purpose.

C. 45:12-9.4 Reactivation of license.

4. In order to reactivate a license which has been inactive, the applicant shall give evidence satisfactory to the board of having maintained proficiency by attaining credits in an amount at least equal to that required for the renewal of an active licensee applicant at that time.

C. 45:12-9.5 Waiver of requirements.

5. The board may waive any of the requirements of this act in cases of certified illness or undue hardship to be determined on an individual basis.

C. 45:12-9.6 Funds.

6. The board is authorized to treat funds allocated for the purpose of continuing proficiency as State Funds for the purpose of accepting any funds made available under Federal Law for the promulgation and maintenance of programs of continuing proficiency.

C. 45:12-9.7 Construction of act.

7. Nothing in this act shall be construed to permit the practice of medicine and surgery as defined in R. S. 45:9–5.1.

8. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 25

AN ACT concerning the exchange, conversion and continuance of investments by fiduciaries in certain cases and supplementing chapter 15 of Title 3A of the New Jersey Statutes.

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

C. 3A:15-17.5 Exchange or conversion of capital stock by fiduciary.

1. When a bank holding company which is a corporation acquires 80% or more of the outstanding capital stock of a banking institution, any shares of the capital stock of such banking institution held in trust by a fiduciary may be exchanged for or converted into the capital stock of such bank holding company as an incident of such company's acquisition of such shares.

C. 3A:15-17.6 Exchange or conversion by banking institution.

2. An exchange or conversion of shares may be made pursuant to this act notwithstanding that the fiduciary which holds the shares in trusts is the banking institution which issued them.

C. 3A:15-17.7 Continuance of investment by fiduciary.

3. A fiduciary who or which has heretofore received or hereafter receives shares of the capital stock of a bank holding company as authorized by this act may, in the exercise of good faith and reasonable discretion, continue to hold such shares without being accountable for any loss by reason of such continuance, regardless whether or not (a) the shares so held are the substantial equivalent of the shares surrendered in exchange for or on conversion thereof; or (b) the shares so received and held are authorized by the law of this State from time to time governing the investment of trust funds.

C. 3A:15-17.8 Definitions.

4. As used in this act,

a. "banking institution" includes State chartered banks and national banking associations;

b. "fiduciary" includes individual and corporate fiduciaries;

c. "bank holding company" means a bank holding company as defined in the Bank Holding Company Act of 1956 (Act of May 9, 1956, 70 Stat. 133, 12 U. S. C. 1841 et seq.) as amended by the Bank Holding Company Act Amendments of 1970 (Act of December 31, 1970, 84 Stat. 1760).

C. 3A:15-17.9 Application of act.

5. This act shall not apply in any case where a will, deed of trust or other trust instrument contains provisions inconsistent with or contrary to the provisions hereof.

6. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 26

AN ACT to establish guidelines for the management and use of investments held by eleemosynary institutions and funds, and repealing P. L. 1971, c. 256 (C. 15:18–1 et seq.).

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

C. 15:18-15 Definitions.

1. In this act:

a. "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable, hospital or other eleemosynary purposes, or a governmental organization to the extent that it holds funds exclusively for any of these purposes;

b. "Institutional fund" means a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (1) a fund held for an institution by a trustee that is not an institution or (2) a fund in which a beneficiary that is not an institution has an interest; other than possible rights that could arise upon violation or failure of the purposes of the fund;

c. "Endowment fund" means an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument;

d. "Governing board" means the body responsible for the management of an institution or of an institutional fund;

e. "Historic dollar value" means the aggregate fair value in dollars of (1) an endowment fund at the time it became an endowment fund, (2) each subsequent donation to the fund at the time it is made, and (3) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive.

f. "Gift instrument" means a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund.

C. 15:18-16 Authority of governing board to appropriate from net appreciation.

2. The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under the standard established by section 6. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

C. 15:18-17 Restriction upon expenditure of net appreciation.

3. Section 2 does not apply if the applicable gift instrument indicates the donor's intention that net appreciation shall not be expended. A restriction upon the expenditure of net appreciation may not be implied from a designation of a gift as an endowment, or from a direction or authorization in the applicable gift instrument to use only "income," "interest," "dividends," or "rents, issues or profits," or "to preserve the principal intact," or a direction which contains other words of similar import. This rule of construction applies to gift instruments executed or in effect before or after the effective date of this act.

C. 15:18-18 Additional investments.

4. In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the governing board, subject to any

specific limitations set forth in the applicable gift instrument or in the applicable law other than law relating to investments by a fiduciary, may:

a. Invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks, bonds, debentures, and other securities of profit or nonprofit corporations, shares in or obligations of associations, partnerships, or individuals, and obligations of any government or subdivision or instrumentality thereof;

b. Retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

c. Include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

d. Invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

C. 15:18-19 Delegation of authority.

5. Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may a. delegate to its committees, officers or employees of the institution or the fund, or agents, including investment counsel, the authority to act in place of the board in investment and reinvestment of institutional funds, b. contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act, and c. authorize the payment of compensation for investment advisory or management services.

C. 15:18-20 Responsibilities of board.

6. In the administration of the powers to appropriate appreciation, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing they shall consider long and short term needs of the institution in carrying out its educational, religious, charitable, or other eleemosynary purposes, its present and anticipated financial

requirements, expected total return on its investments, price level trends, and general economic conditions.

C. 15:18-21 Release of restrictions on the use or investment of institutional fund.

7. a. With the written consent of the donor, the governing board may release, in whole or in part, a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund.

b. If written consent of the donor cannot be obtained by reason of his death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to the Superior Court for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is obsolete, inappropriate, or impracticable, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.

c. A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

d. This section does not limit the application of the doctrine of cy pres.

C. 15:18-22 Partial invalidity.

8. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

C. 15:18-23 Construction of act.

9. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

C. 15:18-24 Short title.

10. This act may be cited as the "Uniform Management of Institutional Funds Act."

C. 15:18-1 to 15:18-14 Repealed.

11. "The Educational Endowment Management Act," P. L. 1971, c. 256 (C. 15:18-1 through C. 15:18-14) is repealed.

12. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 27

AN ACT to amend "An act to facilitate vehicular traffic in the State of New Jersey by providing for the acquisition, construction, maintenance, improvement, repair and operation of expressway projects, creating the New Jersey Expressway Authority as a public body corporate and politic to undertake the same, establishing the powers and duties of such authority and of counties and other public bodies with respect thereto, providing for the regulation of traffic on such projects and prescribing proceedings and penalties for violations thereof, providing for the issuance of bonds and other obligations therefor and for tolls, rents, charges and other means to meet the expense thereof, and authorizing and establishing the location for expressway projects," approved February 19, 1962 (P. L. 1962, c. 10).

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

1. Section 9 of P. L. 1962, c. 10 (C. 27:12C–9) is amended to read as follows:

C. 27:12C-9 Appointment of members.

9. No member of the governing body of a county shall be appointed as a member of the authority.

2. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 28

AN ACT to amend "An act concerning snowmobiles and providing for their registration and regulating the operation thereof," approved December 14, 1973 (P. L. 1973, c. 307).

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

1. Section 3 of P. L. 1973, c. 307 (C. 39:3C–3) is amended to read as follows:

C. 39:3C-3 Registration of snowmobiles; fees.

3. Except as otherwise provided, no snowmobile shall be operated or permitted to be operated on or across a public highway or on public lands or waters of this State unless registered by the owner thereof as provided by this act. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety is authorized to register and assign a registration number to snowmobiles, upon application and payment of the appropriate fee in accordance with the following schedule:

a. For each individual resident registration, $5.00 annually;

b. For each individual nonresident registration, $7.00 annually;

c. For replacement of lost, mutilated or destroyed certificate, $3.00;

d. For a duplicate registration, $1.00 at the time of issuance.

All such registrations shall be issued on or after September 1 in any year and shall be valid through September 30 of the following year except that the director may suspend or revoke such registration for any violations of this act or of the rules promulgated hereunder.

2. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 29

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 53 of P. L. 1963, c. 144 (C. 17:12B–53) is amended to read as follows:

C. 17:12B-53 Method specified for payment.

53. No State association shall pay or contract for the payment or adopt a plan providing for the payment of any annual pension payment unless the method of determining the amount of the pension payment is specified in the pension plan.

2. Section 54 of P. L. 1963, c. 144 (C. 17:12B–54) is amended to read as follows:

C. 17:12B-54 Act not to bar greater benefits.

54. Nothing in this act shall prevent the payment of greater benefits as set forth in the plan if the officer or employee contributes the premium or other charges for the purchase or return of benefits in excess of the maximum set forth in the plan.

3. Section 59 of P. L. 1963, c. 144 (C. 17:12B–59) is amended to read as follows:

C. 17:12B-59 Pension for retired officers and employees.

59. In addition to the powers to adopt pension plans as set forth in this act, a State association may subject to the approval of the commissioner, contract to make pension payments to retired officers and employees; provided, however, that said officers or employees have been employed by the State association for the minimum time periods as set forth in this act for eligibility to receive pension payments.

Without limiting the generality of the type of contract, every such contract adopted by a State association shall contain the following provisions:

(a) That in no event shall payments provided for under a contract exceed the maximum payments as limited for officers or employees covered under a pension plan or plans in operation in the association, unless said payments under such plan are, in the opinion of the board of directors, determined to be inadequate.

(b) That the amount of the payments, provided for under said contract, shall be subject to reduction in the event said payments exceed that portion of the net income of the State association, which said payments bore to the average net income of the State association for the 3 years immediately preceding the commencement of said payments; such reduction in said payments shall be proportionate to the decrease in net income. Net income for this purpose shall mean net income as defined in section 7 of this act, less any amounts required to be placed in reserve accounts under the provisions of this act.

(c) That the board may terminate such payments at any time.

(d) That where the contracting State association is an insured association such payments shall automatically terminate in the event of a default as defined in Title IV of the National Housing Act.

4. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 30

AN ACT concerning the regulation of the solicitation and application of funds for certain organizations or associations of law enforcement officers, and amending N. J. S. 2A:170–20.

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

1. N. J. S. 2A:170–20 is amended to read as follows:

Soliciting funds for law enforcement organizations; venue of offense.

2A:170–20. It shall be unlawful for any person to solicit funds or a contribution of any kind, by mail, telephone or in person, or by any means whatsoever, whether in payment for tickets, admission, books, tokens, advertising, honorary or other membership, or otherwise, for any organization or association of policemen, or sheriffs, or undersheriffs, or deputy sheriffs, or court officers, or court attendants, or detectives, or constables, or magistrates, or other such law enforcement officers, or any organization or association composed of one or more of said groups, except that bona fide active or retired members of any duly organized law enforcement agency of this State or of any municipality or county thereof, who are bona fide active members of any such organization or association may personally, or by mail solicit such funds or contributions, but only in payment for tickets, books or tokens, in the municipality where they are employed as law enforcement officers, or were retired as such, or in case of county or State organizations or associations throughout the county or State where they are employed as law enforcement officers, or were retired as such.

It shall be unlawful for any such organization or association, or any officer or member thereof, to employ or retain, or in any manner contract or agree with, directly or indirectly, any person to solicit funds or contributions for or on behalf of such organization or association for a fee, commission or salary or on any basis of compensation whatsoever.

It shall be unlawful for any person to contract or agree with, or be employed or retained by any such organization or association for the purpose of soliciting, directly or indirectly, or through any agents or employees, funds or contributions for or on behalf of such organization or association, for a fee, commission or salary or on any basis of compensation whatsoever.

It shall be unlawful for any person to solicit funds or contributions of any kind for or on behalf of any such organization or association by any means whatsoever, in payment for advertising of any kind.

It shall be unlawful for any person to offer, give, issue, sell, deliver or distribute honorary membership cards or courtesy cards or cards of a similar nature, of any such organization or association, in connection with, or in any manner related to the solicitation of funds or contributions for or on behalf of any such organization or association.

Any person who violates any of the foregoing provisions of this section is a disorderly person.

Any offense committed under this section shall be considered to have taken place in the county in which the person solicited was at the time of such solicitation, notwithstanding that such solicitation was by telephone originating outside of the county, or by mail deposited in a post office outside of the county.

2. This act shall take effect immediately.

Approved March 5, 1975.

CHAPTER 31

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1. Section 19 of P. L. 1970, c. 226 (C. 24:21–19) is amended to read as follows:

C. 24:21-19 Prohibited acts A.; manufacturing, distributing, or dispensing; penalties.

19. a. Except as authorized by this act, it shall be unlawful for any person knowingly or intentionally:

(1) To manufacture, distribute, or dispense, or to possess or have under his control with intent to manufacture, distribute, or dispense, a controlled dangerous substance; or

(2) To create, distribute, or possess or have under his control with intent to distribute, a counterfeit controlled dangerous substance.

b. Any person who violates subsection a. with respect to:

(1) A substance, in a quantity of less than one ounce including any adulterants or dilutants, classified in Schedules I or II which is a narcotic drug, or in a quantity of 1 ounce or more with there being included less than 3.5 grams of the pure free base Schedule I or II narcotic drug, is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 12 years, a fine of not more than $25,000.00, or both; or

(2) A substance, in a quantity of one ounce or more including any adulterants or dilutants, classified in Schedules I or II which is a narcotic drug, provided that there are included at least 3.5 grams of the pure free base Schedule I or II narcotic drug, is guilty of a high misdemeanor and shall be punished by imprisonment for up to life, a fine of not more than $25,000.00, or both; or

(3) Any other controlled dangerous substance classified in Schedules I, II, III or IV is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 5 years, a fine of not more than $15,000.00, or both; or

(4) A substance classified in Schedule V is guilty of a misdemeanor and shall be punished by imprisonment for not more than 1 year, a fine of not more than $5,000.00, or both.

2. Section 20 of P. L. 1970, c. 226 (C. 24:21–20) is amended to read as follows:

C. 24:21-20 Prohibited acts B.; possession, use or being under influence; penalties.

20. a. It is unlawful for any person, knowingly or intentionally, to obtain, or to possess, actually or constructively, a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this section with respect to:

(1) A substance, in a quantity of less than 1 ounce including any adulterants or dilutants, classified in Schedule I or II which is a narcotic drug, or in a quantity of 1 ounce or more with there being included less than 3.5 grams of the pure free base Schedule I or II narcotic drug, and any other controlled dangerous substance classified in Schedule I, II, III or IV is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 5 years, a fine of not more than $15,000.00, or both, except as provided in subsection a. (4) below;

(2) A substance, in a quantity of 1 ounce or more including any adulterants or dilutants, classified in Schedule I or II which is a narcotic drug, provided that there are included at least 3.5 grams of the pure free base Schedule I or II narcotic drug, is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 7 years, a fine of not more than $15,000.00, or both;

(3) Any controlled dangerous substance classified in Schedule V is guilty of a misdemeanor and shall be punished by imprisonment of not more than 1 year, a fine of not more than $5,000.00, or both; or

(4) Possession of more than 25 grams of marihuana, including any adulterants or dilutants, or more than 5 grams of hashish is guilty of a high misdemeanor and shall be punished by imprisonment for not more than 5 years, a fine of not more than $15,000.00, or both; provided, however, that any person who violates this section with respect to 25 grams or less of marihuana, including any adulterants or dilutants, or 5 grams or less of hashish is a disorderly person.

b. Any person who uses or who is under the influence of any controlled dangerous substance, as defined in this act, for a purpose other than the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings, is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific narcotic drug or drugs, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the influence of some controlled dangerous substance or counterfeit controlled dangerous substance as defined in this act, by providing that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled dangerous substance.

c. In addition to the general penalty prescribed for a disorderly person's offense pursuant to N. J. S. 2A:169–4, every person adjudged a disorderly person for a violation of this subsection shall, at the discretion of the sentencing judge, forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not more than 2 years from the date of his conviction and until such privilege shall be restored to him by the Director of Motor Vehicles upon application to and after certification by a physician to the director that such person is not a drug dependent person within the meaning of this act. The court before whom any

person is convicted of a violation of this section shall cause a report of such conviction to be filed with the Director of Motor Vehicles.

3. This act shall take effect immediately, but shall not affect the sentencing of a person convicted of a violation occurring before the effective date.

Approved March 7, 1975.

CHAPTER 32

AN ACT to amend "The New Jersey Economic Development Authority Act," approved August 7, 1974 (P. L. 1974, c. 80), and providing for financing of pollution control facilities and machinery and equipment for industrial and commercial projects.

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

1. Section 2 of P. L. 1974, c. 80 (C. 34:1B–2) is amended to read as follows:

C. 34:1B-2 Declaration of policy.

2. It is hereby declared to be in the public interest and to be the policy of the State to foster and promote the economy of the State, increase opportunities for gainful employment and improve living conditions, assist in the economic development or redevelopment of political subdivisions within the State, eliminate and reduce environmental pollution derived from the operation of industry and commerce, and otherwise contribute to the prosperity, health and general welfare of the State and its inhabitants by inducing manufacturing, industrial, commercial and other employment promoting enterprises by making available financial assistance to locate, remain or expand within the State and by providing a means of financing to assist such enterprises to comply with State and Federal environmental control standards. It is the purpose and object of this act to further and implement such policy by creating a body corporate and politic having the powers, duties and functions as provided in this act.

2. Section 3 of P. L. 1974, c. 80 (C. 34:1B–3) is amended to read as follows:

C. 34:1B-3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

a. "Authority" means the New Jersey Economic Development Authority, created by section 4 of this act.

b. "Bonds" means bonds or other obligations issued by the authority pursuant to this act;

c. "Cost" means, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of any project, and shall include, but not be limited to, the cost or fair market value of construction, machinery and equipment, property, rights, easements, privileges, agreements, franchises, utility extensions, disposal facilities, or pollution control facilities, access roads and site development deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

"Cost" may also consist exclusively of the cost of pollution control facilities, and all costs deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, and shall include, but not be limited to, the cost or fair market value of construction, machinery and equipment, property, rights, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development, discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof, and also provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

d. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons. "Person" shall include the plural as well as the singular.

e. "Project" means any building whether or not in existence or under construction, or other improvement, purchase of an existing building, refinancing of an existing building in order to facilitate substantial improvements thereto, or real estate improvement, including remodeling and refurnishing of or adding to existing property or both, in New Jersey, and, the land upon which it is located, all real property deemed necessary to its use, and the extension or provision of utilities, access roads and other appurtenant facilities, which is to be used or occupied by any person for the manufacturing, processing or assembling of materials or manufactured products, or for research, office, industrial, commercial, recreational or hotel facilities, or warehousing, or for any combination thereof and pollution control facilities occupied or utilized by an industrial, research, office or commercial enterprise which the authority determines will tend to maintain or provide gainful employment within and for the people of the State, aid and assist in the economic development or redevelopment of any political subdivision of the State, maintain or increase the tax base of any political subdivision of the State and maintain or diversify and expand industry within the State, or abate or reduce or prevent violations of environmental quality standards, and also including reimbursement to any person for costs in connection with, or the refinancing of, any project or portion as above described, if determined by the authority as necessary and in the public interest to facilitate substantial improvements thereto or the completion thereof. "Project" may also mean machinery and equipment but not raw materials, work in process or stock in trade.

"Project" may also consist exclusively of the construction, or other improvement, of pollution control facilities as defined by this act which the authority determines will tend to abate or reduce or prevent violations of environmental quality standards within the State. "Project" includes the reimbursement to any person for costs in connection with, or the refinancing of, any project or portion thereof as described in this paragraph, if determined by the authority as necessary and in the public interest to facilitate substantial improvements thereto or the completion thereof.

f. "Revenues" means receipts, fees, rentals or other payments

to be received on account of lease, mortgage, conditional sale, or sale and payments and any other income derived from the lease, sale or other disposition of a project, moneys in such reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, established in connection with the issuance of bonds or notes for a project or projects, and fees, charges or other moneys to be received by the authority in respect of projects and contracts with persons; and

g. "Resolution" means any resolution adopted or trust agreement executed by the authority pursuant to which bonds of the authority are authorized to be issued.

h. "Environmental quality standards" means the various standards prescribed by this State or the Federal Government, including but not limited to the rules and regulations administered by the Department of Environmental Protection as established by P. L. 1970, c. 33 (C. 31:1D–1 et seq.), and any amendments and supplements thereto, relating to any form of environmental pollution deriving from the operation of industrial manufacturing, warehousing, commercial, office or research facilities, including but not limited to water pollution, air pollution, pollution caused by solid waste disposal, thermal pollution, radiation contamination, or noise pollution.

i. "Pollution control facilities" means any structures, facilities, systems, fixtures, real or personal property, rights in lands, improvements, appurtenances, machinery, equipment, or any combination thereof which is to be used to abate or reduce or aid in the prevention, control, disposal or monitoring of noise, air, water or thermal pollution, solid waste or other pollutants without limitation thereto and may include property or equipment which is to be installed primarily to supplement or to replace existing property or equipment not meeting acceptable pollution control standards or which is to be supplemented or replaced to comply with an order or citation to eliminate pollution issued by any Federal or State authority having jurisdiction and provided that the State Department of Environmental Protection certifies that any such facility does not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority and provided further that the State Department of Environmental Protection certifies that such facilities represent an acceptable method of correcting the pollution problem under consideration.

3. Section 6 of P. L. 1974, c. 80 (C. 34:1B–6) is amended to read as follows:

C. 34:1B-6 Review of application for assistance.

6. A copy of any application for assistance under this act received by the authority shall be submitted to, and for the review and advice of, the Director of the Division of Economic Development. Prior to making any commitment for such assistance, the authority, after consultation with the director of said division shall by resolution duly adopted, find and determine, on the basis of all information reasonably available to it, that such assistance will tend to maintain or provide gainful employment for the inhabitants of the State or will eliminate and reduce environmental pollution derived from the operation of industry and commerce and improve living conditions, and shall serve a public purpose by contributing to the prosperity, health and general welfare of the inhabitants of the State and will tend to aid and assist in the economic growth, development or redevelopment of the political subdivision wherein it is to be located, and such finding and determination shall be conclusive for all purposes of this act.

The authority shall also find and determine, on the basis of all information reasonably available to it, that such assistance, or any part thereof, used to construct, improve or refinance any pollution control facility as defined by this act will not impair any obligation undertaken by any County Industrial Pollution Control Financing Authority created pursuant to P. L. 1973, c. 376 (C. 40:37C–1 et seq.).

4. This act shall take effect immediately.

Approved March 7, 1975.

CHAPTER 33

AN ACT enabling the Department of Environmental Protection to require the posting of performance bonds, and amending P. L. 1970, c. 33.

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

1. Section 12 of P. L. 1970, c. 33 (C. 13:1D–9), is amended to read as follows:

C. 13:1D-9 Department's additional powers and duties.

12. The department shall formulate comprehensive policies for the conservation of the natural resources of the State, the promotion of environmental protection and the prevention of pollution of the environment of the State. The department shall in addition to the powers and duties vested in it by this act or by any other law have the power to:

a. Conduct and supervise research programs for the purpose of determining the causes, effects and hazards to the environment and its ecology;

b. Conduct and supervise Statewide programs of education including the preparation and distribution of information relating to conservation, environmental protection and ecology;

c. Require the registration of persons engaged in operations which may result in pollution of the environment and the filing of reports by them containing such information as the department may prescribe to be filed relative to pollution of the environment, all in accordance with applicable codes, rules or regulations established by the department;

d. Enter and inspect any building or place for the purpose of investigating an actual or suspected source of pollution of the environment and ascertaining compliance or noncompliance with any code, rules and regulations of the department. Any information relating to secret processes concerning methods of manufacture or production obtained in the course of such inspection, investigation or determination, shall be kept confidential and shall not be admissible in evidence in any court or in any other proceeding except before the department as herein defined. If samples are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person suspected of causing pollution of the environment;

e. Receive or initiate complaints of pollution of the environment, including thermal pollution, hold hearings in connection therewith and institute legal proceedings for the prevention of pollution of the environment and abatement of nuisances in connection therewith and shall have the authority to seek and obtain injunctive relief and the recovery of fines and penalties in summary proceedings in the Superior Court;

f. Prepare, administer and supervise Statewide, regional and local programs of conservation and environmental protection, giving due regard for the ecology of the varied areas of the State and the relationship thereof to the environment, and in connection

therewith prepare and make available to appropriate agencies in the State technical information concerning conservation and environmental protection, cooperate with the Commissioner of Health in the preparation and distribution of environmental protection and health bulletins for the purpose of educating the public, and cooperate with the Commissioner of Health in the preparation of a program of environmental protection;

g. Encourage, direct and aid in coordinating State, regional and local plans and programs concerning conservation and environmental protection in accordance with a unified Statewide plan which shall be formulated, approved and supervised by the department. In reviewing such plans and programs and in determining conditions under which such plans may be approved, the department shall give due consideration to the development of a comprehensive ecological and environmental plan in order to be assured insofar as is practicable that all proposed plans and programs shall conform to reasonably contemplated conservation and environmental protection plans for the State and the varied areas thereof;

h. Administer or supervise programs of conservation and environmental protection, prescribe the minimum qualifications of all persons engaged in official environmental protection work, and encourage and aid in coordinating local environmental protection services;

i. Establish and maintain adequate bacteriological, radiological and chemical laboratories with such expert assistance and such facilities as are necessary for routine examinations and analyses, and for original investigations and research in matters affecting the environment and ecology;

j. Administer or supervise a program of industrial planning for environmental protection; encourage industrial plants in the State to undertake environmental and ecological engineering programs, and cooperate with the State Departments of Health and Labor and Industry in formulating rules and regulations concerning industrial sanitary conditions;

k. Supervise sanitary engineering facilities and projects within the State, authority for which is now or may hereafter be vested by law in the department, and shall, in the exercise of such supervision, make and enforce rules and regulations concerning plans and specifications, or either, for the construction, improvement, alteration or operation of all public water supplies, all public bathing places, land fill operations and of sewerage systems and disposal

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plants for treatment of sewage, wastes and other deleterious matter, liquid, solid or gaseous, require all such plans or specifications, or either, to be first approved by it before any work thereunder shall be commenced, inspect all such projects during the progress thereof and enforce compliance with such approved plans and specifications;

l. Undertake programs of research and development for the purpose of determining the most efficient, sanitary and economical ways of collecting, disposing or utilizing of solid waste;

m. Construct and operate, on an experimental basis, incinerators or other facilities for the disposal of solid waste, provide the various municipalities and counties of this State, the Public Utilities Commission, and the Division of Local Government Services in the Department of Community Affairs with statistical data on costs and methods of solid waste collection, disposal and utilization;

n. Enforce the State air pollution, water pollution, conservation, environmental protection, waste and refuse disposal laws, rules and regulations;

o. Acquire by purchase, grant, contract or condemnation, title to real property, for the purpose of demonstrating new methods and techniques for the collection or disposal of solid waste;

p. Purchase, operate and maintain, pursuant to the provisions of this act, any facility, site, laboratory, equipment or machinery necessary to the performance of its duties pursuant to this act;

q. Contract with any other public agency or corporation incorporated under the laws of this or any other state for the performance of any function under this act;

r. With the approval of the Governor, cooperate with, apply for, receive and expend funds from, the Federal Government, the State Government, or any county or municipal government or from any public or private sources for any of the objects of this act;

s. Make annual and such other reports as it may deem proper to the Governor and the Legislature evaluating the demonstrations conducted during each calendar year;

t. Keep complete and accurate minutes of all hearings held before the commissioner or any member of the department pursuant to the provisions of this act. All such minutes shall be retained in a permanent record, and shall be available for public inspection at all times during the office hours of the department;

u. Require any person subject to a lawful order of the department which provides for a period of time during which such person

subject to the order is permitted to correct a violation to post a performance bond or other security with the department in such form and amount as shall be determined by the department. Such bond need not be for the full amount of the estimated cost to correct the violation but may be in such amount as will tend to insure good faith compliance with said order. The department shall not require such a bond or security from any public body, agency or authority. In the event of a failure to meet the schedule prescribed by the department, the sum named in the bond or other security shall be forfeited unless the department shall find that the failure is excusable in whole or in part for a good cause shown in which case the department shall determine what amount of said bond or security, if any, is a reasonable forfeiture under the circumstances. Any amount so forfeited shall be paid to the general State fund.

2. This act shall take effect 60 days after its enactment.

Approved March 10, 1975.

CHAPTER 34

AN ACT to supplement "The New Jersey Economic Development Authority Act," approved August 7, 1974 (P. L. 1974, c. 80; C. 34:1B–1 et seq.).

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

1. There is hereby appropriated the sum of $10,000,000.00 from the unemployment compensation auxiliary fund established pursuant to R. S. 43:21–14 (g) to the economic development fund for collateral reserve utilization by the New Jersey Economic Development Authority to guarantee project loans authorized by "The New Jersey Economic Development Authority Act" (P. L. 1974, c. 80; C. 34:1B–1 et seq.). Such moneys shall be deposited in the economic development fund and shall be subject to all terms and conditions of "The New Jersey Economic Development Authority Act," provided that at least 50% of the dollar amount of outstanding loan and bond guarantees approved by the authority pursuant to this appropriation shall be designated for projects

located in municipalities receiving assistance pursuant to the provisions of P. L. 1971, c. 64.

2. This act shall take effect immediately.

Approved March 11, 1975.

CHAPTER 35

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169).

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

1. Section 11 of P. L. 1945, c. 169 (C. 10:5–12) is amended to read as follows:

C. 10:5-12 Unlawful employment practice or unlawful discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States, of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or

individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status or sex of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, ancestry, marital status or sex is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, super-

intendent, or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1–1 or place where alcoholic beverages are served.

g. For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) to refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons;

(2) to discriminate against any person or group of persons because of the race, creed, color, national origin, marital status or sex of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) to print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made

by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex.

h. For any real estate broker, real estate salesman or employee or agent thereof:

(1) to refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion or facilities thereof to or from any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons;

(2) to discriminate against any person because of his race, creed, color, national origin, ancestry, marital status or sex in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) to print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting

to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution to whom application is made for any loan or extension of credit including but not limited to an application for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) to discriminate against any person or group of persons because of the race, creed, color, national origin, ancestry, marital status or sex of such person or group of persons or of the prospective occupants or tenants of such real property or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or in the extension of services in connection therewith; or

(2) to use any form of application for such loan, extension of credit or financial assistance or to make any record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status or sex or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information.

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesman or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent

that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status or sex of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

2. This act shall take effect immediately.

Approved March 13, 1975.

CHAPTER 36

AN ACT to reconstitute the Division on Aging in the Department of Community Affairs, prescribing additional powers and duties of said division, amending P. L. 1957, c. 72, 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-28.1 Legislature's findings and declaration of policy.

1. The Legislature hereby finds and declares that:

a. The rapid pace of modern life, the ever-upward spiral of inflation, the often-debilitating infirmities of advancing years, and the change in family life combine to place many senior citizens of this State in an unenviable position of poverty and dependency that endangers their health, safety, and welfare.

b. Such senior citizens in particular, and all senior citizens in general, need and deserve the attention, assistance, and protection of the State.

c. To fulfill this responsibility, the government of the State should have an appropriate and significant agency empowered to serve those individuals effectively so that comprehensive programs can be developed and coordinated on a Statewide basis to locate and assist this segment of the population of this State.

C. 52:27D-28.2 Division on Aging.

2. The Division of the Aging, created in the Department of Health pursuant to P. L. 1957, c. 72 (C. 26:1A–107 et seq.),

transferred to the Department of Community Affairs pursuant to P. L. 1966, c. 293 (C. 52:27D–1 et seq.), and designated the Office on Aging pursuant to the Reorganization Plan of the Department of Community Affairs filed June 20, 1972, is hereby reconstituted in the Department of Community Affairs as the Division on Aging and continued with the same powers and duties as provided in P. L. 1957, c. 72, as amended by P. L. 1966, c. 61. All functions, powers, and duties heretofore exercised by the Office on Aging are hereby transferred to the Division on Aging.

C. 52:27D-28.3 Division's additional powers and duties.

3. In addition to its already-prescribed powers and duties, the Division on Aging, upon consultation with the State Commission on Aging, shall:

a. Formulate a comprehensive, Statewide master plan which identifies the needs of the senior citizens in this State; recommends programs to locate and assist this segment of the State's population, especially those who are living in conditions hazardous to their physical health, are abused, neglected or destitute, or are unable to cope with their daily affairs and to provide themselves with minimal subsistence and living comforts; provides guidelines for the agencies concerned with senior citizens in the political subdivisions of the State which seek State and Federal funds; and suggests methods to coordinate the services provided to senior citizens by departments and agencies of the State and by the political subdivisions thereof. Said master plan shall be submitted to the Governor and Legislature no later than 18 months following the enactment of this act.

b. Review annually and, if necessary, revise the Statewide master plan and submit a report to the Governor and the Legislature containing an evaluation of the preceding year's program (including the total number of senior citizens served, the types of problems encountered, the actions taken), the revisions recommended in the master plan, and the programs recommended for the next fiscal year.

C. 52:27D-28.4 Formulation of master plan and annual reports.

4. In formulating the master plan and the subsequent annual reports, the division shall:

a. Conduct at least one public hearing;

b. Consult and cooperate with:

(1) Officials of departments and agencies of the State and of the counties and municipalities of this State having duties and responsibilities concerning senior citizens;

(2) Officials and representatives of the Federal Government, of neighboring states, and of interstate agencies on problems affecting the senior citizens of this State;

(3) Officials, practitioners, and representatives in the fields of health, medicine, and the social sciences;

(4) Persons, organizations, and groups, public or private, interested in or concerned with the senior citizens of the State; and

c. Request and receive from any department, division, board, bureau, commission, or other agency of the State, or any political subdivision or public authority thereof, such assistance and data as may be necessary to enable the division to carry out its responsibilities under this act.

5. Section 3 of P. L. 1957, c. 72 (C. 26:1A–109) is amended to read as follows:

C. 26:1A-109 Appointment; qualifications; terms; vacancies; meetings.

3. The members of the Commission on Aging shall be appointed by the Governor, with the advice and consent of the Senate. The members of the commission shall be selected from among the citizens of the State who have demonstrated interest in the problems of aging. There shall be two legislative ex-officio members of the commission, one appointed by the President of the Senate and one appointed by the Speaker of the General Assembly. The legislative ex-officio members shall be appointed for their term of office. The director shall be an ex-officio member of the advisory commission.

Three members of the commission shall be appointed for 1 year, three for 2 years and three for 3 years, and their successors shall be appointed for terms of 3 years. All members may holdover and serve on the commission after the expiration of their respective terms, until their respective successors are appointed and shall qualify. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. A chairman and other officers of the commission shall be elected for a term of 2 years by the members from among the members appointed by the Governor.

The Commission on Aging shall meet at regular intervals and at least quarterly. The times and places for the said meetings shall be fixed by the commission and special meetings may be called by the chairman on not less than 10 days' written notice to each member. The commission may adopt bylaws for the regulations of its affairs.

6. This act shall take effect immediately.

Approved March 13, 1975.

CHAPTER 37

AN ACT to amend "An act providing for assessments against public utilities for certain purposes and supplementing Title 48 of the Revised Statutes," approved July 16, 1968 (P. L. 1968, c. 173).

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

1. Section 2 of P. L. 1968, c. 173 (C. 48:2–60) is amended to read as follows:

C. 48:2-60 Amount of assessment; limitation.

2. The assessment shall be equal to a percentage of the gross operating revenue of the public utilities and public movers under the jurisdiction of the board derived from intrastate operations during the preceding calendar year at a rate to be determined annually by the board on or before June 30 in the following manner:

The total amount appropriated to the Department of Public Utilities by law for its general purposes for its next fiscal year shall be divided by the total amount of the gross operating revenues of all public utilities and public movers under the jurisdiction of the board derived from intrastate operations during the preceding calendar year. The quotient resulting shall constitute the percentage rate of the assessment for the calendar year in which such computation is made. The total amount so assessed to any particular public utility or public mover shall not exceed ⅛ of 1% of the gross operating revenue subject to assessment hereunder of that utility or public mover derived from its intrastate operation during the preceding calendar year, except that the minimum assessment for any public utility or public mover shall be $50.00.

2. This act shall take effect immediately.

Approved March 13, 1975.

CHAPTER 38

AN ACT to authorize the city of Summit in the county of Union to provide for the payment of a pension to Dr. Robert S. Milligan.

WHEREAS, Dr. Robert S. Milligan, a resident of the city of Summit, in the county of Union and State of New Jersey, has served the city in the capacity of city physician and health officer for a period in excess of 51 years, rendering excellent, efficient and faithful service to the city of Summit in the performance of his duties; and

WHEREAS, Dr. Robert S. Milligan is not a member of any pension system, now, therefore

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

Private act.

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 city of Summit, in the county of Union is authorized to grant and pay to Dr. Robert S. Milligan for the remainder of his natural life, an annual pension of $12,000.00 to be effective upon the granting thereof, which pension shall be paid in monthly installments.

2. If said pension is granted, the city of Summit shall provide in its annual budget, after the date on which this act shall become operative in said city for the payment to the said Dr. Robert S. Milligan of said pension and from said date and until the adoption of its next annual budget, said city shall pay the same from any fund or funds available therefor.

3. This act shall take effect upon due adoption of an ordinance of the city of Summit for the purpose of adopting same.

Approved March 18, 1975.

CHAPTER 39

AN ACT providing for the granting of tenure to certain persons holding the office, position or employment of clerk of a municipal court.

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

C. 2A:8-13.3 Municipal court clerk; tenure.

1. Any person holding office, position or employment as full-time clerk of a municipal court who has held such office, position or employment continuously for 10 years or more shall hold and continue to hold said office, position or employment during good behavior and shall not be removed therefrom for political or other reasons except for good cause, upon written charges and after a public, fair and impartial hearing; provided, however, that each governing body in the case of a municipal court established for two or more municipalities, has passed a resolution or resolutions by a majority vote of the members thereof approving and authorizing the tenure of office herein provided.

2. This act shall take effect immediately.

Approved March 19, 1975.

CHAPTER 40

AN ACT to authorize the town of Dover in the county of Morris to make permanent the appointment of Manuel Lorenzo to the police department of the town of Dover.

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

Private act.

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 town of Dover, in the county of Morris, is authorized to make permanent the appointment of Manuel Lorenzo to the police department of the town of Dover, notwithstanding

his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the town of Dover for the purpose of adopting same.

Approved March 19, 1975.

CHAPTER 41

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, 1975 and regulating the disbursement thereof," approved June 28, 1974 (P. L. 1974, c. 58).

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

1. The appropriation to the Department of Law and Public Safety of the unexpended balances as of June 30, 1974 in the Claims-Victims of Violent Crimes Account (account number 11440-186-100-500) is hereby reduced in the amount of $300,000.00.

2. The following sum is appropriated out of the General State Fund for the purpose specified:

360. DEPARTMENT OF HEALTH

PERSONAL HEALTH

22100. CHRONIC ILLNESS

Extraordinary:	
Hemophilia	$300,000

3. This act shall take effect immediately.

Approved March 19, 1975.

CHAPTER 42

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1. Section 35 of P. L. 1970, c. 226 (C. 24:21–35) is amended to read as follows:

C. 24:21-35 Nuisances and forfeitures.

35. Nuisances and forfeitures. a. The maintenance of any building, conveyance or premises whatever which is resorted to by persons for the unlawful manufacture, distribution, dispensing, administration or use of controlled dangerous substances shall constitute the keeping of a common nuisance.

b. The following shall be subject to forfeiture and no property right shall exist in them:

(1) All controlled dangerous substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of this act;

(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled dangerous substance in violation of the provisions of this act;

(3) All property which is used or intended for use, as a container for property described in subsections b. (1) and (2) above;

(4) All conveyances including aircraft, vehicles, or vessels, which are used or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in b. (1) or (2) above, except that:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this chapter unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this act; and

(b) No conveyance shall be forfeited under the provisions of this section by reason of any act or omission, established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person

other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state; and

(c) The forfeiture of any conveyance encumbered by a bona fide security interest shall remain subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission; and

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

c. Any property subject to forfeiture under this act may be seized by the State or any person charged with enforcement of this act, upon process issued by any court of competent jurisdiction over the property except that seizure without such process may be made when:

(1) It is not inconsistent with the Constitution of this State and the United States;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding under this act;

(3) The commissioner or any other person charged with enforcement of this act has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The commissioner or any other person charged with enforcement of this act has probable cause to believe that the property has been used or intended to be used in violation of this act.

In the event of seizure pursuant to paragraphs (3) and (4) of this subsection, proceedings under subsection d. of this section shall be instituted promptly.

d. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the State or political subdivision, acting as agent for the State, whichever may have seized said property, and subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this act, the State may:

(1) Place the property under seal;

(2) Remove the property to a place designated by it; or

(3) Require that the political subdivision or State take custody of the property and remove it to an appropriate location for disposition in accordance with law.

e. Whenever any property, including motor vehicles and other conveyances, is forfeited under this act, it shall be forthwith deposited in the custody of the Director of the Division of Purchase and Property, State Department of the Treasury, whereupon disposition of such property shall be carried out in the following manner:

(1) Any State agency or bureau, or any county or municipality, having a demonstrated need for specific property or classes of property, subject to forfeiture under this act, shall make application for such property to the Director of the Division of Budget and Accounting, State Department of the Treasury, and shall clearly set forth in the application his or its need for the property and the use to which such property will be put; and

(2) The Director of the Division of Budget and Accounting shall review all applications for such property submitted pursuant to subsection e. (1) of this section, and shall make a determination based on necessity and advisability, as to final disposition, and shall so notify the applicant and the Director of Purchase and Property, subject to such rules and regulations as may be required.

(3) In the event no application or disposition is made under (1) or (2) above the Director of Purchase and Property shall dispose of such property in the manner authorized by law for disposal of surplus property.

f. All substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this act shall be deemed contraband and seized and summarily forfeited to the State of New Jersey. Similarly, all substances listed in Schedule I, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the State of New Jersey.

(1) All species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State of New Jersey.

(2) The failure upon demand by the commissioner, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

g. Whenever any property is subject to forfeiture under this act, such forfeiture may be enforced by a civil action, commenced by

the seizing authority in the name of the State of New Jersey and against the property sought to be forfeited.

(1) Complaint. The complaint shall be verified on oath or affirmation. It shall describe with reasonable particularity the property that is the subject matter of the action and the place of seizure and shall contain such allegations as may be required by this act.

(2) Process. Upon the filing of the complaint, the clerk shall forthwith issue a warrant for the seizure of the property that is the subject matter of the action and deliver it to the sheriff for service.

(3) Notice. The notice requirements of the Rules of Court for an in rem action shall be followed.

(4) Claim and answer. The claimant of property that is the subject of an action under this section shall file his claim within 10 days after the execution of process, or within such additional time as may be allowed by the court, and shall serve his answer within 20 days after the filing of the claim. The claim shall be verified on oath or affirmation, and shall state the interest in the property by virtue of which the claimant demands its restitution and the right to defend the action. If the claim is made on behalf of the person entitled to possession by an agent, bailee or attorney, it shall state that he is duly authorized to make the claim. At the time of answering the claimant shall also serve answers to any interrogatories served with the complaint.

2. This act shall take effect immediately.

Approved April 2, 1975.

CHAPTER 43

AN ACT concerning elections, amending R. S. 19:23–6, 19:23–7, 19:23–8, 19:23–12, and 19:23–55, and repealing R. S. 19:23–9.

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

1. R. S. 19:23–6 is amended to read as follows:

Petitions addressed to Secretary of State and municipal clerks.

19:23–6. Petitions nominating candidates to be voted for by the voters of a political party throughout the entire State or of any subdivisions thereof more than a single county or any congressional district shall be addressed to the Secretary of State.

Petitions nominating candidates for election to the Senate or General Assembly shall be addressed to the Secretary of State. Petitions nominating candidates to be voted for by the voters of a political party throughout a county or any county election district or subdivision of a county comprising more than a single municipality, shall be addressed to the clerk of the county. All other petitions shall be addressed to the clerks of municipalities.

2. R. S. 19:23–7 is amended to read as follows:

Contents of petitions; certificate; oath of allegiance.

19:23–7. Each such petition shall set forth that the signers thereof are qualified voters of the State, congressional district, county, or county election district, municipality, ward or election district, as the case may be, in which they reside and for which they desire to nominate candidates; that they are members of a political party (naming the same), and that at the last general election preceding the execution of the petition they voted for a majority of the candidates of such political party, and that they intend to affiliate with that political party at the ensuing election; that they indorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, and that they request that the name of the person or persons therein mentioned be printed upon the official primary ballots of their political party as the candidate or candidates for such nomination. The petition shall further state the residence and post-office address of each person so indorsed, and shall certify that the person or persons so indorsed is or are legally qualified under the laws of this State to be nominated, and is or are a member or members of the political party named in the petition.

Accompanying the petition each person indorsed therein shall file a certificate, stating that he is qualified for the office mentioned in the petition, that he is a member of the political party named therein; that he consents to stand as a candidate for nomination at the ensuing primary election of such political party, and that, if nominated, he consents to accept the nomination, to which shall be annexed the oath of allegiance prescribed in R. S. 41:1–1 duly taken and subscribed by him before an officer authorized to take oaths in this State.

3. R. S. 19:23–8 is amended to read as follows:

Numbers of signers of petitions.

19:23–8. The petitions for candidates to be voted for by the voters of a political party throughout the entire State shall in

the aggregate be signed by at least 1,000 such voters; in the case of candidates to be voted for by the voters of a political party throughout a congressional district by at least 200 of such voters; in the case of candidates for the Senate and General Assembly at least 100 such voters; in the case of candidates to be voted for by the voters of a political party throughout a county or any county election district, by at least 100 of such voters; in the case of candidates to be voted for by the voters of a political party throughout a municipality having a population in excess of 14,000 as ascertained by the last Federal census by at least 50 of such voters; in the case of candidates to be voted for by the voters of a political party throughout all other municipalities or any ward of any municipality by at least 25 of such voters; in the case of a candidate to be voted for by the voters of a political party within a single election district by at least 10 of such voters.

In municipalities containing but one election district the petitions in the aggregate need not be signed by more than 10 of such voters, and the number of signers to any such petition in any case need not exceed 5% in number of the total vote cast at the last preceding general election, held for the election of all of the members of the General Assembly, in such municipality, ward or election district, as the case may be.

4. R. S. 19:23–12 is amended to read as follows:

Vacancy committee named in petition; filling vacancies; certificate; oath of allegiance.

19:23–12. The signers to petitions for "Choice for President," delegates and alternates to national conventions, for Governor, United States Senator, member of the House of Representatives, State Senator, member of the General Assembly and any county office may name three persons in their petition as a committee on vacancies.

This committee shall have power in case of death or resignation or otherwise of the person indorsed as a candidate in said petition to fill such vacancy by filing with the Secretary of State in the case of officers to be voted for by the voters of the entire State or a portion thereof involving more than one county thereof or any congressional district, and with the county clerk in the case of officers to be voted for by the voters of the entire county or any county election district, a certificate of nomination to fill the vacancy.

Such certificate shall set forth the cause of the vacancy, the name of the person nominated and that he is a member of the same

political party as the candidate for whom he is substituted, the office for which he is nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee is authorized to fill vacancies and such further information as is required to be given in any original petition of nomination.

The certificate so made shall be executed and sworn to by the members of such committee, and shall upon being filed at least 34 days before election have the same force and effect as the original petition of nomination for the primary election for the general election and there shall be annexed thereto the oath of allegiance prescribed in R. S. 41:1–1 duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State. The name of the candidate submitted shall be immediately certified to the proper municipal clerks.

5. R. S. 19:23–55 is amended to read as follows:

Canvass of votes by county clerks; statement.

19:23–55. The county clerks shall within 10 days canvass such statements relating to all officers and positions to be voted for by the voters of the entire State, county, county election district, congressional district, municipality or ward, and determine what persons have by the highest number of votes been so elected or nominated by the political parties.

In the case of United States Senator, Governor and member of the House of Representatives the county clerk shall immediately transmit to the Secretary of State a statement showing the total number of votes cast for such officers in the county. The Secretary of State shall furnish the necessary form.

In the case of members of the county committee the county clerk within 9 days after the primary shall mail to the chairman of the State committee and to the chairman of the county committee of the respective parties a list of the names of those elected to the county committee, giving the municipalities, ward and district each represents, together with their post-office addresses.

Repealer.

6. R. S. 19:23–9 is hereby repealed.

7. This act shall take effect immediately.

Approved April 3, 1975.

CHAPTER 44

A SUPPLEMENT to the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84), as said short title was amended by P. L. 1971, c. 213.

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

C. 43:15A-12.1 State police; service credits.

1. Any public employee veteran member who terminated service with the State Police to enter service in the active military or naval service of the United States, and who immediately returned to employment with the State Police after said military service, shall receive prior service credit for the time he served in the active military or naval service of the United States; for which evidence satisfactory to the retirement system is presented, and shall pay the proportion of compensation, applicable to the age resulting from the subtraction of his years of such prior service from his age on the date of his becoming a member of the retirement system as provided in section 25 (C. 43:15A–25). The employer of such public employee veteran on the date of his becoming a member shall pay the accrued liability on behalf of such prior service, and such liability shall be paid in such a manner that the total obligation will be met within the period of time fixed for the liquidation of such accrued liability of the employer.

2. This act shall take effect immediately.

Approved April 3, 1975.

CHAPTER 45

AN ACT concerning the compensation of the mayor and the commissioners in certain second-class cities located in counties of the third class, and supplementing chapter 72 of Title 40 of the Revised Statutes.

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

C. 40:72-24.16 Compensation of officers.

1. Notwithstanding any other provision of law, the board of commissioners of any city of the second class governed by the commission form of government law located in a county of the third class, and having a population of more than 20,000 inhabitants as ascertained by the latest Federal census, may by ordinance fix the annual salary of the mayor at not more than $7,500.00 and of the remaining members of the commission at not more than $7,000.00 each.

2. This act shall take effect immediately.

Approved April 3, 1975.

CHAPTER 46

AN ACT concerning the small loan business and amending sections 17:10–2, 17:10–13, 17:10–14, 17:10–16, 17:10–17, 17:10–19 and 17:10–20 of the Revised Statutes.

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

1. 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 $2,500.00 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 $2,500.00 or less, or in the business of negotiating or arranging or aiding the borrower or lender in procuring or making such loans of $2,500.00 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 $2,500.00 or less shall be deemed to be engaging in the business of making loans subject to the provisions of this chapter.

2. R. S. 17:10–13 is amended to read as follows:

Restrictions upon license; contract provisions for payments in installments.

17:10–13. Restrictions upon license; 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 $2,500.00 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 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.

3. R. S. 17:10–14 is amended to read as follows:

Amount of loan; interest; other charges; effect of violations.

17:10–14. Amount of loan; interest; other charges; effect of violations. Every licensee hereunder may loan any sum of money not exceeding $2,500.00, repayable in installments, and may charge, contract for and receive thereon interest at an annual percentage rate not exceeding 24% on that part of the unpaid principal balance not exceeding $500.00, and 22% on that part of the unpaid principal balance in excess of $500.00 but not in excess of $1,500.00, and 18% on any remainder of such unpaid principal balance.

The interest and periodic payments for loans at these maximum 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, whether at the maximum rate or less, a month shall be considered a calendar month and where a fraction of a month is involved a day shall be considered one-thirtieth of a month.

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.

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 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 sums paid or returned to the lender by the borrower on account of or in connection with the loan.

4. 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 $2,500.00. 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 $2,500.00 for principal.

5. 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 $2,500.00 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.

6. S. R. 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 $2,500.00 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.

7. 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 $2,500.00 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 $2,500.00 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, wherever 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.

8. This act shall take effect on the sixtieth day following enactment.

Approved April 3, 1975.

CHAPTER 47

AN ACT concerning expunging and sealing of municipal records of arrest under certain circumstances and amending P. L. 1973, c. 191.

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

1. Section 1 of P. L. 1973, c. 191 (C. 2A:85–15) is amended to read as follows:

C. 2A:85-15 Petition for relief.

1. Any person who has been arrested for a violation of a municipal ordinance, the disorderly persons law, a misdemeanor or a high misdemeanor under the laws of New Jersey and against whom proceedings were dismissed, or who was discharged without a conviction, or who was acquitted, may at any time following the dismisal of proceedings, or the discharge without a conviction, or the acquittal, present a duly verified petition to the court in which the judgment of acquittal, discharge or dismisal was entered, or, if there were no court proceedings, to the court in whose jurisdiction the arrest occurred, setting forth all the facts in the matter and praying for the relief provided by this act.

2. This act shall take effect immediately.

Approved April 3, 1975.

CHAPTER 48

A SUPPLEMENT to article 25 of "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-53.1 Installment loans; limitation.

1. A savings bank may invest in or make installment loans upon the terms and conditions prescribed for banks in accordance with article 12 of the act to which this is a supplement; provided, how-

ever, that the total of all such loans made by a savings bank pursuant to this act shall not exceed 10% of such savings bank's deposits.

2. This act shall take effect immediately.

Approved April 7, 1975.

CHAPTER 49

AN ACT to amend the title of "An act requiring the registration of farm labor crew leaders, and providing penalties for its violation, repealing P. L. 1961, c. 33 (C. 34:8A–1 et seq.) and supplementing Title 34 of the Revised Statutes," approved June 7, 1971 (P. L. 1971, c. 192), so that the same shall read "An act providing for the registration and regulation of farm labor crew leaders, and providing penalties for its violation, repealing P. L. 1961, c. 33 (C. 34:8A–1 et seq.) and supplementing Title 34 of the Revised Statutes," and to amend and supplement 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. 1971, c. 192 is amended to read as follows: An act providing for the registration and regulation of farm labor crew leaders, and providing penalties for its violation, repealing P. L. 1961, c. 33 (C. 34:8A–1 et seq.) and supplementing Title 34 of the Revised Statutes.

2. Section 1 of P. L. 1971, c. 192 (C. 34:8A–7) is amended to read as follows:

C. 34:8A-7 Definitions.

1. As used in this act:

a. "Crew leader" means any person who transports, recruits, supplies or hires farm or food processing laborers and who, for any money or other valuable consideration paid, anticipated or promised to be paid, directly or indirectly by any farm operator or laborer, directs all or any part of the work of such workers, or any person

who recruits, supplies, or hires farm or food processing laborers for any money or other valuable consideration paid, anticipated or promised to be paid, directly or indirectly by any farm operator or laborer, but shall not include any owner or lessee of a farm or food processing plant who recruits or hires laborers for work on his farm or in his plant.

b. "Commissioner" means the Commissioner of the Department of Labor and Industry or his authorized representative.

c. "Seasonal farm worker" means any person who is engaged in seasonal or temporary farm work and is a term that may be used interchangeably with the terms "migrant laborer" and "temporary farm worker."

3. Section 2 of P. L. 1971, c. 192 (C. 34:8A–8) is amended to read as follows:

C. 34:8A-8 Crew leader; certificate of registration; necessity; forms; duration; renewal; transferability; display; responsibility for activities of designated agents.

2. No person shall act as a crew leader, nor shall any person employ a crew leader unless he possesses a current and valid certificate of registration issued by the Department of Labor and Industry. The application and certificate of registration forms shall be prescribed by the commissioner.

A certificate of registration shall expire at midnight on December 31 of the year for which it is granted unless sooner revoked or suspended by the commissioner. A certificate of registration may be renewed each year upon the filing of an application of renewal on a form prescribed by the commissioner. The certificate of registration, once issued, shall not be transferable, shall be kept by the registrant in his immediate personal possession and shall be displayed by the registrant upon request of the commissioner or any properly designated representatives of the commissioner or upon the request of the person by whom the crew leader is employed or upon the request of any seasonal farm worker or prospective seasonal farm worker.

Any person holding a valid certificate of registration pursuant to this act, or any regular employee of such a person, shall wear and display when engaging in activities as a crew leader such identification as the commissioner may require, showing such registration to be duly certified by the State and such regular employee to be agent of such registrant.

Every such regular employee shall be subject to the provisions of this act and of any rules and regulations promulgated pursuant

to this act to the same extent as if he were required to obtain a certificate of registration in his own name. For the purpose of this act, every registrant shall be responsible for the activities of every agent designated by him, and shall be subject to any penalties under this act, including the refusal, suspension or revocation of a certificate of registration, proceeding from any act of any agent designated by him, while such agent is engaged in activities as crew leader.

4. Section 4 of P. L. 1971, c. 192 (C. 34:8A–10) is amended to read as follows:

C. 34:8A-10 Duties of crew leader; records; disclosures to workers.

4. In addition to any other responsibilities imposed by law upon the crew leader, he shall:

a. Keep records of place of work, gross payments, deductions, and names and addresses of all workers to whom payments are made, in those instances where a crew leader is partly to the disbursement of any wages or other compensation due and payable to any seasonal farm worker for time, labor or employment. In addition, for workers employed on a time basis, the number of units of time employed and the rate per unit of time shall be recorded on the payroll records, and for workers employed on a piece rate basis, the number of units of work performed, the number of units of time employed and the rate per unit shall be recorded on such records;

b. Ascertain and disclose to each seasonal farm worker at the time the worker is recruited the following information to the best of his knowledge and belief: (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing and insurance to be provided him, (4) the wage rates to be paid him, and (5) the charges to be made by the crew leader for his services;

c. File with the commissioner a correct change of address immediately upon each occasion such crew leader permanently changes his address;

d. Display conspicuiously at all times and offere a copy thereof to each seasonal farm worker or head of a seasonal farm worker household a bilingual (Spanish/English) handbill or similar notice stating the terms and conditions of employment in such form and in such manner as the commissioner may prescribe and which shall include the information required in subsection b. of this section, and in addition the name and address of the crew leader, the name and

address of the employer upon whose premises the work is to be performed, and the date or period for which such employment is offered. Every such handbill shall have printed thereon a schematic pay schedule, columnizing on the left under the heading "Hours Worked" the numbers 1 through 10 and to the right under the heading "Minimum Wage" the corresponding total minimum wages for each number of hours worked, and preceded by the words, "Even if you work by piece rate, you must receive no less than the following:"

e. Designate an agent, in such manner and on such forms as the commissioner may prescribe, which agent may be the commissioner but who in any case shall be available to accept service of summons in any action against such crew leader at any and all times during which such crew leader is absent from the jurisdiction of the State or otherwise unavailable to accept service.

In those instances where a crew leader is party to the disbursement of any wages or other compensation due and payable to any seasonal farm worker for time, labor or employment, he shall make, immediately upon termination of the period of employment for which the worker was employed, such payment or compensation to such seasonal farm worker on the same premises where said labor or employment was performed or provided.

5. Section 5 of P. L. 1971, c. 192 (C. 34:8A–11) is amended to read as follows:

C. 34:8A-11 Refusal to renew; revocation or suspension of certificate; hearing; notice; grounds.

5. The commissioner may refuse to renew and may revoke or suspend any certificate of registration after a hearing upon reasonable notice if the applicant:

a. Fails to comply with the provisions of this act or any rules and regulations promulgated hereunder;

b. Knowingly misrepresents to any seasonal farm worker facts relating to working conditions and hours or to the wages to be paid;

c. Knowingly misrepresents any material fact in his application for a crew leader certificate of registration;

d. Violates any State or Federal labor or criminal law; or

e. Is not in fact the real party in interest in holding such certificate of registration and that the real party in interest in any such application or certificate of registration is a person, firm, partnership, association, or corporation which previously has applied for such certification and has been denied such certification, or which previously has been issued a certificate of registration which was

subsequently revoked, suspended, or not renewed in this or any other state requiring the registration of crew leaders.

Such action by the commissioner shall be in addition to any other penalties provided by law.

C. 34:8A-10.1 Unlawful retaliation; protection of rights of seasonal farm workers; violation; civil action.

6. (New section) It shall be unlawful for any crew leader to terminate, suspend, demote, transfer, or take adverse action against any past, present or prospective seasonal farm worker in retaliation for the exercise by such seasonal farm worker of any right secured under the laws and regulations of the State or Federal Government.

A rebuttable presumption that an action is retaliatory shall arise from any termination, suspension, demotion or taking of adverse action on the part of the crew leader which action occurs within a period of 60 days following any act by a seasonal farm worker to exercise any right secured under the provisions of this act or under the laws and regulations of the State or any agency or political subdivision thereof which establish the rights of persons engaged in farm labor or which establish duties of employers of persons engaged in farm labor.

Any person aggrieved hereunder may maintain a civil action against the crew leader. Any crew leader found to have violated this act shall be liable to such person aggrieved for full reinstatement and for back wages accumulated during the period of such unlawful retaliation and to exemplary damages in treble the amount of back wages found due, and for costs and attorney's fees.

C. 34:8A-11.1 Investigation of complaints; subpena to testify; monitoring activities of crew leaders; periodic inspection of records.

7. (New section) The commissioner or his designated representative shall investigate and gather data with respect to matters which may aid in carrying out the provisions of this act. In any case in which a complaint has been filed with the commissioner regarding a violation of this act or with respect to which the commissioner has reasonable grounds to believe that a crew leader has violated any provisions of this act, the commissioner or his designated representative shall investigate and gather data respecting such case, and may, in connection therewith, issue subpenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with such investigation. The commissioner or any agent designated by him for such pur-

poses may administer oaths and affirmations, examine witnesses, and receive evidence.

In addition, the commissioner shall affirmatively monitor and investigate the activities and operations of crew leaders as described in this act without respect to specific complaints, at such frequency and in such a manner as is reasonably necessary to assure the enforcement of the provisions of this act by adopting and implementing a plan to include, as a minimum, (1) the interviewing each month, April through November, of a representative cross section of seasonal farm workers employed by virtue of the services of crew leaders registered with the State, and (2) the making of periodic inspections of records such as those required by subsection a. of section 4 (C. 34:8A–10) of this act hereby supplemented.

C. 34:8A-16 Waiver of rights deemed contrary to public policy.

8. (New section) Any agreement by an employee purporting to waive or to modify his rights hereunder, shall be void as contrary to public policy.

C. 34:8A-17 Partial invalidity.

9. (New section) If any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

10. This act shall take effect immediately.

Approved April 7, 1975.

CHAPTER 50

AN ACT to authorize the city of Bridgeton in the county of Cumberland to make permanent the appointment of Earl Krupa to the police department of the city of Bridgeton.

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

Private act.

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 city of Bridgeton, in the county of Cumberland is authorized to make permanent the appointment of Earl Krupa

to the police department of the city of Bridgeton notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Bridgeton for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 51

AN ACT to authorize the township of Willingboro in the county of Burlington to make permanent the appointment of Francis Scott to the police department of the township of Willingboro.

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

Private act.

1. The township of Willingboro in the county of Burlington is authorized to make permanent the appointment of Francis Scott to the police department of the township of Willingboro notwithstanding the inability of Francis Scott to pass the vision test for appointment thereto due to his failure to wear corrective glasses during said test pursuant to the rules and regulations of the Civil Service Commission.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the township of Willingboro for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 52

AN ACT authorizing the city of Bridgeton in the county of Cumberland to make permanent the appointment of Randall Hawkins to the police department of the city of Bridgeton.

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

Private act.

1. The city of Bridgeton in the county of Cumberland is authorized to make permanent the appointment of Randall Hawkins to the police department of the city of Bridgeton notwithstanding the fact that Randall Hawkins did not graduate from an accredited high school required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the city of Bridgeton for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 53

AN ACT to authorize the city of Bridgeton in the county of Cumberland to make permanent the appointment of James Dixon and Boyd Young to the fire department of the city of Bridgeton.

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

Private act.

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 city of Bridgeton, in the county of Cumberland is authorized to make permanent the appointment of James Dixon and Boyd Young to the fire department of the city of Bridgeton notwithstanding their ages are greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–12.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any fireman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Bridgeton for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 54

AN ACT to authorize the borough of Tuckerton in the county of Ocean to make permanent the appointment of Joseph Francis Oates to the police department of the borough of Tuckerton.

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

Private act.

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 Tuckerton, in the county of Ocean is authorized to make permanent the appointment of Joseph Francis Oates to the police department of the borough of Tuckerton notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retiremen system, in such manner as the board shall prescribe, the con-

tribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Tuckerton for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 55

AN ACT to authorize the borough of Hi-Nella, in the county of Camden, to make permanent the appointments of Gerald Dodds and Dominic Palese to the police department of the borough of Hi-Nella.

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

Private act.

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 Hi-Nella in the county of Camden, is authorized to make permanent the appointments of Gerald Dodds and Dominic Palese to the police department of the borough of Hi-Nella notwithstanding their age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. This act shall take effect upon due adoption of an ordinance of the borough of Hi-Nella for the purpose of adopting the same.

Enacted April 7, 1975.

CHAPTER 56

AN ACT to authorize the borough of Milltown in the county of Middlesex to make permanent the appointment of Harry Veros to the police department of the borough of Milltown.

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

Private act.

1. The borough of Milltown in the county of Middlesex is authorized to make permanent the appointment of Harry Veros to the police department of Milltown notwithstanding that the age of Harry Veros was, respectively, greater than the maximum age limit for appointment thereto as set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the borough of Milltown for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 57

AN ACT to authorize the borough of Milltown in the county of Middlesex to make permanent the appointment of John P. Krajceck to the police department of the borough of Milltown.

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

Private act.

1. The borough of Milltown in the county of Middlesex is authorized to make permanent the appointment of John P.

Krajceck to the police department of Milltown notwithstanding that John P. Krajceck failed to pass the physical examination for chinups, agility to run and broadjump required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the borough of Milltown for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 58

AN ACT to authorize the township of Manalapan in the county of Monmouth to make permanent the appointments of Edgar Hunt, Herbert Patron and Jimmie Rand Potts to the police department of the township of Manalapan.

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

Private act.

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 township of Manalapan, in the county of Monmouth is authorized to make permanent the appointments of Edgar Hunt, Herbert Patron and Jimmie Rand Potts to the police department of the township of Manalapan notwithstanding their ages are greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for member-

ship, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Manalapan for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 59

AN ACT to authorize the city of Paterson in the county of Passaic to make permanent the appointment of Jose' Aponte to the police department of the city of Paterson.

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

Private act.

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 city of Paterson, in the county of Passaic is authorized to make permanent the appointment of Jose' Aponte to the police department of the city of Paterson notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Paterson for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 60

AN ACT to authorize the borough of Beachwood in the county of Ocean to make permanent the appointment of James P. Fuhrmann to the police department of the borough of Beachwood.

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

Private act.

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 Beachwood, in the county of Ocean is authorized to make permanent the appointment of James P. Fuhrmann to the police department of the borough of Beachwood notwithstanding he is unable to perform the minimum number of chinups required for such appointment pursuant to the rules and regulations of the Civil Service Commission.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Beachwood for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 61

AN ACT to authorize the township of Brick in the county of Ocean to make permanent the appointment of Leona Scott to the police department of the township of Brick.

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

Private act.

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 township of Brick, in the county of Ocean is authorized to make permanent the appointment of Leona Scott to the police department of the township of Brick notwithstanding her age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policewoman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Brick for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 62

AN ACT to authorize the township of Gloucester in the county of Camden to make permanent the appointment of Charles Boyle to the police department of the township of Gloucester.

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

Private act.

1. The township of Gloucester in the county of Camden is authorized to make permanent the appointment of Charles Boyle to the police department of Gloucester notwithstanding his inability to pass the written examination required for appointment thereto pursuant to the rules and regulations of the Civil Service Commission.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the township of Gloucester for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 63

AN ACT to authorize the borough of Middlesex in the county of Middlesex to make permanent the appointment of Robert Heisch to the police department of the borough of Middlesex.

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

Private act.

1. The borough of Middlesex in the county of Middlesex is authorized to make permanent the appointment of Robert Heisch to the police department of Middlesex notwithstanding that the age of Robert Heisch is, respectively, greater than the maximum age limit for appointment thereto as set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the borough of Middlesex for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 64

AN ACT to authorize the township of Hazlet in the county of Monmouth to make permanent the appointments of Joseph Bufano, Vernon Manning, Kirk Neilson, John E. Nicholl, Jr., Henry C. Springsteen, Salvatore J. Straniero, and Donald L. Warren to the police department of the township of Hazlet.

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

Private act.

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 township of Hazlet, in the county of Monmouth is authorized to make permanent the appointments of Joseph Bufano, Vernon Manning, Kirk Neilson, John E. Nicholl, Jr., Henry C. Springsteen, Salvatore J. Straniero, and Donald L. Warren to the police department of the township of Hazlet notwithstanding their age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127, and without regard to Title 11 (Civil Service) of the Revised Statutes.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Hazlet for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 65

AN ACT to authorize the city of Union City in the county of Hudson to make permanent the appointment of Otto Sittmann to the police department of the city of Union City.

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

Private act.

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 city of Union City, in the county of Hudson is authorized to make permanent the appointment of Otto Sittmann to the police department of the city of Union City, if otherwise qualified, notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act, provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Union City for the purpose of adopting same.

Enacted April 7, 1975.

CHAPTER 66

A SUPPLEMENT to the "Medical and Dental Education Act of 1970," approved June 16, 1970 (P. L. 1970, c. 102, C. 18A:64G–1 et seq.)

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

1. The Legislature finds and declares that it is of immediate urgency to expedite the completion of the plans for the establishment, development and operation, including the appointment of key administrative and academic personnel, of a South Jersey branch of the College of Medicine and Dentistry of New Jersey which branch meets the requirements of the American Osteopathic Association and the American Medical Association, in order that the branch be in operation and able to admit candidates for degrees in medicine and surgery and osteopathic medicine and surgery in the fall of 1976.

2. This act shall take effect immediately.

Approved April 10, 1975.

CHAPTER 67

AN ACT concerning endorsement of candidates by party committee before a primary election and suspending the provisions of R. S. 19:34–52.

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

Provisions suspended until February 1, 1977.

1. The provisions of R. S. 19:34–52 are suspended from the date this act becomes effective until February 1, 1977.

2. This act shall take effect immediately.

Approved April 10, 1975.

CHAPTER 68

A SUPPLEMENT to "An act to provide State aid to certain municipalities for the purposes of enabling such municipalities to maintain and upgrade municipal services, and making an appropriation therefor," approved March 29, 1971 (P. L. 1971, c. 64).

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

1. The sum of $36,000,000.00 shall be apportioned among municipalities which qualify for State aid under the provisions of P. L. 1971, c. 64 as supplemented by this act for the purpose of enabling such municipalities to maintain and upgrade municipal services. Said sum shall be distributed among the municipalities by multiplying $36,000,000.00 by the distribution factor for each municipality. The distribution factor for each municipality shall be established in accordance with the terms of section 1 of P. L. 1971, c. 64; provided, however, that the Director of the Division of Local Government Services shall use 1973 statistics in determining the net valuation taxable, the equalization ratio, the general tax rate, the State equalized tax rate, and the number of ADC children and use the official population count of the State of New Jersey for the year 1973 as reported by the New Jersey

Department of Labor and Industry, Office of Business Economics. It is provided further that, in addition to any amount so apportioned there shall be added to the amount to be paid and distributed to any qualifying municipality which is entitled to State aid pursuant to P. L. 1974, c. 10 such amount as may be necessary so that the amount to which such municipality is entitled to receive pursuant to this act shall not be less than the amount which such municipality was entitled to receive pursuant to P. L. 1974, c. 10.

2. The Director of the Division of Local Government Services in the Department of Community Affairs shall, forthwith upon the effective date of this act, determine and certify to the State Treasurer and to the chief financial officer of each qualifying municipality the amount of State aid allocable to such municipality pursuant to this act, which aid shall be in addition to all other aid to municipalities. The State Treasurer, upon the certification of the director and upon the warrant of the State Comptroller, shall pay and distribute to each qualifying municipality on October 1, 1975, or as soon thereafter as practicable, the amount determined and certified.

3. Moneys received by each qualifying municipality under the provisions of this act shall be used to maintain, upgrade and improve municipal services. Prior to June 1, 1975 each municipality receiving State aid pursuant to the act shall submit, to the Director of the Division of Local Government Services in the Department of Community Affairs, program and performance data specifying how the moneys are to be utilized to maintain, upgrade and improve municipal services. The data must be submitted in sufficient detail to permit the director to evaluate municipal expenditure programs both as to service, need and performance, including unit costs. In addition, each municipality receiving aid pursuant to this act must submit to the director on December 31, 1975 a report describing the achievement of the program plans developed in accordance with this section of the act. All moneys distributed pursuant to this act, as well as all other municipal funds, may be subject to an operational audit by the director.

4. Any determination of the Director of the Division of Local Government Services pursuant to this act as to the amount of State aid allowable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review thereof, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds. Not-

withstanding any provisions of the "Local Budget Law" (N. J. S. A. 40A:4–1 et seq.), any municipality qualifying for State aid under this act may anticipate the receipt of the amount of State aid certified to it by the Director of the Division of Local Government Services and may file such amendments or corrections in its local budget as may be required to properly reflect such amendments in its budget for the year 1975.

5. There shall be appropriated for the purposes of this act the sum of $38,940,169.42 for the fiscal year commencing July 1, 1975.

6. This act shall take effect immediately.

Approved April 10, 1975.

CHAPTER 69

AN ACT concerning notice to be given with respect to proposed treatment or other action with respect to gipsy moth control and amending R. S. 4:7–39.

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

1. R. S. 4:7–39 is amended to read as follows:

Notice of proposed action.

4:7–39. Before entering any lands and premises and starting the work of abating and suppressing the gipsy moth in its preliminary stages and protecting surrounding vegetation or plant life therefrom, the department shall cause a notice to be given to the occupants of all affected lands and premises, setting forth the nature of the action that it is proposed to take and fixing a time therefor, in the following manner:

a. By two separate insertions in a newspaper qualified to accept legal notices published in the county of the proposed treatment or other action and circulating in the affected area. The two insertions shall appear at least 7 days apart, the first of which shall be not earlier than 21 days prior to the proposed date of treatment or other action and the second of which shall be not later than 7 days prior to the proposed date thereof, and

b. By mailing a notice by regular first class mail to the occupant of each affected parcel of property no later than 10 days prior to the proposed date of treatment or other action.

2. This act shall take effect immediately.

Approved April 14, 1975.

CHAPTER 70

AN ACT related to political contributions, supplementing P. L. 1973, c. 83 and amending R. S. 19:34–42.

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

1. R. S. 19:34–42 is amended to read as follows:

Contributions by office holders.

19:34–42. No holder of a public office or position shall demand payment or contribution from another holder of a public office or position for the campaign purposes of any candidate or for use of any political party.

C. 19:34-42.1 Written notification.

2. (New section) The Secretary of State shall, during the week of the third Monday in January of every year, send written notification to each State employee and each county and municipal clerk of the prohibitions of this act, and shall at the same time publicize such written notification.

C. 19:34-42.2 Penalty provisions.

3. (New section) Section 1 of this act shall be subject to the penalty provisions of R. S. 19:34–35, but no penalty shall be imposed pursuant to any section of law amended herein for violations occurring prior to the effective date of this act.

4. This act shall take effect immediately.

Approved April 24, 1975.

CHAPTER 71

AN ACT authorizing counties to reimburse certain nonprofit or charitable associations for certain costs incurred incidental to the leasing of a county-owned facility.

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

C. 40:23-8.16 Reimbursement of costs to nonprofit or charitable associations for renovation of county owned buildings.

1. Any county may appropriate an amount not to exceed $250,000.00 for payment to a nonprofit or charitable association of all or part of any costs incurred in the renovation or improvement of any building or structure owned by the county and leased, for a term of 21 years at a nominal consideration, to said association for use in the provision of health services. Any costs so incurred shall be reimbursable only to the extent that the renovations or improvements have served to enhance the value of said building or structure. The enhanced value due to such renovations or improvements shall be ascertained and certified to the board of chosen freeholders of said county at the termination of the lease.

2. This act shall take effect immediately.

Approved April 25, 1975.

CHAPTER 72

AN ACT concerning the jurisdiction of the division of small claims in county district courts and amending N. J. S. 2A:6–43 and N. J. S. 2A:6–44.

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

1. N. J. S. 2A:6–43 is amended to read as follows:

Jurisdiction of division of small claims.

2A:6–43. The division of small claims of the county district court shall have jurisdiction of actions in contract and actions for prop-

erty damages resulting from negligence in a motor vehicle accident and actions between landlord and tenant where the matter in dispute is the return of all or part of a security deposit, which jurisdiction shall be coextensive with the county district court where the debt, balance, penalty or other contractual or negligence matter in dispute does not exceed, exclusive of costs, the sum of $500.00. Jurisdiction under this article shall be limited to debts, claims and demands held by the person with whom or for whose benefit such debt, claim or demand arose, and shall not extend to debts, claims or demands held by assignment or transfer; except that, any corporation may transfer or assign any debt, claim or demand held by it to one of its officers for the purpose of bringing action thereon only, and, when so transferred or assigned, shall be within the jurisdiction of the division of small claims of the county district court. All defenses, setoffs and counterclaims available against the corporation may be asserted in any action brought by the corporate officer on any debt, claim or demand so transferred or assigned.

2. N. J. S. 2A:6–44 is amended to read as follows:

Recovery up to jurisdictional amount; waiver of excess.

2A:6–44. Where the debt, balance or other matter in dispute, or the amount really due or recoverable exceeds, exclusive of costs, the sum or value of $500.00, either plaintiff or defendant may recover in the division of small claims of the county district court a sum not exceeding $500.00, and costs, which recovery shall bar the recovery of the residue of such debt, balance or other matter in dispute in any court whatsoever.

The plaintiff in a complaint or the defendant in the counterclaim or third-party complaint may waive the excess over $500.00 in order to bring the respective claim within the jurisdiction of the division of small claims of the county district court.

3. This act shall take effect immediately.

Approved May 1, 1975.

CHAPTER 73

AN ACT to amend and supplement the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199).

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

1. Section 13 of P. L. 1971, c. 199 (C. 40A:12–13) is amended to read as follows:

C. 40A:12-13 Sales of real property, capital improvements or personal property; exceptions; procedure.

13. Sales of real property, capital improvements or personal property; exceptions; procedure. Any county or municipality may sell any real property, capital improvements or personal property, or interests therein, not needed for public use, as set forth in the resolution or ordinance authorizing the sale, other than county or municipal lands, real property otherwise dedicated or restricted pursuant to law, and, except as otherwise provided by law, all such sales shall be made by one of the following methods:

(a) By public sale to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated by two insertions at least once a week during 2 consecutive weeks, the last publication to be not earlier than 7 days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price, or prices, with or without the reservation of the right, to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale in like manner and to the same extent as by any other vendor. Such conditions shall be included in the

advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisements required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than 1 week without readvertising.

(b) At private sale when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

(1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.

(2) A sale to a person submitting a bid pursuant to subsection (a) of this section where all bids have been rejected,

provided that the terms and price agreed to shall in no event be less than the highest bid rejected and provided further that the terms and conditions of sale shall remain identical.

(3) A sale by any county or municipality when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all encumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said conveyance was not the owner of some estate or interest in said real property, capital improvement or personal property or of some encumbrances thereon and the county or municipality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest thereon or outstanding encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

(4) A sale of an easement upon any real property previously conveyed by any county or municipality may be made when the governing body of any county by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

(5) A sale to the owner of the real property contiguous to the real property being sold provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said

property shall be sold to the highest bidder from among all such owners. Any such sale shall be for not less than the fair market value of said real property.

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated within 5 days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

Any county or municipality selling any real property, capital improvement or personal property pursuant to subsection (b) of this section shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

All sales either public or private may be made for cash or upon credit. A deposit not exceeding 10% of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that when such mortgage shall be fully payable within 5 years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the Local Bond Law (chapter 2 of Title 40A of the New Jersey Statutes), whichever is highest. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale, but said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any realtor's commission).

C. 40A:12-13.2 Right to prior refusal to purchase.

2. Notwithstanding any provision of law to the contrary, whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land.

3. This act shall take effect immediately.

Approved May 1, 1975.

CHAPTER 74

AN ACT to amend the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211).

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

1. Section 14 of P. L. 1953, c. 211 (C. 19:57–14) is amended to read as follows:

C. 19:57-14 Form of absentee ballot; forwarding of list of candidates whose names do not appear on ballot.

14. Each absentee ballot to be used at any election to be held while this act is in effect shall be printed entirely in black ink and, except as otherwise provided, shall conform generally to the ballot to be used at said election in the absentee voter's election district and shall be so prepared that the absentee voter may indicate thereon his choice of such of the candidates for the offices to be filled, and as to such public questions to be voted upon, at said election by the voters of the entire State, county or municipality in which such absentee voter is a resident, as shall be ascertained and known on the thirty-fourth day preceding such election and sufficient space shall be provided thereon for such absentee voter to write in the name of and vote for any candidate for, or his personal choice for, any public office to be voted for at such election in such election district. A list of the candidates for the offices to be filled in each election district in the county, whose names are known and ascertained on said thirty-fourth day but do not appear upon said ballot, with a statement of the office for which each is a candidate, shall be forwarded with such ballot.

In the preparation of absentee ballots the name of any candidate who has been nominated for any office shall be placed upon the absentee ballot to be used in the general election to be held in said year in each election district in which he is a candidate, whether or not such candidate has accepted such nomination prior to said date; provided, that he has not prior to said date declined the same.

2. This act shall take effect immediately.

Approved May 1, 1975.

CHAPTER 75

AN ACT concerning the sale and conveyance of county lands to a municipality under certain circumstances, supplementing the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199, C. 40A:12–1 et seq.).

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

C. 40A:12-13.3 Sale and conveyance of lands to municipalities.

1. Notwithstanding any provisions of law to the contrary, when any board of chosen freeholders determines that all or any part of a tract of land, with or without improvements, owned by the county is not then needed for county purposes, the said board may by resolution authorize a private sale and conveyance of the same, or any part thereof, to a municipality in the county without compliance with any other law governing disposal of lands by counties, for a consideration which may be nominal, and containing a limitation that such lands or buildings shall be used only for public purposes of such municipality in connection with municipal law-enforcement or similar public safety municipal functions, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county without any entry or reentry made thereon on behalf of such county.

2. This act shall take effect immediately.

Approved May 1, 1975.

CHAPTER 76

AN ACT to amend "An act authorizing the Commissioner of Insurance to establish Special Joint Underwriting Associations, prescribing the powers, duties and functions thereof and supplementing Title 17 of the Revised Statutes," approved September 19, 1974 (P. L. 1974, c. 106).

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

1. Section 10 of P. L. 1974, c. 106 (C. 17:30B–10) is amended to read as follows:

C. 17:30B-10 Surcharge on insurance policy; amount; reimbursement of moneys.

10. a. A surcharge on insurance policies of the kind which are being assumed by the associations created hereunder shall be levied in amounts sufficient to recoup over a reasonable length of time a sum equal to the amounts necessary for reimbursement pursuant to section 5 b. of this act. The surcharge shall be a separate charge to the insured in addition to the premium to be paid and shall be reflected as such in the policy. The insurer shall be prohibited from absorbing such surcharge as an inducement for insurance or any other reason.

b. The amount of such surcharge shall be determined by the commissioner, but in no event shall the surcharge on any policy exceed one-half of 1% of the policy premium.

c. At any time moneys are recoverable from Gateway Insurance Company or any of its brokers or agents, or Financial Capital Corporation or any other lending institution financing Gateway auto insurance policies for New Jersey residents, or FISCO, Inc., or any other subsidiary of FISCO, Inc. or any of its brokers or agents, said moneys shall be reimbursed to New Jersey automobile insurance policyholders in proportion to the surcharge imposed upon them under this act by virtue of rules and regulations adopted and promulgated by the Commissioner of Insurance; it being understood that all such reimbursement of moneys shall be within the scope of the Federal Bankruptcy laws.

2. This act shall take effect immediately.

Approved May 1, 1975.

CHAPTER 77

AN ACT to amend the "Door-to-Door Retail Installment Sales Act of 1968," approved July 30, 1968 (P. L. 1968, c. 223).

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

1. Section 6 of P. L. 1968, c. 223 (C. 17:16C–61.6) is amended to read as follows:

C. 17:16C-61.6 Delivery, form and contents of receipt.

6. (a) At the time of executing every retail installment sale or retail installment contract subject to the provisions of section 5 of this act, the retail seller shall deliver to the retail buyer two copies of a receipt which clearly and conspicuously sets forth:

(1) The retail seller's name and place of business;

(2) A description of the goods sold; and

(3) The amount of money paid by the retail buyer or the cash value of any goods delivered to the retail seller at the time the retail installment sale or retail installment contract was entered into.

(b) The receipt required to be delivered to the retail buyer shall also clearly and conspicuously bear, in at least 10-point bold type, the following statement:

"NOTICE TO RETAIL BUYER: YOU MAY RESCIND THIS SALE PROVIDED THAT YOU NOTIFY THE RETAIL SELLER OF YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5 P.M. OF THE THIRD BUSINESS DAY FOLLOWING THE SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER, WILL NOT INTERFERE WITH ANY OTHER REMEDIES AGAINST THE RETAIL SELLER YOU MAY POSSESS. IF YOU WISH, YOU MAY USE THIS PAGE AS NOTIFICATION BY WRITING 'I HEREBY RESCIND' AND ADDING YOUR NAME AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS PROVIDED BY THE RETAIL SELLER FOR YOUR RECORDS."

(c) No receipt required to be delivered to the retail buyer shall contain, or be accompanied by any document which contains, provisions by which the retail buyer waives his rights under this act.

(d) A retail seller who in the ordinary course of business regularly uses a language other than English in any advertising or other solicitation of retail buyers, or in any printed forms for use by retail buyers, or in any face-to-face negotiations with retail buyers shall deliver the two copies of the receipt to a retail buyer whose principal language is such other language one in English and one in the other language.

(e) The receipt required to be delivered to the retail buyer, other than the notice provision required under subsection (b) of

this section, shall be in a type-size less than 10 points high and in type other than bold.

2. This act shall take effect 45 days after its enactment.

Approved May 2, 1975.

CHAPTER 78

AN ACT to amend the "Door-to-Door Home Repair Sales Act of 1968," approved July 30, 1968 (P. L. 1968, c. 224).

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

1. Section 6 of P. L. 1968, c. 224 (C. 17:16C–100) is amended to read as follows:

C. 17:16C-100 Delivery, form and contents of receipt.

6. (a) At the time of executing every home repair contract subject to the provisions of section 5 of this act, the home repair contractor shall deliver to the owner two copies of a receipt which clearly and conspicuously sets forth:

(1) The home repair contractor's name and place of business;

(2) A description of the goods and services sold; and

(3) The amount of money paid by the owner or the cash value of any goods delivered to the home repair contractor at the time the home repair contract was entered into.

(b) The receipt required to be delivered to the owner shall also clearly and conspicuously bear, in at least 10-point bold type, the following statement:

"NOTICE TO OWNER: YOU MAY RESCIND THIS SALE PROVIDED THAT YOU NOTIFY THE HOME REPAIR CONTRACTOR OF YOUR INTENT TO DO SO BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTMARKED NOT LATER THAN 5 P.M. OF THE THIRD BUSINESS DAY FOLLOWING THE SALE. FAILURE TO EXERCISE THIS OPTION, HOWEVER, WILL NOT INTERFERE WITH ANY OTHER REMEDIES AGAINST THE HOME REPAIR CONTRACTOR YOU MAY POSSESS. IF YOU WISH, YOU MAY USE THIS

PAGE AS NOTIFICATION BY WRITING 'I HEREBY RESCIND' AND ADDING YOUR NAME AND ADDRESS. A DUPLICATE OF THIS RECEIPT IS PROVIDED BY THE HOME REPAIR CONTRACTOR FOR YOUR RECORDS."

(c) No receipt required to be delivered by the owner shall contain, or be accompanied by any document which contains, provisions by which the owner waives his rights under this act.

(d) A home repair contractor who in the ordinary course of business regularly uses a language other than English in any advertising or other solicitation of owners, or in any printed forms for use by owners, or in any face-to-face negotiations with owners shall deliver the two copies of the receipt to an owner whose principal language is such other language one in English and one in the other language.

(e) The receipt required to be delivered to the owner, other than the notice provision required under subsection (b) of this section, shall be in a type-size less than 10 points high and in type other than bold.

2. This act shall take effect 45 days after its enactment.

Approved May 2, 1975.

CHAPTER 79

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 35 of P. L. 1948, c. 67 (C. 17:9A-35) is amended to read as follows:

C. 17:9A-35 Trust funds.

35. Trust funds.

A. All moneys, securities and other property held by a qualified bank in fiduciary capacities pursuant to paragraphs (5), (6), (7), (8), (9) and (10) of section 28, shall be kept separate and

apart from the moneys, securities and other property belonging to such bank, and such moneys, securities and other property shall not be liable for the debts or obligations of the bank; except that moneys held by a qualified bank in one or more such fiduciary capacities, awaiting investment or disbursement, may be deposited in a single account or in separate accounts with itself or with any other banking institution or with any bank, trust company or national banking association having its principal office in a contiguous State. Moneys so deposited with itself may be used by the bank in the conduct of its business. Securities held by a qualified bank in fiduciary capacities may also be deposited with any other banking institution, or with any bank, trust company or national banking association having its principal office in a contiguous state. The duties of the depository in respect to securities so deposited with it shall be confined to the safekeeping thereof, the collection of interest thereon for the account of the depositing qualified bank, and the performance of such other clerical or ministerial acts as the depositing qualified bank may from time to time request. Nothing herein contained shall be construed as relieving the depositing qualified bank from the duty to account for all securities deposited as authorized by this subsection.

B. In the event of the insolvency of a qualified bank which has deposited such moneys with itself, such bank in such fiduciary capacities shall have claims against the assets of the bank for moneys so deposited, preferred over claims not otherwise entitled to preference, but subordinate to all other claims which shall be entitled to preference. In the event of the insolvency of any other banking institution or of any bank, trust company or national banking association having its principal office in a contiguous state, in which such moneys shall have been deposited, a qualified bank which shall have made such deposits shall be liable for the amount of such deposits as if such deposits had been made with it, and shall be subrogated to its claims as fiduciary against the insolvent banking institution, bank, trust company or national banking association, in which such deposits shall have been made.

C. Notwithstanding any other provisions of law, any qualified bank holding securities in a trust estate, or any banking institution holding securities as a custodian or managing agent, or as custodian for a fiduciary, is authorized to deposit or arrange for the deposit with the Federal reserve bank in its district, any securities so held the principal and interest of which the United States of America or any department, agency or instrumentality thereof has

agreed to pay, or has guaranteed payment. Securities so deposited shall be credited to one or more accounts on the books of such Federal reserve bank in the name of such qualified bank or such banking institution, to be designated fiduciary or safekeeping accounts, to which other similar securities may be deposited. The records of such qualified bank and the records of a banking institution acting as custodian, as managing agent or as custodian for a fiduciary, shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such Federal reserve bank without physical delivery of certificates representing such securities. A qualified bank or banking institution depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of State-chartered institutions the commissioner, and in the case of national banks, the comptroller of the currency, may from time to time issue. A qualified bank or banking institution acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such qualified bank or banking institution with such Federal reserve bank for the account of such fiduciary. A qualified bank shall, on demand by any party to a judicial proceeding for the settlement of such qualified bank's account as fiduciary, or on demand by the attorney for such party, certify in writing to such party the securities deposited by such qualified bank with such Federal reserve bank for its account as fiduciary. This subsection shall apply to any qualified bank or banking institution holding securities in a fiduciary, custodial or management capacity, acting on the effective date of this act or who thereafter may act regardless of the date of the agreement, instrument or court order pursuant to which such qualified bank or banking institution is acting. Nothing contained in this subsection shall be construed as relieving a qualified bank or banking institution depositing securities as authorized by this subsection from the duty to account for all securities so deposited.

2. This act shall take effect immediately.

Approved May 2, 1975.

CHAPTER 80

AN ACT concerning insurance relating to extended reinsurance amending N. J. S. 17B:18–65 and supplementing Title 17B of the New Jersey Statutes.

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

1. N. J. S. 17B:18–65 is amended to read as follows:

Extended reinsurance.

17B:18–65. In addition to the reinsurance specified in 17B:18–63, an insurer authorized to do the business specified in sections 17B:17–3, 17B:17–4 and 17B:17–5 may through reinsurance assume any insurance risk and may retrocede any portion thereof; provided, however, no insurer may undertake any such extended reinsurance business without the prior approval of the commissioner.

C. 17B:18-65.1 Rules and regulations.

2. (New section) The commissioner is authorized to adopt, promulgate and enforce such rules and regulations as he determines to be necessary to implement this act.

3. This act shall take effect immediately.

Approved May 2, 1975.

CHAPTER 81

AN ACT requiring the displaying of the fishing license, tag, or button on the outer clothing while engaged in angling, amending R. S. 23:3–1 and providing penalties for violations thereof.

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

1. R. S. 23:3–1 is amended to read as follows:

Hunters, trappers and fishers to be licensed; penalty; exemptions.

23:3–1. No person shall at any time hunt for, take, kill or pursue, with a gun or any firearms of any kind or character, or with

longbow and arrow, a wild bird, animal or fowl, or take or attempt to take any skunk, mink, muskrat, otter or other fur-bearing animal by means of a trap, or set a trap for any fur-bearing animal, and no person above the age of 14 years shall at any time take or attempt to take fish in any of the fresh waters of this State by the method commonly known as angling with a hand line or rod and line, or with longbow and arrow, unless he has first procured a proper license. Nor shall any person engage in hunting, fishing or trapping unless such license, button or tag as prescribed hereunder shall be visibly displayed in a conspicuous place on his outer clothing at the time of such hunting, fishing or trapping.

A licensee shall exhibit his license and tag or button for inspection to any conservation officer, deputy conservation officer, police officer or other person requesting to see it. No person under 12 years of age shall be issued a trapping license.

Any person found fishing, hunting or trapping without the proper license, button or tag as may be required conspicuously displayed shall be liable to a penalty of $10.00 and costs to be recovered pursuant to the provisions of Title 23, chapter 10, of the Revised Statutes.

A resident of this State, while he or she is on active duty with any branch of the armed service of the United States, shall be entitled to hunt and fish in this State in accordance with law without being licensed.

A nonresident, who is on active duty with any branch or department of the armed service of the United States, shall be entitled to hunt or fish upon obtaining the proper resident license therefor.

Nothing in this section shall prevent the occupant of a farm in this State, who actually resides thereon, or the immediate members of his family who also reside thereon, from hunting for, taking, killing or pursuing with a gun or firearm or a longbow and arrow on the farm a wild bird, animal or fowl, from taking any skunk, mink, muskrat, otter or other fur-bearing animal by means of a trap or from setting a trap for a fur-bearing animal on the farm, or from taking fish on the farm with hand line or rod and line or longbow and arrow, in the manner provided by law during the time when it is lawful so to do, without being licensed hereunder. The exemption of this paragraph shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant.

Any person who violates any provision of this section for which a penalty is not otherwise expressly provided, shall be liable to a penalty of $20.00 for each offense.

2. This act shall take effect immediately.

Approved May 5, 1975.

CHAPTER 82

AN ACT concerning the dissolution of certain sewerage authorities in certain instances and amending P. L. 1946, c. 123.

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

1. Section 2 of P. L. 1946, c. 123 (C. 40:36A–2) is amended to read as follows:

C. 40:36A-2 Name of authority; members; dissolution.

2. Whenever in any such county a sewerage district is established under the provisions of this act a sanitary sewer district authority shall thereby be created for such district. Such sanitary sewer district authority shall be known as and have the corporate name and style of "..... County Sewer Authority" (inserting the name of the county whose board of chosen freeholders established such district) or, if such board of chosen freeholders shall by resolution so determine, of all or any part of the name designated by the said board to identify the district. If in any such county a sanitary sewer district authority shall have been or be created and be known by and have any other name than "..... County Sewer Authority" (with the name of the county inserted), the board of chosen freeholders of such county may, by resolution, establish and designate the name and style above quoted as the corporate name and style of such sanitary sewer district authority. Whenever "the county" is hereinafter referred to "the county" shall mean the county whose board of chosen freeholders established the sewerage district. Whenever an "authority" or the "authority" is hereinafter referred to "authority" shall mean a sanitary sewer district authority of a county created as provided by this act.

A sewerage district whenever established shall be deemed to be the district of the authority created by the establishment of the district.

An authority shall consist of seven members (hereinafter sometimes referred to as "commissioners") who shall be appointed by the board of chosen freeholders of the county, subject, however, to reduction to five members in the discretion of the said board of chosen freeholders.

The commissioners first to be appointed shall be appointed at, or immediately following, the time of the adoption of the resolution establishing the sewerage district.

The commissioners first appointed shall hold office, one for 1 year, one for 2 years, three for 3 years, one for 4 years and one for 5 years. Upon the expiration of the term of office of any commissioner, his successor shall be appointed by the board of chosen freeholders of the county for the term of 3 years. Any vacancy occurring by death, resignation or otherwise, shall be filled for the unexpired term only, in the same manner in which the original appointment was made. Where five commissioners were first appointed and thereafter two additional commissioners shall be appointed so as to constitute an authority consisting of seven members instead of five members, each of the two additional commissioners shall be appointed by the said board of chosen freeholders for the term of 3 years. In the event that an authority consisting of seven members shall be reduced to one of five members by action of the board of chosen freeholders, as herein provided, the said board shall provide in its resolution for such reduction which of the terms of the commissioners then in office shall thereupon terminate.

The board of chosen freeholders of any county which has created an authority pursuant to this section may, by resolution duly adopted, dissolve such authority on the conditions set forth in this section. A copy of each resolution for the dissolution of an authority adopted pursuant to this section, duly certified by the clerk of the board of chosen freeholders, shall be filed in the office of the county clerk. The authority referred to in such resolution shall be conclusively deemed to have been lawfully and properly dissolved, and the property of the authority shall be vested in the county either (1) upon proof that such authority had no debts or obligations outstanding at the time of adoption of such resolution, or (2) upon proof that all creditors and other obligees of such authority have consented to the adoption of such resolution, or (3) upon the taking effect of a resolution adopted by such board of

chosen freeholders providing for the assumption by such county of all outstanding debts and obligations of such authority, a copy of which resolution, duly certified by the clerk of the board of chosen freeholders, shall be filed in the office of the county clerk; provided, however, that all creditors and other obligees of the authority in respect of any such debts and obligations of the authority then outstanding and which were outstanding prior to January 1, 1975 shall have consented to such assumption. The board of chosen freeholders of any county which has created an authority pursuant to this section and which has by resolution duly adopted provided for the dissolution of such authority, shall have the power by resolution to assume all such debts and obligations of such authority and to provide for the payment thereof, in whole or in part, by the incurring of indebtedness and issuance of bonds in accordance with the "Local Bond Law" (N. J. S. 40A:2–1 et seq.) or by having provided an appropriation in its annual budget for the purpose, pursuant to the provisions of the "Local Budget Law" (N. J. S. 40A:4–1 et seq.).

2. This act shall take effect immediately.

Approved May 5, 1975.

CHAPTER 83

AN ACT authorizing certain counties to provide for public transportation services and the operation thereof, and supplementing subtitle 2 of Title 40 of the Revised Statutes.

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

C. 40:35A-1 Establishment of public transportation service.

1. The board of chosen freeholders of any county of the fifth class may by resolution provide for the establishment of a public transportation service and the operation of a public transportation system within the county and to the extent that it is agreeable and deemed advisable, between the county and municipalities within adjoining counties. The board may acquire, erect or lease such vehicles, equipment and facilities, including land and buildings, and

do any and all things necessary for the establishment and operation of the public transportation service and system.

C. 40:35A-2 Operation.

2. Any county operating or providing for the operation of a transportation service and system pursuant to this act may contract with any public or private entity or corporation for the operation, in whole or part, of the service and system for and on behalf of the county.

3. This act shall take effect immediately.

Approved May 5, 1975.

CHAPTER 84

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154), and repealing certain sections thereof.

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

1. Section 1 of P. L. 1972, c. 154 (C. 40:41A–1) is amended to read as follows:

C. 40:41A-1 Submission of charter study question.

1. Submission of charter study question. Whenever authorized by resolution of the board of freeholders or on petition of the registered voters of any county, an election shall be held in the county upon the question, "Shall a charter study commission be created to study the present governmental structure of ..... county, to consider and make findings concerning the form of county government and to make recommendations thereon?" A petition calling for such an election shall bear the signatures of a number of persons registered to vote in the county equal to or exceeding in number 10% of the persons registered to vote in the county on the fortieth day preceding the most recent previous primary or general election. Whenever such resolution or petition shall be filed with him, the county clerk shall provide for submission of the question at the next general election occurring not less than 60 days after the date of such filing. At the election, the

question shall be submitted in the same manner as other public questions.

When a resolution or petition for the creation of a charter study commission has been duly filed with the county clerk, no other such resolution or petition and no other proceedings for the adoption of any other charter or form of government available to the county may be filed unless the voters shall decide the aforesaid question in the negative or until the charter study commission created by the voters shall have been discharged.

2. Section 2 of P. L. 1972, c. 154 (C. 40:41A–2) is amended to read as follows:

C. 40:41A-2 Election of charter study commission.

2. Election of charter study commission. At the same election as the public question is submitted, seven members of an 11-member charter study commission shall be elected by the county's registered voters. There shall be placed on the ballot the names of charter study commission candidates who shall have been nominated in the same manner as provided by law for candidates nominated by petition for freeholder, except that they shall be listed without party or other designation or slogan. The voting instructions shall state that the voter may vote on the question and that, regardless of how or whether he voted on the charter question, he may vote for seven members of a charter study commission who shall serve if the question is determined in the affirmative.

3. Section 4 of P. L. 1972, c. 154 (C. 40:41A–4) is amended to read as follows:

C. 40:41A-4 Canvass of returns.

4. Canvass of returns. The results of the votes cast for and against the charter study question shall be returned by election officers, and a canvass of such election had, as is provided by law in the case of other public questions put to the voters of a county. The votes cast for members of the charter study commission shall be counted, and the result thereof returned by the election officers, and a canvass of such election had, as is provided by law in the case of the election of members of the board of freeholders. The seven candidates receiving the greatest number of votes shall be elected to the charter study commission, provided that if a majority of those voting on the public question shall vote against the election of a charter study commission, none of the candidates shall be elected. If two or more candidates shall receive the same number of votes, and such number of votes shall qualify both election to the

seventh and last remaining vacancy on the commission, they shall draw lots to determine which one shall be elected.

Prior to the convening of the first meeting of the charter study commission, four additional members shall be appointed to the commission from among the citizens and residents of the county. Of the four appointed members, two shall be appointed by the chairman of the county committee of each of the two political parties whose candidates for Governor received the largest number of votes at the most recent gubernatorial election.

4. Section 6 of P. L. 1972, c. 154 (C. 40:41A–6) is amended to read as follows:

C. 40:41A-6 Vacancies.

6. Vacancies. Any vancancy occurring in any of the offices held by the seven elected members to the charter commission shall be filled by the unsuccessful candidate who shall have received the greatest number of votes in the charter study commission election if he shall be available to fill such vacancy. In the event that the vacancy cannot be filled in this manner, the remaining members of the charter study commission shall appoint some other properly qualified citizen. Any vacancy in the office of any of the appointed members to the charter study commission shall be filled in the same manner as the original appointment.

5. Section 8 of P. L. 1972, c. 154 (C. 40:41–8) is amended to read as follows:

C. 40:41A-8 Advisors to the charter study commission.

8. Advisors to the charter study commission. In any county in which a charter study commission has been established under this act, there shall also be established an advisory body to be known as the advisory board whose members shall have the right to participate in the deliberations of the charter study commission, but without the right to vote on commission recommendations or to endorse or dissent from any report of the commission by virtue of their official advisory role, although this in no way shall be deemed to inhibit their right to make comments as individuals after the release to the public of the charter study commission's report. The advisory board shall consist of the persons who, as of the second Tuesday of January next following the commission's organization meeting, shall hold the following offices: the director of the county board of freeholders, the county chairmen of the two political parties which received the largest vote in the county in three out of four of the most recent gubernatorial elections, the mayor of the

municipality having the largest population in the county and the mayor of the municipality having the smallest population of over 250 in the county, according to the last population estimate published by the New Jersey Department of Labor and Industry, one Senator and one member of the General Assembly, both of whom shall be residents of the county at the time of their election to the advisory body. The Senator and member of the General Assembly shall be elected to the advisory body by a majority vote of the whole number of the county's board of chosen freeholders within 1 week of the approval of the charter study referendum by the county's voters.

Nothing in this act shall be deemed to prohibit the board of chosen freeholders from electing as legislative members of the advisory body any persons who are not at the time of their election to the advisory board incumbent legislators but who will be legislators as of 3 p.m. on the second Tuesday of January following the election of the charter study commission. If there is not at least one Senator and one member of the General Assembly residing in the county as of 7 days after the approval of the charter study referendum by the voters, the board of freeholders shall fill the seat or seats in question by electing one or two mayors of municipalities within the county to membership on the advisory board.

If the advisory board shall include among its members three or four mayors pursuant to the above provisions, no more than two of these mayors shall be of the same political party, unless there are no mayors of another party or without party affiliation in the county who will accept election to the advisory board. The mayor of any municipality operating under a nonpartisan form of government shall be deemed to be a member of the party in whose primary election he last voted. If he shall never have voted in a primary election, he shall be deemed to have no party affiliation.

The membership of the advisory board shall be promulgated by the chairman of the charter study commission not later than 3 p.m. on the second Tuesday of January following the commission's organization meeting. If for any reason any member of the advisory board shall vacate the office by virtue of which he sits on the board, his successor, regardless of such successor's party affiliation, shall also succeed him on the board on the effective date of his assuming his predecessor's office.

6. Section 17 of P. L. 1972, c. 154 (C. 40:41A–17) is amended to read as follows:

C. 40:41A-17 Petition for special charter.

17. Petition for special charter. If the charter study commission shall have proposed a special charter, it shall be the duty of the board of freeholders to petition the Legislature forthwith for a special law or laws, pursuant to the State Constitution and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the charter study commission. Upon enactment of such enabling legislation, the special charter shall be submitted to the voters of the petitioning county for adoption in a manner provided in sections 15 and 16 of this act, or as may otherwise be appropriate. No special charter shall become operative until approved by a majority of all of the votes cast for and against said adoption.

7. Section 23 of P. L. 1972, c. 154 (C. 40:41A-23) is amended to read as follows:

C. 40:41A-23 After adoption or rejection, no vote on change for 3 years.

23. After adoption or rejection, no vote on change for 3 years. Whenever the question of whether to adopt one of the optional forms of government provided in articles 3, 4, 5 or 6 of this act shall have been placed before the voters of a county in a referendum at a general or special election, no subsequent referendum question to change the form of government shall be submitted to the voters until not less than 3 years shall have elapsed after the effective date of the optional form approved by the voters, or, in the case of a proposed change which was defeated at a referendum election, until 3 years shall have elapsed after the date of the election.

8. Section 26 of P. L. 1972, c. 154 (C. 40:41A-26) is amended to read as follows:

C. 40:41A-26 General law.

26. General law. For the purposes of this act, a "general law" shall be deemed to be such law or part thereof, heretofore or hereafter enacted, that:

a. Is not inconsistent with this act; and

b. Is by its terms applicable to or available to all counties, or;

c. Is applicable to all counties or to any category or class of counties, and deals with one or more of the following subjects: the administration of the judicial system, education, elections, health, county public authorities, taxation, and finance, and welfare.

Nothing in this act shall be construed to prevent counties from abolishing or consolidating agencies the existence of which has heretofore been mandated by State statute providing that such

abolition or consolidation shall not alter the obligation of the county to continue providing the services previously provided by such abolished or consolidated agency.

The intent of this act is to enable a county that has adopted a charter pursuant to this act to cause any duty that has been mandated to it by the Legislature to be performed in the most efficient and expeditious manner, and, absent a clear legislative declaration to the contrary, without regard to organizational, structural or personnel provisions contained in the legislation mandating such duty.

9. Section 27 of P. L. 1972, c. 154 (C. 40:41A–27) is amended to read as follows:

C. 40:41A-27 County powers generally.

27. County powers generally. Any county that has adopted a charter pursuant to this act may, subject to the provisions of such charter, general law and the State Constitution:

a. Organize and regulate its internal affairs; create, alter and abolish offices, positions and employments and define the functions, powers and duties thereof; establish qualifications for persons holding offices, positions and employments; and provide for the manner of their appointment and removal and for their term, tenure and compensatoin.

b. Adopt, amend, enforce, and repeal ordinances and resolutions as defined in sections 100 and 101, notwithstanding the effect of any referendum conducted prior to the county's adoption of its charter pursuant to this act.

c. Construct, acquire, operate or maintain public improvements, projects or enterprises for any public purposes, subject to such referendum as may otherwise be imposed by law;

d. Exercise powers of eminent domain, borrowing and taxation only as provided by general State law;

e. Exercise all powers of county government in such manner as its board of freeholders may determine;

f. Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend moneys for county purposes;

g. Enter into contractual agreements with any other governmental body or group of bodies within or without the borders of the county but within the borders of the State; without regard to whether such other governmental body or group of bodies be a unit of State, county, or municipal government or a school district, authority or special district, to perform on

behalf of that unit, any service or function which that unit would be authorized to provide for itself or for any other unit of government; provided, however, that no county shall contract to provide a service or function to any unit in any other county unless the board of freeholders of such other county shall first approve the proposed contract. All contracts under this section shall be specific as to the terms for rendering of services, the level, quality, and scope of the services to be performed, the cost of providing these services, and the duration of the contract. Such contract may provide for binding arbitration or for binding fact-finding procedures to settle disputes or questions arising as to the terms of service and quality and quantity levels thereof to be provided under the contract. All services shall be performed on a cost basis, and no contract shall be for a duration of more than 7 years. Nothing in this section shall be construed to prevent two or more counties from jointly undertaking a contract to provide a service or function to any other unit or group of units. For the purposes of this section, the county shall be deemed to be the general agent of the other party or parties to the contract with respect to the performance of the service or services as specified in the contract, with full powers of performance and maintenance of the service contracted for and full powers to undertake any operation ancillary thereto, and all other powers of enforcement and administrative regulation which are or might be exercised by the contracting principal. Except that no contracting party shall be liable for any part or share of the cost of constructing or maintaining any capital facility built by the county to provide such service unless such part or share of the cost of such capital facility's construction or maintenance is provided for in the contract between the two parties and the governing bodies of such contracting parties shall have ratified the contract. Nothing in this section shall be construed to prevent the contracting for provision of more than one service or group of services by the county, and the county may become the agent of any other unit of government in the performance of any and all functions which the contracting unit sees fit to employ the county as agent to perform.

However, the administration of municipal civil service may not be contracted to any county under this section.

10. Section 29 of P. L. 1972, c. 154 (C. 40:41A–29) is amended to read as follows:

C. 40:41A-29 Municipal advisory councils; regional advisory councils.

29. Municipal advisory councils. Regional advisory councils. The board of freeholders shall by resolution establish a municipal advisory council consisting of the mayors of all municipalities in the county and in addition, the board may establish regional advisory councils consisting of the mayors of neighboring municipalities or municipalities that have common interests or problems.

The board of freeholders shall meet periodically with the advisory councils to discuss county and municipal problems, county-municipal relations, cooperation in service problems, coordination of operations and capital facilities development, and other subjects of mutual interest in order to provide closer county-municipal liaison and cooperation.

11. Section 36 of P. L. 1972, c. 154 (C. 40:41A–36) is amended to read as follows:

C. 40:41A-36 Duties.

36. Duties. The executive power of the county shall be exercised by the county executive. He shall:

a. Report annually to the board of freeholders and to the people on the state of the county, and the work of the previous year; he shall also recommend to the board whatever action or programs he deems necessary for the improvement of the county and the welfare of its residents. He may from time to time at his discretion recommend any course of action or programs he deems necessary or desirable for the county to undertake;

b. Prepare and submit to the board for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all county departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;

c. Enforce the county charter, the county's laws and all general laws applicable thereto;

d. Supervise the care and custody of all county property, institutions and agencies;

e. Supervise the collection of revenues, audit and control all disbursements and expenditures and prepare a complete account of all expenditures;

f. Sign all contracts, bonds or other instruments requiring the consent of the county;

g. Review, analyze and forecast trends of county services and finances and programs of all boards, commissions, agencies and

other county bodies, and report and recommend thereon to the board;

h. Develop, install and maintain centralized budgeting, personnel and purchasing procedures as may be authorized by the administrative code;

i. Negotiate contracts for the county subject to board approval; make recommendations concerning the nature and location of county improvements and execute improvements determined by the board;

j. Assure that all terms and conditions, imposed in favor of the county or its inhabitants in any statute, franchise or other contract, are faithfully kept and performed;

k. Serve as an ex-officio nonvoting member of all appointive bodies in county government.

12. Section 37 of P. L. 1972, c. 154 (C. 40:41A-37) is amended to read as follows:

C. 40:41A-37 Powers.

37. Powers. The county executive:

a. Shall supervise, direct and control all county administrative departments;

b. With the advice and consent of the board, shall appoint the administrator, the heads of departments and the members of all county boards and commissions;

c. May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county executive has power of appointment in accordance with the provisions of section 87 b.;

d. May, at his discretion, delegate to department heads powers of appointment and removal, subject to civil service provisions, of their departmental employees. If the county executive does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been authorized by resolution of the board, by civil service, or as provided in the adopted county budget, and the manner of whose appointment is not specified elsewhere in this article;

e. May require reports and examine the accounts, records and operations of any agency of county government;

f. May at his discretion order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration of the county government to do so;

g. Shall approve each ordinance of the board by signing it, or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his objections to the ordinance. If two-thirds of the full membership of the board, upon reconsideration of the measure, shall vote for it, the executive's veto shall be overridden and the ordinance shall become law without the executive's signature, in accordance with the provisions of law.

13. Section 41 of P. L. 1972, c. 154 (C. 40:41A–41) is amended to read as follows:

C. 40:41A-41 Board powers.

41. Board powers. The board of freeholders:

a. Shall advise and consent to all appointments by the executive for which board confirmation is specified under this article;

b. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

c. Shall appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board;

d. Shall appoint the county counsel, to serve at the pleasure of the board and head the county's legal department;

e. May pass a resolution of disapproval or dismissal, subject to the provisions of section 87 b. of this act;

f. May override a veto of the county executive by a two-thirds vote of its full membership;

g. Shall approve the annual operating and capital budgets pursuant to the Local Budget Law.

14. Section 42 of P. L. 1972, c. 154 (C. 40:41A–42) is amended to read as follows:

C. 40:41A-42 Appointment.

42. Appointment. The county executive shall appoint an administrator who shall serve at his pleasure. The board shall advise and consent to his nomination but shall not prevent his suspension or dismissal by passage of a resolution of disapproval.

15. Section 43 of P. L. 1972, c. 154 (C. 40:41A–43) is amended to read as follows:

C. 40:41A-43 Qualifications.

43. Qualifications. The administrator shall by education, experience and ability be qualified to perform the duties established for him.

He need not be a resident of the county at the time of his appointment, but during his tenure he may live outside the county only with the permission of the county executive.

16. Section 44 of P. L. 1972, c. 154 (C. 40:41A–44) is amended to read as follows:

C. 40:41A-44 Duties.

44. Duties. The administrator shall be responsible only to the executive. He shall, under the direction and supervision of the executive, undertake to assist in the orderly and efficient administration of the county, performing whatever supervisory or administrative duties the executive deems necessary and proper.

Nothing in this section shall be deemed to prohibit the administrator's being appointed to head one or more departments on a temporary or permanent basis.

17. Section 50 of P. L. 1972, c. 154 (C. 40:41A–50) is amended to read as follows:

C. 40:41A-50 Duties.

50. Duties. The executive power of county shall be exercised by the county manager. The county manager shall:

a. Report annually to the board of freeholders and to the people on the state of the county, the work of the previous year and he shall also recommend to the board whatever action or programs he deems necessary for the improvement of the county and the welfare of its residents. He may from time to time at his discretion recommend any course of action or programs he deems necessary or desirable for the county to undertake;

b. Prepare and submit to the board for its consideration and adoption an annual operating budget and a capital budget; establish the schedules and procedures to be followed by all county departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;

c. Enforce the county charter, the county's laws and all general laws applicable thereto;

d. Supervise the care and custody of all county property, institutions and agencies;

e. Supervise the collection of revenues, audit and control all disbursements and expenditures and prepare a complete account of all expenditures;

f. Sign all contracts, bonds or other instruments requiring the consent of the county;

g. Organize the work of county departments subject to the ad-

ministrative code adopted by the board. He shall further review their administration and operation and make recommendations pertaining thereto to the board;

h. Review, analyze and forecast trends of county services and finances and programs of all boards, commissions, agencies and other county bodies, and report and recommend thereon to the board;

i. Develop, install and maintain centralized budgeting, personnel and purchasing procedures as may be authorized by the administrative code;

j. Negotiate contracts for the county subject to board approval and make recommendations concerning the nature and location of county improvements and execute improvements determined by the board;

k. Assure that all terms and conditions imposed in favor of the county or its inhabitants in any statute, franchise or other contract, are faithfully kept and performed;

l. Serve as ex-officio nonvoting member of all appointive bodies in county government.

18. Section 51 of P. L. 1972, c. 154 (C. 40:41A–51) is amended to read as follows:

C. 40:41A-51 Powers.

51. Powers. The county manager:

a. Shall supervise, direct and control all county administrative departments;

b. Shall appoint the deputy manager, if that position is created but the board, the heads of all county departments, and all other administrative officers and county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county manager has power of appointment in accordance with the provisions of section 87 b.;

d. May, at his discretion, delegate to any department head powers of appointment and removal of their departmental employees subject to civil service provisions. If the county manager does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been authorized by resolution of the board, by civil service, or as provided in the adopted county budget; and the manner of whose appointment is not specified elsewhere in the article;

e. May require reports and examine the accounts, records and operations of any agency of county government;

f. May, at his discretion, order any agency under his jurisdiction as specified in the adminstrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so.

19. Section 55 of P. L. 1972, c. 154 (C. 40:41A–55) is amended to read as follows:

C. 40:41A-55 Board powers.

55. Board powers. The board of freeholders:

a. Shall appoint a county manager under the provisions of section 47 of this article and may create the office of deputy manager;

b. Shall appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board;

c. Shall appoint a county counsel, to serve at the pleasure of the board, who shall head the county's legal department;

d. Shall appoint members of all boards and commissions and other bodies whose manner of appointment is not otherwise specified in this article;

e. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87 b. of this act;

f. Shall approve the annual operating and capital budgets;

g. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county.

20. Section 58 of P. L. 1972, c. 154 (C. 40:41A–58) is amended to read as follows:

C. 40:41A-58 Duties.

58. Duties. The deputy manager shall be responsible only to the manager. He shall, under the direction and supervision of the manager, undertake to assist in the orderly and efficient administration of the county, performing whatever supervisory or administrative duties the manager deems necessary and proper.

Nothing in this section shall be deemed to prohibit the deputy manager's being appointed to head one or more departments on a temporary or permanent basis.

21. Section 63 of P. L. 1972, c. 154 (C. 40:41A–63) is amended to read as follows:

C. 40:41A-63 Vacancies.

63. Vacancies. The office of county supervisor shall be deemed vacant if the incumbent moves his residence from the county or

he is by death, physical or mental illness or other casualty unable to continue to serve as county supervisor. Any vacancy in the office of county supervisor shall be filled in the manner prescribed by law for the election of county officers at the next general election occurring not less than 60 days after the occurrence of the vacancy. The board of freeholders shall appoint one of their number to serve as acting county supervisor until a successor has been elected. During the temporary absence or temporary disability of the county supervisor the administrative officer shall serve as acting county supervisor, except that he shall not preside over freeholder board meetings.

22. Section 64 of P. L. 1972, c. 154 (C. 40:41A–64) is amended to read as follows:

C. 40:41A-64 Duties.

64. Duties. The executive power of the county shall be exercised by the county supervisor. The county supervisor shall:

a. Report annually to the board of freeholders and to the people on the state of the county and the work of the previous year. He shall also recommend to the board whatever action or programs he deems necessary for the improvement of the county and the welfare of its residents. He may from time to time at his discretion recommend any course of action or programs he deems necessary or desirable for the county to undertake.

b. Preside over board meetings, with the right to vote in cases of ties; during his absence the board shall designate one of their members to serve as chairman pro tempore of the board;

c. Serve as spokesman for the board on matters concerning policies and programs;

d. Serve as representative of the board at ceremonial and civic occasions;

e. Through the county administrative officer; enforce the county charter, the county's laws and all general laws applicable thereto;

f. Serve as ex-officio nonvoting member of all appointive bodies in county government;

g. Represent the board in all dealings with the county administrative officer, except as otherwise specified herein;

h. Sign all contracts, bonds or other instruments requiring the consent of the county.

23. Section 65 of P. L. 1972, c. 154 (C. 40:41A–65) is amended to read as follows:

C. 40:41A-65 Powers.

65. Powers. The county supervisor shall:

a. Insure adequate supervision, direction and control of all county administrative departments, and care and maintenance of all county properties, institutions and agencies by the county administrator;

b. With the advice and consent of the board, appoint members of boards and commissions and all other officials whose manner of appointment is not prescribed elsewhere in this article;

c. At his discretion, remove or suspend anyone occupying one of the offices over which the county supervisor has power of appointment in accordance with the provisions of section 87 b.;

d. At his discretion, require from the county administrative officer reports, and examine the accounts, records and operations of any agency of county government;

e. At his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so;

f. Approve each ordinance of the board by signing it, or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his objections to the ordinance. If two-thirds of the full membership of the board, upon reconsideration of the measure, shall vote for it, the supervisor's veto shall be overridden and the ordinance shall become law without the supervisor's signature, in accordance with the provisions of law.

24. Section 67 of P. L. 1972, c. 154 (C. 40:41A–67) is amended to read as follows:

C. 40:41A-67 Board powers.

67. Board powers. The board of freeholders:

a. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

b. Shall appoint and remove the county administrative officer by a majority vote and may create the office of, appoint and remove, a deputy administrative officer by a majority vote;

c. Shall advise and consent to all appointments by the supervisor;

d. Shall appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board;

e. Shall appoint the county counsel, to serve at the pleasure of the board and head the county's legal department;

f. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87 b. of this act;

g. May override a veto of the county supervisor by a two-thirds vote of its full membership;

h. Shall approve the annual operating and capital budgets.

25. Section 68 of P. L. 1972, c. 154 (C. 40:41A–68) is amended to read as follows:

C. 40:41A-68 Appointment.

68. Appointment. The administrative officer shall serve at the pleasure of the board.

26. Section 69 of P. L. 1972, c. 154 (C. 40:41A–69) is amended to read as follows:

C. 40:41A-69 Qualifications.

69. Qualifications. The administrative officer shall by education, experience and ability, be qualified to perform the duties established for him.

He need not be a resident of the county at the time of his appointment, but during his tenure he may live outside the county only with the permission of the board.

27. Section 70 of P. L. 1972, c. 154 (C. 40:41A–70) is amended to read as follows:

C. 40:41A-70 Duties.

70. Duties. The administrative officer shall be responsible to the board through the supervisor except as specified below. He shall be responsible for the efficient administration of the county's government. He shall:

a. Prepare and submit directly to the board for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all county departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;

b. Supervise the collection of revenues, audit and control all disbursements and expenditures and prepare a complete account of all expenditures;

c. Supervise the care and custody of all county property, institutions and agencies;

d. Organize the work of county departments, subject to the administrative code adopted by the board. He shall further review administration and make recommendations pertaining thereto to the board through the supervisor;

e. Review, analyze and forecast trends of county services and finances and programs of all boards, commissions, agencies and other county bodies, and report and recommend thereon to the board;

f. Develop, install and maintain centralized budgeting, personnel and purchasing procedures as may be authorized by the administrative code;

g. Negotiate contracts for the county subject to board approval and make recommendations concerning the nature and location of county improvements to be determined by the board;

h. Assure that all terms and conditions, imposed in favor of the county or its inhabitants in any statute, franchise or other contract, are faithfully kept and performed.

28. Section 71 of P. L. 1972, c. 154 (C. 40:41A–71) is amended to read as follows:

C. 40:41A-71 Powers.

71. Powers. The administrative officer shall:

a. Supervise, direct and control all county administrative departments;

b. Appoint the heads of all county departments and all other county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. At his discretion, remove or suspend any official in the unclassified service of the county over whose office the administrative officer has power of appointment in accordance with the provisions of section 87 b.;

d. At his discretion, delegate to any department head powers of appointment and removal of their departmental employees subject to civil service provisions. If the administrative officer does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been authorized by resolution of the board, by civil service, or as provided in the adopted county budget;

e. At his discretion, require reports and examine the accounts, records and operation of any agency of county government;

f. May, at his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so.

29. Section 74 of P. L. 1972, c. 154 (C. 40:41A–74) is amended to read as follows:

C. 40:41A-74 Qualifications, election, term.

74. Qualifications, election, term. The board president shall be a duly elected member of the board of freeholders. He shall be elected by the board of freeholders at their organizational meeting for a term of 1 year, such term to begin immediately after his election.

30. Section 76 of P. L. 1972, c. 154 (C. 40:41A–76) is amended to read as follows:

C. 40:41A-76 Vacancies.

76. Vacancies. The office of board president shall be deemed vacant if: the incumbent moves his residence from the county; or he is by death, physical or mental illness or other casualty unable to continue to serve as board president. Any vacancy in the office of board president shall be filled by the board of freeholders, which shall appoint one of their number to serve as board president for the remainder of the unexpired term. During the temporary absence or temporary disability of the board president the vice president shall serve as acting president.

31. Section 77 of P. L. 1972, c. 154 (C. 40:41A–77) is amended to read as follows:

C. 40:41A-77 Duties.

77. Duties. The executive power of the county shall be exercised by the board president. He shall:

a. Report annually to the board of freeholders and to the people on the state of the county, the work of the previous year and he shall also recommend to the board whatever action or programs he deems necessary for the improvement of the county and the welfare of its residents. He may from time to time at his discretion recommend any course of action or programs he deems necessary or desirable for the county to undertake;

b. Preside over board meetings with the right to vote on all questions;

c. Serve as spokesman for the board on matters concerning policies and programs;

d. Serve as representative of the board at ceremonial and civic occasions;

e. Through the administrative officer: enforce the county charter, the county's laws and all general laws applicable thereto;

f. Represent the board in all dealings with the administrative officer except as otherwise specified herein;

g. Execute all contracts, bonds or other instruments requiring the consent of the county.

32. Section 78 of P. L. 1972, c. 154 (C. 40:41A–78) is amended to read as follows:

C. 40:41A-78 Powers.

78. Powers. The board president shall:

a. Insure adequate supervision, direction and control of all county administrative departments, and care and maintenance of all county properties, institutions and agencies by the administrative officer;

b. With the advice and consent of the board, appoint all members of boards and commissions and all other officials not serving in the administrative service of the county the manner of whose appointment is not prescribed elsewhere in this article.

c. Serve as an ex-officio nonvoting member of all appointive bodies in county government;

d. At his discretion, require from the administrative officer reports and examine the accounts, records and operations of any agency of county government;

e. At his discretion, remove or suspend anyone occupying one of the offices specified in subsection b. of this section subject to the procedures set forth in section 87 b. of this act.

33. Section 81 of P. L. 1972, c. 154 (C. 40:41A–81) is amended to read as follows:

C. 40:41A-81 Board powers.

81. Board powers. The board of freeholders:

a. Shall pass in accordance with this act whatever ordinances or resolutions it deems necessary and proper for the good governance of the county;

b. Shall appoint and remove the administrative officer by a majority vote and may create the office of, appoint and remove, a deputy administrative officer by a majority vote;

c. Shall advise and consent to all appointments by the president and administrative officer for which board confirmation is specified under this article;

d. Shall appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board;

e. Shall appoint the county counsel, to serve at the pleasure of the board and head the county's legal department;

f. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87 b. of this act;

g. Shall approve the annual operating and capital budgets.

34. Section 82 of P. L. 1972, c. 154 (C. 40:41A–82) is amended to read as follows:

C. 40:41A-82 Appointment.

82. Appointment. The administrative officer shall serve at the pleasure of the board.

35. Section 83 of P. L. 1972, c. 154 (C. 40:41A–83) is amended to read as follows:

C. 40:41A-83 Qualifications.

83. Qualifications. The administrative officer shall by education, experience and ability, be qualified to perform the duties established for him. He need not be a resident of the county at the time of his appointment, but during his tenure he may live outside the county only with the permission of the board.

36. Section 84 of P. L. 1972, c. 154 (C. 40:41A–84) is amended to read as follows:

C. 40:41A-84 Duties.

84. Duties. The administrative officer shall be responsible to the board through the president except as specified below. He shall be responsible for the efficient administration of the county's government. He shall:

a. Prepare and submit directly to the board for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all county departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;

b. Supervise the collection of revenues, and he shall audit and control disbursements and expenditures and shall prepare a complete account of all expenditures;

c. Supervise the care and custody of all county property, institutions and agencies;

d. Organize the work of county departments, subject to the administrative code adopted by the board. He shall further review their administration and make recommendations pertaining thereto to the board;

e. Review, analyze and forecast trends of county services and finances and programs of all boards, commissions, agencies and other county bodies, and report and recommend thereon to the board;

f. Develop, install and maintain centralized budgeting, personnel and purchasing procedures as may be authorized by the administrative code;

g. Negotiate contracts for the county subject to board approval and make recommendations concerning the nature and location of county improvements and execute improvements determined by the board;

h. Assure that all terms and conditions, imposed in favor of the county or its inhabitants in any statute, franchise or other contract, are faithfully kept and performed.

37. Section 85 of P. L. 1972, c. 154 (C. 40:41A–85) is amended to read as follows:

C. 40:41A-85 Powers.

85. Powers. The administrative officer shall:

a. Supervise, direct and control all county administrative departments;

b. Appoint the heads of all county departments with the advice and consent of the board of freeholders, and appoint all other county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. At his discretion, remove or suspend any official in the unclassified service of the county over whose office the administrative officer has power of appointment, in accordance with the provisions of section 87 b.;

d. At his discretion, delegate to any department head powers of appointment and removal of his departmental employees subject to civil service provisions. If the administrative officer does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been authorized by resolution of the board, by civil service, or as provided in the adopted county budget, and the manner of whose appointment is not specified elsewhere in this article;

e. At his discretion, require reports and examine the accounts, records and operations of any agency of county government;

f. At his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a tempoary basis if he deems it necessary for proper and efficient administration to do so.

38. Section 87 of P. L. 1972, c. 154 (C. 40:41A–87) is amended to read as follows:

C. 40:41A-87 Appointments and dismissal; suspension procedure.

87. a. Appointments and dismissal. No member of any board of chosen freeholders in a county operating under a charter adopted pursuant to this act shall individually or collectively seek to

influence the head of the executive branch to dismiss any person from, or to appoint or to promote any person to, any position in the executive branch of county government, except that the board may, by a resolution of disapproval, adopted by a two-thirds vote of the whole number of the board, prevent the dismissal of certain employees under conditions as set forth in subsection b. of this section.

b. Suspension procedure. Suspensions will take effect immediately upon personal service of notice setting forth the order of suspension or dismissal. Dismissal or suspension for a definite term shall occur automatically in 30 calendar days from receipt of notice. But, if the officer or employee requests a public hearing on his dismissal or suspension for a definite term, no action beyond temporary suspension may be taken until the individual to be suspended or dismissed is given a public hearing not less than 15 nor more than 30 days after personal service of written notice of contemplated action. A copy of such notice shall be filed with the clerk to the board of freeholders immediately upon service of notice to the individual to be suspended or dismissed. In the event that within 35 days of receiving such notice, the board shall pass by a two-thirds vote of the whole number of the board, a resolution of disapproval, all proceedings and any suspension or dismissal of the individual shall be voided. In terms of recompense to the individual, a vote of disapproval shall be deemed to negative the suspension or dismissal order and for purposes of pay and civil service standing the action shall be deemed never to have transpired.

If, however, the suspension or dismissal order shall allege that the individual against whom action is contemplated or pending has committed a criminal act in the conduct of his public trust, no resolution of the board shall stay proceedings and the matter shall be brought to a public hearing in the manner prescribed above. If at that hearing probable cause for prosecution is found, all evidence shall immediately be forwarded to the county prosecutor for further action.

If any suspension or dismissal order is resolved upon hearing in favor of the officer or employee, he shall be restored to his original position without record of the action, or prejudice therefrom, and shall receive full compensation retroactive to the date of his suspension.

39. Section 100 of P. L. 1972, c. 154 (C. 40:41A–100) is amended to read as follows:

C. 40:41A-100 Rules of procedure; quorum; resolutions; compensation.

100. Rules of procedure; quorum; resolutions; compensation.

a. The board shall promptly after its organization determine and adopt, by resolution, a set of bylaws prescribing its own rules of procedure. Said bylaws shall not be inconsistent with any lawful ordinance or statute;

b. A majority of the whole number of the members of the board shall constitute a quorum;

c. A resolution shall mean any act or regulation of the board required to be reduced to writing, but which may be finally passed at the meeting at which it is introduced. The vote upon every resolution shall be taken by roll call and the yeas and nays shall be entered on the minutes;

d. The compensation of the county executive, supervisor, manager or board president, and of freeholders and the administrative officer and department heads shall be fixed by the board by ordinance promptly after its organization.

40. Section 101 of P. L. 1972, c. 154 (C. 40:41A–101) is amended to read as follows:

C. 40:41A-101 Ordinances.

101. Ordinances.

a. An ordinance shall mean any act or regulation of the board, except an expense budget or capital budget, required to be reduced to writing, published after introduction, and considered for final passage after public hearing at a meeting subsequent to the meeting at which it was introduced;

b. Except as otherwise provided by general law the procedure for the passage of ordinances shall be as follows:

(1) Every ordinance after being introduced and having passed a first reading, which first reading may be by title, shall be published at least once in the manner provided by section 142 of this act, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. If there be only one such publication the same shall be at least 1 week prior to the time fixed for further consideration for final passage. If there be more than one publication, the first shall be at least 1 week prior to the time fixed for further consideration for final passage. A copy of the proposed ordinance shall also be sent by regular mail to the clerk of each municipality in the county not less than 1 week prior to the date of hearing.

(2) At the time and place so stated in such publication, or at any time and place to which the meeting for the further consideration

of the ordinance shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard concerning the ordinance. Final passage thereof shall be at least 10 days from the first reading.

(3) Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the board, with or without amendments, or rejected. Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building in which the board regularly meets, and copies of the ordinance shall be made available to members of the general public who shall request such copies. If any amendment be adopted, altering the ordinance, the ordinance as so amended shall not be finally adopted until at least 1 week thereafter, and the ordinance as amended shall be read at a meeting of the board, which reading may be by title, and shall be published, together with a notice of the introduction, and the time and place when and where the amended ordinance will be further considered for final passage, at least 2 days prior to the time so fixed. At the time and place so fixed, or at any other meeting to which the further consideration of the amended ordinance may be adjourned, the board may proceed to pass the ordinance, as amended, or again amend it in the same manner.

(4) Upon passage, every ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by section 142 of this act.

(5) Three certified copies of the full text of every ordinance so adopted shall be filed with the clerk of each municipality within the county not later than 10 days after the date of final passage.

(6) The board may enact, amend or supplement ordinances establishing, amending or supplementing a code or any parts thereof, not inconsistent with law, by reference to such code in any such ordinance and without inclusion of the text thereof in such ordinance if the code to be adopted and any related documents are printed in book form and a copy of such printed code and related documents so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance and if such code and related documents or such portion thereof as is intended to be adopted is so described in said ordinance as to identify them and there is indicated in said description the common or trade name, if any, of such code and related

documents and it is stated in the ordinance that three copies of said code and said related documents, similarly marked, have been placed on file in the office of the clerk of said board, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

It shall not be necessary to publish any such code or related documents, so to be adopted, as part of any such ordinance notwithstanding that printed copies thereof are annexed thereto, either before or after the final passage of such ordinance, if said printed copies are filed as aforesaid. The board of freeholders however may order the publication of said code or a synopsis in the manner provided by section 142 of this act if it is deemed that such procedure will be in the public interest because of the content and importance of the provisions of the code.

If any such ordinance is adopted, the said copies of said code and related documents shall remain on file in said office, so long as said ordinance is in effect, and three certified copies shall be placed on file and shall remain on file in the office of each clerk of each municipality within the county, for the use and examination of the public so long as said ordinance is in effect and printed copies of said ordinance and said code and related documents shall be made available to citizens on request and for which a reasonable fee may be charged.

For the purpose of proof of any such ordinance or receipt thereof in evidence in all courts and places, such copy of such code and related documents, so marked and annexed to such ordinance, shall be construed to be part of said ordinance, as fully as though it had been set forth at length therein.

(7) The board may prescribe penalties for the violation of ordinances it may have authority to pass, either by imprisonment in the county jail for any term not exceeding 90 days, or by a fine not exceeding $500.00, or both. The court before which any person is convicted of violating any such ordinance shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed in such ordinance.

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 for any term not exceeding 90 days for such default.

c. No ordinance shall take effect less than 20 days after its final passage by the board and approval by the county executive, or supervisor or board chairman or president, where such approval

is required, unless the board shall adopt a resolution declaring an emergency and at least ⅔ of all the members of the board vote in favor of such resolution.

41. Section 128 of P. L. 1972, c. 154 (C. 40:41A–128) is amended to read as follows:

C. 40:41A-128 Appointments between election and time of taking office under optional plan; pending actions and proceedings.

128. Appointments between election and time of taking office under optional plan; pending actions and proceedings.

a. No subordinate board, department, body, office, position or employment shall be created and no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, without limitation, between the date of election of officers and the date of the adoption of the administrative code.

b. All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

42. Section 130 of P. L. 1972, c. 154 (C. 40:41A–130) is amended to read as follows:

C. 40:41A-130 County administration of civil service.

130. County administration of civil service. The board of freeholders of any county adopting one of the plans of government set forth in this act may by resolution apply to the New Jersey Civil Service Commission for permission to administer the merit system through a county department of civil service. Such administration shall include classification, recruitment, examination, establishment of eligibility lists, grievances, compensation, and other conditions of employment, all to be performed under the general supervision of the New Jersey Department of Civil Service, and in addition such other functions as the State Department may authorize or approve. Any civil service system administered by a county shall be limited in application to county employees and positions, and may not extend to cover employees and positions in municipalities within that county.

43. Section 133 of P. L. 1972, c. 154 (C. 40:41A–133) is amended to read as follows:

C. 40:41A-133 Preparation and submission of budget; budgetary process.

133. Preparation and submission of budget; budgetary process. The budgetary process of the county shall be subject to all requirements of the Local Budget Law (N. J. S. 40A:4–1 et seq.) and the promulgations of the Division of Local Government Services and the Local Finance Board. On or before January 15 of each year, the budget officer (i.e., the county executive in the case of a charter adopted under article 3, the county manager in the case of a charter adopted under article 4, or the administrative officer in the case of charters adopted under articles 5 and 6), shall submit to the board of chosen freeholders, a budget document consisting of the proposed county budget and a budget message. On or before September 1 of each year, the budget officer shall establish the schedules and procedures to be followed by all county departments, offices and agencies to prepare the required budget documents. He may conduct such analyses or hearings as he deems necessary.

44. Section 138 of P. L. 1972, c. 154 (C. 40:41A–138) is amended to read as follows:

C. 40:41A-138 Appropriation requests; allotments.

138. Appropriation requests; allotments. As part of the budget request submitted by each department, office and agency of the county to the budget officer, there shall be included a work program for the year, showing all requested appropriations broken down into monthly or quarterly allotments, as may be required by the budget officer. The budget officer shall review requested allotments in light of the work program of the department, office or agency concerned, and if he deems it necessary, may revise, alter, or change them before the same are submitted to the board of freeholders. The aggregate of such allotments shall not exceed the total appropriation available to each department, office or agency for the fiscal year.

The budget officer shall, where practicable, provide for the establishment and operation of a system of work programs and quarterly allotments for operation of the budget. It shall be the duty of the budget officer to develop and report appropriate unit costs of budgeted expenditures.

45. Section 142 of P. L. 1972, c. 154 (C. 40:41A–142) is amended to read as follows:

C. 40:41A-142 Publication of notices.

142. Whenever notice by publication is required under this act the clerk to the board of freeholders or the county counsel, which-

ever shall be charged by the board to do so, or any other person charged under any section of this act with the duty of causing such publication, shall cause all such notices to be published in two newspapers qualified by law and designated by majority vote of the board of freeholders to publish the county's legal notices. The two newspapers designated by the board of freeholders shall be:

a. Both printed and published in the county, one of which shall be either a newspaper published at the county seat of such county or a newspaper published in a municipality in such county having the largest population according to the last population estimate published by the New Jersey Department of Labor and Industry; or

b. One printed and published in such county and one circulating in such county, if only one daily newspaper is printed and published in such county; or

c. One published at the county seat and one circulating in the county if no daily newspaper is published; or

d. Both circulating in such county, if no newspapers are printed and published in such county.

Repealer.

46. Sections 135, 136, 137, 139, 140 and 141 of P. L. 1972, c. 154 (C. 40:41A–135, 136, 137, 139, 140 and 141) are repealed.

47. This act shall take effect immediately.

Approved May 5, 1975.

CHAPTER 85

AN ACT concerning the civil rights of the mentally ill and amending sections 9 and 10 of P. L. 1965, c. 59.

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

1. Section 9 of P. L. 1965, c. 59 (C. 30:4–24.1) is amended to read as follows:

C. 30:4-24.1 Fundamental civil rights and care of mentally ill.

9. Every individual who is mentally ill shall be entitled to fundamental civil rights and to medical care and other professional services in accordance with accepted standards, provided however

that this shall not be construed to require capital construction. Every individual between the ages of 5 and 20 years shall be entitled to education and training suited to his age and attainments.

Every patient shall have the right to participate in planning for his own treatment to the extent that his condition permits.

2. Section 10 of P. L. 1965, c. 59 (C. 30:4-24.2) is amended to read as follows:

C. 30:4-24.2 Rights of patients.

10. a. Subject to any other provisions of law and the Constitution of New Jersey and the United States, no patient shall be deprived of any civil right solely by reason of his receiving treatment under the provisions of this Title nor shall such treatment modify or vary any legal or civil right of any such patient including but not limited to the right to register for and to vote at elections, or rights relating to the granting, forfeiture, or denial of a license, permit, privilege, or benefit pursuant to any law.

b. Every patient in treatment shall be entitled to all rights set forth in this act and shall retain all rights not specifically denied him under this Title. A notice of the rights set forth in this act shall be given to every patient within 5 days of his admission to treatment. Such notice shall be in writing and in simple understandable language. It shall be in a language the patient understands and if the patient cannot read it shall be read to him. In the case of an adjudicated incompetent patient, such procedure shall be followed for the patient's guardian. Receipt of this notice shall be acknowledged in writing with a copy placed in the patient's file. If the patient or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall state this in writing with a copy placed in the patient's file.

c. No patient may be presumed to be incompetent because he has been examined or treated for mental illness, regardless of whether such evaluation or treatment was voluntarily or involuntarily received. Any patient who leaves a mental health program following evaluation or treatment for mental illness, regardless of whether that evaluation or treatment was voluntarily or involuntarily received, shall be given a written statement of the substance of this act.

d. Each patient in treatment shall have the following rights, a list of which shall be prominently posted in all facilities providing such services and otherwise brought to his attention by such additional means as the department may designate:

(1) To be free from unnecessary or excessive medication. No medication shall be administered unless at the written order of a physician. Notation of each patient's medication shall be kept in his treatment records. At least weekly, the attending physician shall review the drug regimen of each patient under his care. All physician's orders or prescriptions shall be written with a termination date, which shall not exceed 30 days. Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program. Voluntarily committed patients shall have the right to refuse medication.

(2) Not to be subjected to experimental research, shock treatment, psychosurgery or sterilization, without the express and informed consent of the patient after consultation with counsel or interested party of the patient's choice. Such consent shall be made in writing, a copy of which shall be placed in the patient's treatment record. If the patient has been adjudicated incompetent a court of competent jurisdiction shall hold a hearing to determine the necessity of such procedure at which the client is physically present, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of such procedures. In such proceedings, the burden of proof shall be on the party alleging the necessity of such procedures. In the event that a patient cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the county from which the patient was admitted. Under no circumstances may a patient in treatment be subjected to experimental research which is not directly related to the specific goals of his treatment program.

(3) To be free from physical restraint and isolation. Except for emergency situations, in which a patient has caused substantial property damage or has attempted to harm himself or others and in which less restrictive means of restraint are not feasible, a patient may be physically restrained or placed in isolation only on a medical director's written order or that of his physicians designee which explains the rationale for such action. The written order may be entered only after the medical director or his physician designee has personally seen the patient concerned, and evaluated whatever episode or situation is said to require restraint or isolation. Emergency use of restraints or isolation shall be for no more than 1 hour, by which time the medical director or his physician

designee shall have been consulted and shall have entered an appropriate order in writing. Such written order shall be effective for no more than 24 hours and shall be renewed if restraint and isolation are continued. While in restraint or isolation, the patient must be bathed every 12 hours and checked by an attendant every 2 hours with a notation in writing of such checks placed in the patient's treatment record along with the order for restraint or isolation.

(4) To be free from corporal punishment.

e. Each patient receiving treatment pursuant to this Title, shall have the following rights, a list of which shall be prominently posted in all facilities providing such services and otherwise brought to his attention by such additional means as the commissioner may designate:

(1) To privacy and dignity.

(2) To the least restrictive conditions necessary to achieve the purposes of treatment.

(3) To wear his own clothes; to keep and use his personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.

(4) To have access to individual storage space for his private use.

(5) To see visitors each day.

(6) To have reasonable access to and use of telephones, both to make and receive confidential calls.

(7) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(8) To regular physical exercise several times a week. It shall be the duty of the hospital to provide facilities and equipment for such exercise.

(9) To be outdoors at regular and frequent intervals, in the absence of medical considerations.

(10) To suitable opportunities for interaction with members of the opposite sex, with adequate supervision.

(11) To practice the religion of his choice or abstain from religious practices. Provisions for such worship shall be made available to each person on a nondiscriminatory basis.

(12) To receive prompt and adequate medical treatment for any physical ailment.

f. Rights designated under subsection d. of this section may not be denied under any circumstances.

g. (1) A patient's rights designated under subsection e. of this section may be denied for good cause in any instance in which the director of the program in which the patient is receiving treatment feels it is imperative to deny any of these rights; **provided, however,** under no circumstances shall a patient's right to communicate with his attorney, physician or the courts be restricted. Any such denial of a patient's rights shall take effect only after a written notice of the denial has been filed in the patient's treatment record and shall include an explanation of the reason for the denial.

(2) A denial of rights shall be effective for a period not to exceed 30 days and shall be renewed for additional 30-day periods only by a written statement entered by the director of the program in the patient's treatment record which indicates the detailed reason for such renewal of the denial.

(3) In each instance of a denial or a renewal, the patient, his attorney, and his guardian, if the patient has been adjudicated incompetent, and the department shall be given written notice of the denial or renewal and the reason therefor.

h. Any individual subject to this Title shall be entitled to a writ of habeas corpus upon proper petition by **himself, by a relative, or** a friend to any court of competent jurisdiction in the county in which he is detained and shall further be entitled to enforce any of the rights herein stated by civil action or other remedies otherwise available by common law or statute.

3. This act shall take effect immediately.

Approved May 7, 1975.

CHAPTER 86

AN ACT concerning school elections, and amending N. J. S. 18A:14–35, N. J. S. 18A:14–36, and N. J. S. 18A:14–55.

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

1. N. J. S. 18A:14–35 is amended to read as follows:

Description of paper ballot for candidates

18A:14–35. Below the rule there shall be printed on each paper

ballot to be voted for candidates the following directions instructing the voter how to indicate his choice for the person for whom he may desire to vote and stating the maximum number of candidates he may vote for: "To vote for any person whose name appears on this ballot make a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the space or square at the left of the name of such person. To vote for any person whose name is not printed upon this ballot write or paste the name in the blank space with black ink or black pencil. Do not vote for more candidates than are to be elected." Below these instructions shall be printed a heavy diagram rule below which shall be printed such directions to the voter as may be necessary as "Vote for one," or "Vote for two," or a greater number, as the case may be, immediately after which shall be printed the names of the candidates duly nominated by petition as they appear signed to the certificate of acceptance in the order prescribed by law, but no candidate who has failed to file a certificate of acceptance shall have his name printed upon the ballot. The same size and style of type shall be used in printing the name of each candidate and between the name of each candidate shall be printed a heavy diagram rule and the space between each of the rules shall be exactly equal. Immediately after the space allotted to the names of candidates there shall be as many ruled blank spaces as there are members to be voted for. Immediately to the left and on the same line with the name of each candidate and blank space there shall be printed a square the same size of type in which the name of the candidate is printed, which type shall, in no case, be larger than 24 point. In case a member is to be elected for a full term, and one is to be elected to fill an unexpired term, the ballots shall designate which of the persons to be voted for is to be elected for the full term and which for the unexpired term.

2. N. J. S. 18A:14–36 is amended to read as follows:

Illustration of ballot for election of board members.

18A:14–36. The following is an illustration of the form of ballot:

No. .....

To be torn off by the Judge of Election.

. . . . . .

Fold to this line.

SCHOOL ELECTION BALLOT
Township of Webster
February 14, 1922

Polling District No. 1
Main Street School.

John Henry Doe,
Secretary.

To vote for any person whose name appears on this ballot mark a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the place or square at the left of the name of such person.

To vote for any person whose name is not printed upon this ballot write or paste the name in the blank space with black ink or black pencil. Do not vote for more candidates than are to be elected.

For Membership to Board of Education, Full Term.	Vote for three.
☐	RUTHERFORD B. FALLON
☐	WILLIAM F. SEIBEL
☐	JAMES A. STEPHENS
☐	THOMAS TEMPLETON
☐	
☐	
☐	

For Membership to Board of Education, Unexpired Two-Year Term.	Vote for one.
☐	HENRY JONES
☐	JOHN SMITH
☐	

For Membership to Board of Education, Unexpired One-Year Term.	Vote for one.
☐	FRANCIS R. LORRI
☐	ARTHUR H. PATTERSON
☐	

using as much of the said form as may be applicable to the current school board election and extending the same to provide for cases not herein specified.

3. N. J. S. 18A:14–55 is amended to read as follows:

Marking paper ballots.

18A:14–55. To vote for any candidates whose names are printed on the paper ballot, the voter shall mark a cross (×) or plus (+) or check (√) mark in black ink or black pencil in the square at the left of the name of such candidate and to vote upon any public

question printed upon a paper ballot, the voter shall indicate his choice by making a cross (×) or plus (+) or check (√) mark in black ink or black pencil in the square at the left of either the word "Yes" or "No" of such public question. Any voter who desires to vote for any person or persons whose names are not printed upon the ballot for any office to be filled at such election, may write in black ink or black pencil or paste under the proper title of the office the name or names of the persons so to be voted for. All pasters shall be printed with black ink on white paper.

4. This act shall take effect immediately.

Approved May 8, 1975.

CHAPTER 87

AN ACT to amend "An act concerning mortgages on real property," approved June 6, 1968 (P. L. 1968, c. 54).

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

1. Section 2 of P. L. 1968, c. 54 (C. 46:10B–2) is amended to read as follows:

C. 46:10B-2 Prepayment fees.

2. Prepayment of a mortgage loan may be made by or on behalf of a mortgagor at any time, and the holder of the mortgage loan shall be entitled to charge and collect a fee for the exercise of the right of such prepayment according to the following schedule:

(a) If prepayment is made within the first year from the date of such mortgage loan, the prepayment fee shall not exceed 3% of the balance due on the mortgage loan as of the date of prepayment of the mortgage loan;

(b) If prepayment is made on or after 1 year from the date of the mortgage plan, but within 2 years from such date, the prepayment fee shall not exceed 2% of the balance due on the mortgage loan as of the date of prepayment of the mortgage loan;

(c) If prepayment is made on or after 2 years from the date of the mortgage loan, but within 3 years from such date, the prepayment fee shall not exceed 1% of the balance due on the mortgage loan as of the date of prepayment of the mortgage loan;

(d) If prepayment is made on or after 3 years from the date of the mortgage loan, no fee shall be charged or collected therefor.

2. This act shall take effect immediately.

Approved May 8, 1975.

CHAPTER 88

AN ACT concerning the residence of certain officers of counties and municipalities, and amending N. J. S. 40A:9–1.

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

1. N. J. S. 40A:9–1 is amended to read as follows:

Residence of officers.

40A:9–1. Except in the case of counsel, attorney, engineer, health officer, auditor, comptroller, appointed tax collector, elected assessors who have received tenure under P. L. 1967, c. 44, s. 7 (C. 54:1–35.31), appointed tax assessor, or members of boards of assessors or as otherwise provided by law, every person holding an office, the authority and duties of which relate to a county only, or to a municipality only, shall reside within said county or municipality, as the case may be.

Any person holding or attempting to hold any such office in a county or municipality in violation hereof, may be ousted in a proceeding in lieu of prerogative writ.

2. This act shall take effect immediately.

Approved May 8, 1975.

CHAPTER 89

AN ACT to amend the title of "An act concerning consent by minors to treatment for venereal disease," approved July 31, 1968 (P. L. 1968, c. 230) so that the same shall read "An act concerning consent by minors to treatment for venereal disease and for certain other physical and mental illnesses" 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. 1968, c. 230 is amended to read as follows: AN ACT concerning consent by minors to treatment for venereal disease and for certain other physical and mental illnesses.

2. Section 1 of P. L. 1968, c. 230 (C. 9:17A–4) is amended to read as follows:

C. 9:17A-4 Consent by minor to performance of medical or surgical care by hospital or physician for treatment of venereal disease and for certain other physical and mental illnesses.

1. The consent to the provisions of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine, when executed by a minor who is or professes to be afflicted with a venereal disease, shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority.

When a minor believes that he is suffering from the use of drugs or is a drug dependent person as defined in N. J. S. A. 24:21–2, his consent to treatment under the supervision of a physician licensed to practice medicine shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use or drug abuse that is consented to by a minor shall be considered confidential information between the physician and his patient and neither the minor nor his physician shall be required to report such treatment, when it is the result of voluntary consent, except as may be required by the Controlled Dangerous Substances Registry Act of 1970. (C. 26:2G–17 et seq.).

The consent of no other person or persons, including but not limited to a spouse, parent, custodian or guardian, shall be necessary in order to authorize such hospital or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine to such a minor.

3. This act shall take effect immediately.

Approved May 8, 1975.

CHAPTER 90

AN ACT to amend the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211).

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

1. Section 15 of P. L. 1953, c. 211 (C. 19:57–15) is amended to read as follows:

C. 19:57-15 Form of absentee ballot; primary election.

15. Each absentee ballot to be used at any primary election for the general election to be held while this act is in effect shall, except as otherwise provided, conform to the ballot to be used at said election in the absentee voter's election district and to the form herein prescribed for absentee ballots to be used in such general elections except that it shall be so prepared that the absentee voter may indicate thereon his choice of the candidates of one political party for each of the officers to be voted upon at said election by the voters of said election district and shall be separated into party ballots, which shall all be printed upon one sheet.

Each such absentee ballot shall be plainly marked to indicate that but one party ballot is to be voted by each absentee voter and that the party ballot voted by him must conform to the name of the political party indicated on the certificate on the flap of the inner envelope in which the absentee ballot is to be enclosed.

2. Section 19 of P. L. 1953, c. 211 (C. 19:57–19) is amended to read as follows:

C. 19:57-19 Primary election; additional printed certificate required on margin of envelope flap.

19. In addition to the foregoing, the certificate to be used on the margin of the flap of the inner envelope forwarded with any absentee ballot intended to be voted in any primary election for the general election shall contain the following statement similarly signed and sworn to:

THE ABSENTEE BALLOT CONTAINED HEREIN IS MARKED FOR THE CANDIDATES OF THE .....
POLITICAL PARTY. (name of party)

.....
(signature of absentee voter)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

3. This act shall take effect immediately.

Approved May 8, 1975.

CHAPTER 91

AN ACT concerning motor 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:

Dimensional restrictions; outside width; height; overall length; weight.

39:3–84. No commercial motor vehicle, tractor, trailer or semi-trailer shall be operated on any highway in this State the outside width of which is more than 96 inches, inclusive of load, or the height of which exceeds 13½ feet, inclusive of load, and no commercial motor vehicle, tractor or trailer shall be operated on any highway in this State the extreme overall length of which exceeds 35 feet either for a two-axle four-wheeled vehicle, inclusive of load, or 35 feet either for a three-axle six-wheeled vehicle, inclusive of load, except that a vehicle or vehicle inclusive of load exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. The application for such permit shall be accompanied by a fee fixed by the director. A

special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, or vehicle and load, for the purposes of this section, there shall not be included in the dimensional limitations safety appliances such as mirrors or lights, or chains or similar fasteners used for the securing of cargo, provided such appliances or fasteners do not exceed the overall limitations established by the director by rule or regulation.

In the case of an omnibus the maximum width and length dimensions shall be such as the Board of Public Utility Commissioners prescribe, but no outside width in excess of 96 inches shall be prescribed with respect to one or more highways specified or otherwise described except upon certifications, (1) of the Division of Motor Vehicles in the Department of Law and Public Safety that the proposed width is not unsafe for use on the highways in this State and (2) of the State Highway Department that the proposed width, if in excess of 96 inches, is not in conflict with the requirements of any agency of the United States having jurisdiction over the National System of Interstate and Defense Highways authorized by law. No outside width so prescribed shall be valid if the allowance of use of the same would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving Federal highway funds.

In the case of farm tractors and traction equipment and farm machinery and implements, the maximum width and length shall be such as the Director of the Division of Motor Vehicles shall prescribe by uniform rules and regulations but the operation of such vehicles shall be subject to the provisions of section 39:3–24 of this Title and any such vehicle 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.

In the case of commercial motor vehicles, trailers and semitrailers including farm trucks, while loaded with hay or straw the maximum width of the load shall not exceed 105½ inches.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in this State, in excess of a total overall length, inclusive of load, of 55 feet except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of

which, inclusive of load, shall not exceed 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor to any combination of vehicles, operated by a public utility as defined in R. S. 48:2–13 which vehicle or combination of vehicles is used by such public utility in the construction, reconstruction, repair or maintenance of its property or facilities.

Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which exceeds the 55 feet overall length, provided, however, the total load overhang shall be limited to 5 feet and may not exceed 3 feet at either the front or rear and that the overhang shall be above the height of the average passenger car.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 22,400 pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than 40 inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced 40 inches, but less than 96 inches apart, extending across the full width of the vehicle, shall not exceed 34,000 pounds.

In addition to the other requirements of this section and notwithstanding any other provision of this Title, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State with a combined weight of vehicle and load, an axle weight or a vehicle 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.

2. This act shall take effect 30 days after enactment.

Approved May 8, 1975.

CHAPTER 92

AN ACT concerning commercial motor vehicle sizes and weights and amending P. L. 1950, c. 142 and R. S. 39:3–20.

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

1. Section 5 of P. L. 1950, c. 142 (C. 39:3–84.3) is amended to read as follows:

C. 39:3-84.3 Violations as to weights and measurements of vehicles.

5. Any State Police officer or motor vehicle inspector having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within 2 miles.

Whenever an officer or inspector upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No vehicle shall be deemed to be in violation of the overweight provision of this act when, upon examination by an officer or inspector, the vehicle's dispatch papers show it is proceeding from its last preceding freight pickup point within the State of New Jersey by a reasonably expeditious route to the nearest available scales or to the first available scales in the general direction towards which the vehicle has been dispatched, or is returning from such scales after weighing-in to the last preceding pickup point.

When an officer or inspector determines that a vehicle is in violation of the axle weight limitations of this act but is within the legal gross maximum weight, the driver shall be permitted before proceeding to redistribute the weight of the vehicle's contents so that no axle is overweight, in which event there is no violation.

When an officer or inspector determines that a vehicle or vehicle and load is in violation of the height, width or length restrictions of R. S. 39:3–84, the driver of such vehicle shall be permitted before proceeding to adjust the vehicle or load so that the vehicle or vehicle and load is within such height, weight or length restrictions, in which event there is no violation.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than 5%, except that arrests may be made where the gross weight of any vehicle or combination of vehicles, including load, exceeds the Federal maximum of 80,000 pounds, or as such may be amended from time to time.

Any person who prepares, presents to an officer or has in his possession false dispatch papers, that is to say, dispatch papers which do not correspond to the cargo carried, shall be subject to a fine not exceeding $100.00.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding $100.00.

The owner, lessee and bailee of any commercial motor vehicle, tractor, trailer or semitrailer found on a highway in violation of the dimensional restrictions of R. S. 39:3–84 shall be fined not less than $150.00 nor more than $500.00. The owner, lessee and bailee of any commercial motor vehicle, tractor, trailer or semitrailer found on a highway with a gross weight of vehicle and load in excess of the weight limitation permitted by the certificate of registration for the vehicle or in excess of the gross weight limitations imposed by this Title for vehicle and load or an axle weight in excess of the axle weight limitations imposed by this Title, shall be fined an amount equal to $0.02 per pound for each pound of excess weight if the excess does not exceed 10,000 pounds, and $0.03 per pound for each pound of excess weight if the excess weight exceeds 10,000 pounds, but in no event less than $50.00.

The owner, lessee and bailee of a truck, road tractor or truck tractor registered under this act and found on a highway in combination with a trailer or semitrailer duly registered in any other state or Federal district which imposes registration weight fees on such trailers or semitrailers and in violation of the weight limitations of R. S. 39:3–20 shall be fined an amount equal to $0.02

for each pound by which one-half of the combined gross weight of all vehicles in the combination, including load, shall exceed the gross weight registration of the drawing vehicle registered under this act, if the excess is not greater than 10,000 pounds, and $0.03 for each pound of the excess if it is greater than 10,000 pounds, but in no event less than $50.00. Whenever it is found that there is a weight in excess of any two or more of said weight limitations, the fine shall be levied only for the violation involving the greater or greatest excess weight.

2. R. S. 39:3–20 is amended to read as follows:

Trucks, road tractors, and tandem three-axle vehicles for waste disposal; fees; "constructor" registration plates; weight limitations.

39:3–20. An applicant for registration for trucks, road tractors and truck tractors shall pay to the director a fee based on the gross weight of the vehicle and load including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X" or "Z." Trailer plates shall have the letter "T." The fee for trucks, road tractors and truck tractors shall be paid in accordance with the following:

When the gross weight of vehicle and load, including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles, is 5,000 pounds or less, the minimum registration fee shall be $40.00 and where greater than 5,000 pounds, the registration fee shall be $40.00 for the first 5,000 pounds and $7.30 for each additional 1,000 pounds or portion thereof.

An applicant for registration for trailers and semitrailers shall pay to the director a fee of $15.00 for each such vehicle.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for automobile commercial vehicles, trailers, semitrailers, and tractors providing for the gross weight of vehicle and load over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section. In no event shall

a vehicle or combination of vehicles, operating as a unit, registered under this section and using "constructor" registration plates exceed a maximum gross weight, inclusive of load, of 70,000 pounds.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for tandem three-axle vehicles having a weight and load not exceeding 60,000 pounds, upon application to the director and proof to his satisfaction that the applicant is actually engaged in the performance of solid waste disposal or collection functions and holds a certificate of convenience and necessity therefor issued by the Board of Public Utility Commissioners.

The applicants for "constructor" registration plates and registration plates for vehicles performing solid waste disposal or collection functions authorized herein shall pay therefor on each vehicle at the rate of $16.00 per thousand pounds of gross weight of vehicle and load.

Vehicles registered and using "constructor" registration plates may not be operated at a distance greater than 30 miles from the point established as a headquarters for the particular construction operation and such vehicles, except as hereafter provided, must comply with the speed limitations of Title 39 of the Revised Statutes. Such vehicles when carrying a gross weight of vehicle and load less than 50% of the certificate of registration shall comply with applicable speed laws and shall not move along a highway at a speed greater than 40 miles per hour. When carrying a gross weight of vehicle and load in excess of 50% of the certificate of registration, such vehicle shall comply with applicable speed laws and shall not move along a highway at a speed greater than 30 miles per hour.

Vehicles performing solid waste disposal or collection functions and registered therefor pursuant to the provisions of this section, may 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, and no such vehicle shall be driven over any bridge in this State or over any interstate bridge owned or maintained in whole or in part by this State, upon which or immediately adjacent thereto there is posted in a conspicuous place a sign stating the gross weight the bridge will carry, if the gross weight of any such vehicle and the load is greater than the gross weight stated on the sign.

It shall be unlawful for any vehicle registered under this act having gross weight of load and vehicle including the gross weight of all vehicles and load in any combination of vehicles in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

In the event that a truck, road tractor or truck tractor registered under this act is found on a highway in combination with a trailer or semitrailer duly registered in any other state or Federal district which imposes registration weight fees on such trailers or semitrailers, the drawing vehicle of the combination registered under this act shall have a gross weight registration equal to at least one-half of the combined gross weight of all the vehicles and load in the combination of vehicles. If it does not, the operation of said combination of vehicles on the highways of this State shall be unlawful.

The 5% allowance provided by section 5 of P. L. 1950, c. 142 (C. 39:3–84.3) shall be applicable as heretofore to all registered weight limitations provided in this section, except that in no event shall the gross weight of any vehicle or combination of vehicles, including load, exceed the Federal maximum of 80,000 pounds or as such may be amended from time to time. In the case of a truck, road tractor or truck tractor registered under this act in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, known as a mixed combination, the 5% allowance shall be applied by adding to the registered weight of the drawing vehicle registered under this act 5% of said registered weight. If the resulting sum is equal at least to one-half of the combined gross weight of the mixed combination, then the mixed combination shall be in compliance with the registration requirements of this section.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either section 39:3–84 or 39:4–75 of this Title.

3. This act shall take effect immediately.

Approved May 8, 1975.

CHAPTER 93

AN ACT to relocate, fix and establish a portion of the boundary line between the township of North Brunswick and the borough of Milltown, in the county of Middlesex.

WHEREAS, The governing bodies of both municipalities have determined by resolution, that the change in that part of the boundary line between the two municipalities hereinafter described is desirable and have requested the Legislature to so provide by law; and

WHEREAS, A notice of intention to apply for the passage of this act has been given publication as required by law; now, therefore

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

1. That a portion of the common boundary line between the township of North Brunswick and the borough of Milltown, in the county of Middlesex be and the same is hereby relocated, fixed and established so that lot 38 in block 259 of the tax map of the township of North Brunswick will become a part of the borough of Milltown and the boundary line will run along the northerly and westerly boundary lines of lot 38 in block 259 as now designated on the tax map of the township of North Brunswick.

2. This act shall take effect immediately.

Approved May 12, 1975.

CHAPTER 94

AN ACT to amend and supplement "An act concerning creditor billing errors in connection with certain consumer credit transactions and supplementing Title 56 of the Revised Statutes," approved November 11, 1974 (P. L. 1974, c. 146).

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

1. Section 3 of P. L. 1974, c. 146 (C. 56:11–3) is amended to read as follows:

C. 56:11-3 Billing error; acknowledgment; corrections; credit information.

3. If a creditor, having transmitted to a consumer a statement of the consumer's account, receives from the consumer at an address designated therefor by the creditor in accordance with section 5 of this act, within 60 days of the mailing of said statement, a written notice, on a document other than a document provided by the creditor to accompany payment, by mail or other delivery setting forth sufficient information to enable the creditor to identify the consumer and the account, the amount and transaction shown in the statement which the consumer in good faith believes to be a billing error, and the facts providing the basis for the consumer's belief that the statement is in error; the creditor shall:

a. Not later than 30 days after receipt of the notice, mail a written acknowledgment to the consumer; and

b. Not later than 90 days after receipt of the notice and prior to taking any action to collect the amount believed by the consumer to be a billing error, (1) make appropriate corrections in the account of the consumer and mail to the consumer a written notice stating that the amount believed to be in error has been corrected and will be shown on the next statement mailed to the consumer or (2) send a written notice to the consumer setting forth the reasons why the creditor believes the account of the consumer was correctly shown in the statement; and

c. Not communicate unfavorable credit information concerning the consumer to any person, including but not limited to credit bureaus or credit reporting agencies, based upon the consumer's failure to pay the amount believed by him to be a billing error, until the creditor has complied with this section.

2. Section 6 of P. L. 1974, c. 146 (C. 56:11–6) is amended to read as follows:

C. 56:11-6 Notice.

6. In the case of any account under a consumer credit plan having an outstanding debit or credit balance of more than $1.00 at or after the close of the creditor's first billing cycle, after October 28, 1975, the procedures to be followed under section 3 of this act (C. 56:11–3) shall be disclosed by the creditor in a notice mailed or delivered to the consumer not later than the time of mailing of the next billing statement. With or before the first billing statement on any consumer credit plan issued or offered to a new

consumer after October 28, 1975 and upon each subsequent renewal of a consumer's account a written notice shall be sent (by any means reasonably assuring the receipt thereof by the consumer) which describes the procedures to be followed under section 3 of this act (C. 56:11–3).

3. Section 8 of P. L. 1974, c. 146 is amended to read as follows:

C. 56:11-1 et seq. Effective date.

8. This act shall take effect on October 28, 1975.

C. 56:11-8 Compliance with federal law.

4. (New section) With respect to any inconsistencies between the provisions of this act and the "Fair Credit Billing Act" (Public Law 93–495, 88 Stat. 1511) comprising Title III of the Federal Truth in Lending Act (Public Law 90–321, 82 Stat. 146, 15 U.S.C. 1601 et seq.) conduct in compliance with said Federal law and regulations shall be deemed and construed to be conduct in compliance with the provisions of this act.

C. 56:11-9 Liability of creditor under Federal Fair Credit Billing Act.

5. (New section) The liability of a creditor under this act is in lieu of, and not in addition to, the creditor's liability under the Federal Fair Credit Billing Act. An action brought by a consumer with respect to a violation of this act may not be maintained pursuant to this act if a final judgment has been rendered for or against that consumer with respect to the same violation pursuant to the Federal Fair Credit Billing Act. An action brought by a consumer with respect to a violation of this act shall be abated upon motion by the creditor if an action, with respect to the same conduct, is pending before any court pursuant to the Federal Fair Credit Billing Act. If a final judgment has been rendered in favor of a consumer pursuant to this act and thereafter a final judgment with respect to the same conduct is rendered in favor of the same consumer pursuant to the Federal Fair Credit Billing Act, a creditor liable under both judgments has a cause of action against the consumer for appropriate relief to the extent necessary to avoid double liability with respect to the same conduct.

6. This act shall take effect immediately.

Approved May 14, 1975.

CHAPTER 95

AN ACT concerning the promulgation and circulation of certain rules and regulations by State penal and correctional institutions and supplementing chapter 4 of Title 30 of the Revised Statutes.

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

C. 30:4-8.4 Promulgation and publication of rules and regulations governing rights, privileges and duties of inmates.

1. Subject to guidelines set down by the Director of the Division of Correction and Parole, every State penal and correctional institution shall formally promulgate and publish rules and regulations governing the rights, privileges, duties and obligations of the inmate population confined therein. Among other things, such publications shall set forth the authorized sanctions for various classes of violations of the aforesaid rules and regulations, and detail the procedures for imposing summary and administrative punishment as well as for appealing therefrom. No punishment may be meted out other than of the type and in the manner prescribed by such rules and regulations.

C. 30:4-8.5 Furnishing of copies to inmates; copies and explanations in foreign languages.

2. Upon the arrival of a prisoner in any correctional institution in the State, he shall be furnished with a copy of the institution's rules and regulations and shall have the meaning of the same explained to him. Spanish language copies of the institutional rules and regulations shall be provided to Spanish-speaking prisoners not conversant with the English language. To the extent possible, foreign language speaking prisoners not sufficiently conversant with the English language shall also be provided with verbal explanations in their language of greatest facility of all institutional rules and regulations.

3. This act shall take effect 6 months after its enactment.

Approved May 15, 1975.

CHAPTER 96

AN ACT concerning authorities and revising parts of the statutory law.

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

1. Section 6 of P. L. 1948, c. 198 (C. 40:11A–6) is amended to read as follows:

C. 40:11A-6 Powers and purposes of authority.

6. (1) Every parking authority shall constitute a public body corporate and politic and a political subdivision of the State with the same territorial boundaries as the boundaries of the municipality or county creating the authority, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate its corporate purposes and the purposes and provisions of this act.

(2) The purposes of every parking authority shall be the construction, provision or operation of offstreet parking projects within its area of operation and, subject to the provisions of R. S. 39:4–202, shall include, to the extent authorized by the governing body of the municipality, the management and operation of onstreet and other parking meters and related facilities and enforcement of the applicable law, ordinances and regulations as to the parking of vehicles in such municipality, and the consequent promotion of free movement of traffic and relief of traffic congestion on the streets of said area or municipality and improvement of conditions affecting the public safety and welfare therein.

(3) Every parking authority is hereby authorized to plan, design, construct, reconstruct, enlarge, improve, manage, maintain, repair, operate and use such parking project or projects as in the opinion of the authority will provide an effective and satisfactory method for promoting the purposes of the authority.

(4) Every parking authority shall have perpetual succession and have the following powers in addition to any others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-

laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

(b) To conduct research respecting parking and the possibility or necessity of fulfillment of public needs in relation thereto.

(c) To acquire by gift, purchase, lease, devise or otherwise and hold and use, and to construct, improve, maintain, operate, own, manage, or lease either in a capacity of lessor or lessee parking projects and any land, franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, meters, equipment or facilities to be devoted to the parking or storage of vehicles of any kind or which in the opinion of the authority are necessary or useful and convenient in connection therewith or with the promotion of free movement of traffic, subject to the provisions of R. S. 39:4–202.

(d) Subject to the provisions of paragraph 5 of this section, to lease as lessor any real property, parking project or portion or portions of parking projects for any business, commercial or other use to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon. Any such lease may be upon condition that the lessee shall or may construct or provide any building or buildings or other facilities on such real property, parking project or projects or portions thereof, including space for business, commercial or other uses, all upon such terms and conditions as may be agreed upon.

(e) To sell, transfer and dispose of any property or interest therein at any time acquired by it upon such terms and conditions as it may determine, with or without public bidding.

(f) To fix, alter, charge and collect rents, rates and other charges at reasonable rates to be determined exclusively by it, for the use of the facilities and projects of the authority and for all services sold, furnished or supplied directly or indirectly by the authority through said facilities and projects, which shall, together with any grants, receipts, contributions or income from other sources, be sufficient to provide for the payment of the expenses of the authority, repair, maintenance and operation of its facilities and projects, and payment of the principal of and interest on, and any premiums upon the redemption of, its bonds and other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds or other obligations.

(g) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or

securities in which savings banks may legally invest funds subject to their control.

(h) To borrow money and accept grants from and to enter into contracts, leases or other transactions with the State of New Jersey, any Federal agency, any person, or any municipality, county or other public body.

(i) To mortgage, pledge, hypothecate or otherwise encumber all or any of its property or assets then existing or thereafter acquired or coming into existence, including real and personal property donated to it by a municipality or county.

(j) To enter into contracts with the State of New Jersey or any municipality, county or governmental agency for the use of any project of the authority.

(k) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contract with any person.

(l) To enter into and perform any and all contracts, execute any and all instruments, and do and perform any and all acts and things necessary or useful and convenient for the purposes of the authority or to carry out any of the powers expressly granted to it by this act or any other acts subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

(5) No parking authority shall engage directly in the sale of gasoline or accessories for, or in the repair or other servicing of, automobiles and other motor vehicles except in emergency, or shall engage directly in the sale of any commodity of trade or commerce, but any authority may include in any parking project, and provide and lease as lessor, structures, buildings, space or accommodations (whether constructed by the authority or by a lessee) for any business, commercial or other use, including the sale of gasoline or accessories for, or the repair or other servicing of, automobiles and other motor vehicles, if, in the opinion of the authority, such inclusion, provision and proposed leasing is necessary to assist in defraying the expenses of the authority and make possible the operation of the parking facilities of such project at reasonable rates and will increase the facilities for offstreet parking which can be feasibly included, financed, constructed and operated as part of such project.

2. Section 23 of P. L. 1948, c. 198 (C. 40:11A–23) is amended to read as follows:

C. 40:11A-23 Aid by public bodies.

23. (1) For the purpose of aiding and co-operating in the planning, undertaking, construction or operation of parking projects of an authority, any public body within the territory of which any such project is located may:

(a) Acquire real property in its name for any project or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any project, or partly for such purposes and partly for other municipal or county purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by a municipality or county;

(b) Cause water, sewer, lighting and drainage facilities, or other works which it is otherwise empowered to undertake to be furnished adjacent to or in connection with parking projects; provided, nothing in this act shall authorize the construction of any public utility service or facility which would be competitive with any existing public utility as the same is defined by section R. S. 48:2-13 of the Title, Public Utilities;

(c) Furnish, dedicate, close, pave, install, grade, regard, plan, or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such parking projects, and cause services to be furnished to the parking authority of the character which such public body is otherwise empowered to furnish.

(2) In connection with any public improvements made by a public body in exercising the powers herein granted or referred to, such public body may incur the entire expense thereof. Any law or statute to the contrary notwithstanding, any sale, lease, loan, grant, gift, conveyance, contract, pledge or agreement provided for in this section or in section 22 of this act may be made by a public body without prior appropriation therefor, or referendum, or appraisal, or public notice, advertisement or bidding, and without the consent of any board, officer or other agency of the State, and without regard to any provisions of Title 40 of the Revised Statutes and of Title 40A of the New Jersey Statutes, except P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

(3) An authority shall appoint a treasurer, who may also act as secretary of the authority, and all moneys of an authority shall be paid to the treasurer of the authority. Such treasurer shall file a

bond of indemnity with the authority in an amount sufficient to cover the moneys from time to time under his control. Such moneys shall be deposited in a separate bank account or accounts. The moneys in such accounts shall be paid out on checks of the treasurer on requisitions of the chairman of the authority or of such other person or persons as the authority may authorize to make such requisitions. All deposits of such moneys shall, if required by the treasurer or the authority, be secured by obligations of the United States or of the State of New Jersey of a market value equal at all times to the amount of the deposit, and all banks and trust companies are authorized to give such security for such deposits. The treasurer and his legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and other records and papers relating to its financial standing. The authority shall have power, notwithstanding the provisions of this paragraph, to contract with the holders of any of its bonds as to the custody, collection, securing, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this paragraph. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of an authority, and all banks and trust companies are authorized to give such security for such deposits.

(4) A parking authority shall not be subject to, or constitute a municipality or agency or component of a municipality subject to, any provisions of Title 40 of the Revised Statutes and of Title 40A of the New Jersey Statutes, except P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

3. Section 7 of P. L. 1946, c. 138 (C. 40:14A–7) is amended to read as follows:

C. 40:14A-7 Sewerage authority a public body politic and corporate; powers.

7. Every sewerage authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the sewerage authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the sewerage authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the sewerage authority;

(5) In the name of the sewerage authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the sewerage authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the sewerage authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the sewerage authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the sewerage authority;

(9) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the sewerage system and any other of its properties, and to amend the same;

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons;

(11) To enter into any and all 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 sewerage authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.); and

(12) To enter into any and all lease agreements with sewerage authorities, and municipalities, and counties operating sewerage systems, for the rental of equipment owned by authority and mu-

nicipality and/or county, together with the personnel to operate said equipment.

4. Section 20 of P. L. 1957, c. 183 (C. 40:14B–20) is amended to read as follows:

C. 40:14B-20 Municipal authority a public body politic and corporate; powers.

20. Every municipal authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and be sued;

(3) In the name of the municipal authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the municipal authority but for the local unit or units, to acquire, rent, hold, use and dispose of other personal property for the purposes of the municipal authority;

(5) In the name of the municipal authority but for the local unit or units and subject to the limitations of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal authority, and subject to mortgages, deeds of trusts or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal authority;

(6) To produce, develop, purchase, accumulate, distribute and sell water and water services, facilities and products within or without the district, provided that no water shall be sold at retail in any municipality without the district unless the governing body of such municipality shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality, and the board of public utility commissioners shall have approved such resolution as necessary and proper for the public convenience;

(7) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(8) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the municipal authority, and to make and perform such agreements and contracts

as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(9) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the municipal authority;

(10) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the utility system and any other of its properties, and to amend the same;

(11) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any person; and

(12) To enter into any and all 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 municipal authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

5. Section 68 of P. L. 1957, c. 183 (C. 40:14B–68) is amended to read as follows:

C. 40:14B-68 Construction of act.

68. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and a municipal authority shall not be subject to regulation as to its service charges by any other officer, board, agency, commission or other office of the State, or constitute a municipality or agency or component of a municipality subject to, any provisions of Title 40 of the Revised Statutes and of Title 40A of the New Jersey Statutes, except P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.); provided, however, that nothing contained in this act shall in any way affect or limit the jurisdiction, powers or rights of the State Department of Health, Interstate Sanitation Commission, Interstate Commission on the Delaware River Basin, Water Policy and Supply Council of the Department of Conservation and Economic Development, North Jersey District Water Supply Commission, Passaic Valley Sewerage Commissioners, or Passaic Valley Water Commission, or impair the obligations assumed by any municipality included in any district in any contract made prior to the creation of such district with any sewerage authority or any county sewer authority or with one or more other municipalities or with the Passaic Valley Sewerage Commissioners or with the North Jersey District Water Supply Commission.

6. Section 12 of P. L. 1960, c. 183 (C. 40:37A-55) is amended to read as follows:

C. 40:37A-55 Authority a public body politic and corporate; powers.

12. Every authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public convenience, benefit and welfare and shall have perpetual succession and, for the effectuation of its purposes, have the following additional powers:

(a) To adopt and have a common seal and to alter the same at pleasure;

(b) To sue and be sued;

(c) To acquire, hold, use and dispose of its facility charges and other revenues and other moneys;

(d) To acquire, rent, hold, use and dispose of other personal property for the purposes of the authority;

(e) Subject to the provisions of section 26 of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;

(f) Subject to the provisions of section 13 of this act, to lease to any governmental unit or person, all or any part of any public facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

(g) Subject to the provisions of section 13 of this act, to make agreements of any kind with any governmental unit or person for the use or operation of all or any part of any public facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

(h) To borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(i) To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person, and to make and perform agreements and contracts and to do any and all things

necessary or useful and convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(j) To determine the location, type and character of any public facility and all other matters in connection with all or any part of any public facility which it is authorized to own, construct, establish, effectuate or control;

(k) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any public facility, and to amend the same;

(l) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any governmental unit or person;

(m) To acquire, purchase, construct, lease, operate, maintain and undertake any project and to fix and collect facility charges for the use thereof; and

(n) To 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 authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

7. Section 12 of P. L. 1967, c. 136 (C. 40:37B–12) is amended to read as follows:

C. 40:37B-12 Authority's additional powers.

12. Every authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and, for the effectuation of its purposes, shall have the following additional powers:

(a) To adopt and have a common seal and to alter the same at pleasure;

(b) To sue and be sued;

(c) In its own name to acquire, hold, use and dispose of its facility charges and other revenues and other moneys;

(d) In its own name but for the county to acquire, hold, use and dispose of other personal property for the purpose of the authority;

(e) In its own name but for the county to acquire by purchase, gift, condemnation or otherwise or lease as lessee real property and easements therein, necessary or useful and convenient for the purposes of the authority whether subject to mortgages, deeds of

trust or other liens, or otherwise, and to hold and use the same and to dispose of the property so acquired no longer necessary for the purposes of the authority;

(f) To grant by franchise, lease or otherwise the use of any project, facilities or property owned or controlled by it to any person for such consideration and for any period or periods of time and upon such other terms and conditions as it may fix and agree upon. Any such grant may be upon condition that the user shall or may construct or provide any building or structures or improvements on such project, facilities or property or portion thereof, all upon such terms and conditions as may be agreed upon;

(g) To borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(h) To apply for and accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person and to make and perform such agreements or contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(i) To enter on any land or premises for the purpose of the authority and to determine the location, type and character of any public facility and all other matters in connection with all or any part of any public facility which it is authorized to own, construct, establish, effectuate or control;

(j) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any public facility, and to amend the same;

(k) To do and perform any acts and things authorized by this act under, through or by means of its own officers and employees, or by contract;

(l) To acquire, purchase, construct, lease, operate, maintain and undertake any project and to make facility charges for the use thereof;

(m) To invest any funds held in reserve or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; and

(n) To enter into any and all 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 authority or to carry out the powers, duties and functions provided for in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

8. Section 46 of P. L. 1967, c. 136 (C. 40:37B–46) is amended to read as follows:

C. 40:37B-46 Intent of act.

46. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and an authority shall not be subject to regulation as to its facility charges by any officer, board, agency, commission or other office of the State, or constitute or be deemed to be a county or municipality or agency or component of a municipality subject to any provisions of Title 40 of the Revised Statutes and of Title 40A of the New Jersey Statutes, except P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.); provided, however, that no authority shall exercise the powers of a common carrier, and except as hereinabove in this section set forth, nothing contained in this act shall in any way affect or limit the jurisdiction, rights, powers or duties of any State regulatory agencies.

9. Section 5 of P. L. 1964, c. 103 (C. 40:54A–5) is amended to read as follows:

C. 40:54A-5 Authority's additional powers.

5. In addition to any other powers conferred upon an authority by this act, each authority shall have the following powers:

a. To adopt and have a common seal and to alter the same at pleasure;

b. To sue and be sued;

c. To acquire, hold, use and dispose of its facility charges and other revenues and other moneys;

d. To acquire, rent, hold, use and dispose of other personal property for the purposes of the authority.

e. Subject to the provisions of section 9 of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;

f. Subject to the provisions of section 6 of this act, to lease to any person, all or any part of any seaquarium facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

g. To borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

h. To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person, and to make and perform agreements and contracts and to do any and all things necessary or useful and convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

i. To determine the location, type and character of any seaquarium facility and all other matters in connection with all or any part of any seaquarium facility which it is authorized to own, construct, establish, effectuate or control;

j. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any seaquarium facility, and to amend the same;

k. To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any governmental unit or person;

l. To acquire, purchase, construct, lease, operate, maintain and undertake any project and to fix and collect facility charges for the use thereof; and

m. To 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 authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11-1 et seq.).

Before undertaking and proceeding with any action authorized by this section, the authority shall first secure from the governing body of the municipality a specific authorization for the taking of such action. Any such authorization shall be granted by resolution adopted by the said governing body, and unless and until such a resolution is so adopted the authority shall not take any such action.

10. Section 7 of P. L. 1967, c. 309 (C. 40:54B-7) is amended to read as follows:

C. 40:54B-7 Authority's additional powers.

7. Each authority shall be a public body corporate and politic constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public recreation, benefit and welfare and shall have perpetual succession and, in addition to any other powers conferred by this act, for the effectuation of its corporate purposes shall have the following powers:

a. To adopt and have a common seal and to alter the same at pleasure;

b. To sue and be sued;

c. To acquire, hold, use and dispose of its facility charges, facility revenues and other moneys;

d. To acquire, rent, hold, use and dispose of other personal property for the purposes of the authority;

e. To acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;

f. To make agreements of any kind with any governmental agency or person, partnership or corporation for the use or operation of, or to lease to any governmental agency or person, partnership or corporation, all or any part of its convention hall or other facilities for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

g. To borrow money and issue negotiable bonds and provide for and secure the payment of any bonds and the rights of the holders thereof in accordance with this act, and to purchase, hold and dispose of any bonds;

h. To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental agency or person, partnership or corporation, and to make and perform agreements and contracts and to do any and all things necessary or useful and convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

i. To determine the location, type and character of its convention hall and other facilities and all other matters in connection with

all or any part of any convention hall or other facility which it is authorized to own, construct, establish, effectuate or control;

j. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for admission to and the use, services, maintenance and operation of any convention hall or other facility owned or controlled by it, and to amend the same;

k. To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any governmental agency, person, partnership or corporation;

l. To acquire, purchase, construct, lease, operate, maintain and undertake any convention hall project or other facilities and to fix and collect facility charges for the use or services thereof or admission thereto;

m. To include in its convention hall or any project, and operate or provide and lease as lessor, lands, structures, space or accommodations (whether constructed by the authority or by a lessee) for parking of vehicles or any public, business or commercial use if, in the opinion of the authority, such inclusion, operation, provision or proposed leasing is necessary to assist in defraying the expenses of the authority in connection with such convention hall or project and make possible the operation of the convention hall at reasonable rates and will increase the convention hall facilities which can be feasibly financed, constructed, acquired and operated pursuant to this act; and

n. To 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 authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

11. Section 7 of P. L. 1948, c. 348 (C. 40:66A–7) is amended to read as follows:

C. 40:66A-7 Incinerator authority a public body politic and corporate; powers.

7. Every incinerator authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the incinerator authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the incinerator authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the incinerator authority;

(5) In the name of the incinerator authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the incinerator authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the incinerator authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purpose of the incinerator authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands or premises for the purposes of the incinerator authority;

(9) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the garbage disposal system and any other of its properties, and to amend the same:

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons; and

(11) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purpose of the incinerator authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

12. Section 4 of P. L. 1970, c. 242 (C. 40:66A–31.4) is amended to read as follows:

C. 40:66A-31.4 Powers of county.

4. Any county in the State which may hereafter come under the provisions of this act as hereinafter provided is hereby authorized and empowered:

(1) To purchase, construct, improve, extend, enlarge or reconstruct solid waste disposal facilities within such county either alone or jointly with any municipality, joint meeting or authority located within such county, and in accordance with applicable law, rules, regulations or orders, to operate, manage and control all or part of such solid waste disposal facilities so purchased or constructed and all properties pertaining thereto, and to furnish and supply the services of its solid waste disposal facilities to any municipalities within such county. No county shall furnish any of the facilities provided by this article to any property already being furnished like facilities by any municipality, joint meeting or authority, without the express consent of such joint meeting or authority or the governing body having general legislative authority in the government of such municipality;

(2) To issue general obligation bonds of the county to pay all or part of the cost of such purchase, construction, improvement, extension, enlargement or reconstruction of such facilities;

(3) To fix and collect rates, fees, rents and other charges for the services and facilities furnished by any such county solid waste disposal facilities;

(4) To receive and accept from the State, Federal Government or any agency thereof grants for or in aid of the planning, purchase, construction, extension, enlargement or reconstruction, or financing of any of such facilities and to receive and accept contributions from any source of either money, property, labor, or other things of value to be held, used and applied only for the purposes for which such grants and contributions may be made;

(5) To acquire in the name of the county by gift, purchase as hereinafter provided, or by the exercise of the right of eminent domain, such lands and rights and interests therein, within the county, other than that owned by any governmental unit or political subdivision thereof without its express consent, and to acquire such personal property, as it may deem necessary for the purchase, construction, improvement, extension, enlargement or reconstruction, or for the efficient operation of any facilities purchased or constructed under the provisions of this act and to hold and dispose of all real and personal property under its control;

(6) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.) and to employ such consulting and other engineers, superintendents, managers,

attorneys, financial or other consultants or experts and such other employees and agents as it may deem necessary in its judgment and to fix their compensation;

(7) Subject to the provisions and restrictions as may be set forth in the ordinance hereinafter mentioned authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the government of the United States or any agency or instrumentality thereof or with any other county or with any municipality, private corporation, copartnership, association, or individual providing for or relating to the collection, treatment and disposal of solid waste, which contracts may provide for the furnishing of solid waste disposal facilities either by or to the county, or the joint construction or operation of solid waste disposal facilities;

(8) To acquire by gift or purchase at a price to be mutually agreed upon, any of the facilities or portions thereof, provided for by this act, which shall, prior to such acquisition, have been owned by any private person, group, firm, partnership, association or corporation; provided, however, if the price for same cannot be agreed upon, the price shall be determined by an arbitration board consisting of three persons, one of whom shall be selected by the board of chosen freeholders, one shall be appointed by the private company or corporation, and the two persons so selected shall select a third member of said board; and provided, further, that in the event said board cannot agree as to the price to be paid by the said board of chosen freeholders, then the board of chosen freeholders shall exercise the right of eminent domain in the manner provided by law.

13. Section 7 of P. L. 1968, c. 249 (C. 40:66A–38) is amended to read as follows:

C. 40:66A-38 Solid waste management authority as political subdivision; powers.

7. Solid waste management authority as political subdivision; powers. Every solid waste management authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the solid waste management authority and

on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the solid waste management authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the solid waste management authority;

(5) In the name of the solid waste management authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the solid waste management authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the solid waste management authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purpose of the solid waste management authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands or premises for the purposes of the solid waste management authority;

(9) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the garbage and solid wastes disposal system and any other of its properties, and to amend the same;

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons; and

(11) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purpose of the solid waste management authority or to carry out any powers expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

14. Section 7 of P. L. 1948, c. 349 (C. 40:68A–7) is amended to read as follows:

C. 40:68A-7 Port authority a public body politic and corporate; powers.

7. Every port authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the port authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the port authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the port authority;

(5) In the name of the port authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the port authority, and subject to mortgages, deeds of trust or other liens, or otherwise and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the port authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the port authority, and to make and perform such agreements and contacts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands or premises for the purposes of the port authority;

(9) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the port facilities and any other of its properties, and to amend the same;

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons; and

(11) To enter into any and all 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 port au-

thority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

15. Section 12 of P. L. 1960, c. 192 (C. 40:68A–40) is amended to read as follows:

C. 40:68A-40 Municipal port authority a public body politic and corporate; additional powers.

12. Every municipal port authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following additional powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and be sued;

(3) In its own name to acquire, hold, use and dispose of its charges and other revenues and other moneys;

(4) In its own name but for the local unit, to acquire, rent, hold, use and dispose of other personal property for the purposes of the municipal port authority, and to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal port authority, whether subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal port authority;

(5) To grant by franchise, lease or otherwise, the use of any project, facilities or property owned and controlled by it to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon. Any such grant may be upon condition that the user shall or may construct or provide any buildings or structures or improvements on such project, facilities or property, or portions thereof, all upon such terms and conditions as may be agreed upon;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To apply for and to accept gifts or grants of real personal property, money, material, labor or supplies for the purposes of the municipal port authority, from any person, county or municipality, including the United States or any agency thereof, and to make and

perform such agreements and contracts and to do any and all things necessary or desirable in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To determine the exact location, type and character of and all matters in connection with all or any part of the port system which it is authorized to own, construct, establish, effectuate or control and to enter on any lands, waters or premises for the purpose of making such surveys, diagrams, maps or plans or for the purpose of making such soundings or borings as it deems necessary or convenient;

(9) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the port system and any other of its properties, and to amend the same;

(10) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any person;

(11) To acquire, purchase, construct, lease, operate, maintain and undertake any project and to make service charges for the use thereof; and

(12) To enter into any and all 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 municipal port authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198 "Local Public Contracts Law" (C. 40A:11–1 et seq.).

16. Section 7 of P. L. 1973, c. 376 (C. 40:37C–7) is amended to read as follows:

C. 40:37C-7 Inapplicable laws.

7. No authority shall be subject to the provisions of chapters 32 to 36, inclusive, of Title 52 of the Revised Statutes in the exercise of any of its powers under this act.

17. This act shall take effect immediately.

Approved May 16, 1975.

CHAPTER 97

AN ACT concerning the term of office of the Director of the Division of Motor Vehicles and amending R. S. 39:2–2.

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

1. R. S. 39:2–2 is amended to read as follows:

Director of Division of Motor Vehicles; appointment; term; salary; bond; oath.

39:2–2. The division shall be administered by the Director of the Division of Motor Vehicles.

The director 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 director's successor is appointed and has qualified.

The director shall receive such salary as shall be provided by law.

The director shall give bond, conditioned for the faithful discharge of his duties, in the sum of $50,000.00, which bond shall be approved by a justice of the supreme court or a judge of the superior court, and shall be filed with the State Treasurer.

The director shall take an oath before one of the supreme court justices or superior court judges, in form similar to that now required by the State Treasurer, which oath shall be filed with the Secretary of State.

2. This act shall take effect immediately.

Approved May 20, 1975.

CHAPTER 98

AN ACT to amend the title of "An act regulating the sale, offering for sale, having, and possession of, hypodermic syringes or needles or instruments or implements adapted for the use of cocaine and narcotic drugs by subcutaneous injections in certain cases, and supplementing chapter 170 of Title 2A of the New Jersey Statutes, and repealing 'An act regulating the sale, offering for sale, having and possession of hypodermic syringes or

needles or instruments or implements adapted for the use of cocaine and narcotic drugs by subcutaneous injections in certain cases, and supplementing chapter 170 of Title 2A of the New Jersey Statutes,' approved May 16, 1952 (P. L. 1952, c. 209),'' approved February 21, 1956 (P. L. 1955, c. 277), so that the same shall read ''An act regulating the sale, offering for sale, having, and possession of, hypodermic syringes or needles or instruments or implements adapted for the use of controlled dangerous substances by subcutaneous injections in certain cases, and supplementing chapter 170 of Title 2A of the New Jersey Statutes, and repealing P. L. 1952, c. 209,'' 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. 1955, c. 277 is amended to read as follows: An act regulating the sale, offering for sale, having, and possession of, hypodermic syringes or needles or instruments or implements adapted for the use of controlled dangerous substances by subcutaneous injections in certain cases, and supplementing chapter 170 of Title 2A of the New Jersey Statutes, and repealing P. L. 1952, c. 209.

2. Section 1 of P. L. 1955, c. 277 (C. 2A:170–77.3) is amended to read as follows:

C. 2A:170-77.3 Hypodermic syringe or needle; sale or distribution without prescription prohibited; exceptions.

1. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, veterinarian, undertaker, nurse, podiatrist, registered pharmacist, or a hospital, sanitarium, clinical laboratory or any other medical institution or a State or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or interne of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the use of controlled dangerous substances as defined in P. L. 1970, c. 226 (C. 24:21–1 et seq.) by subcutaneous injections without a written prescription of a duly licensed physician, dentist or veterinarian. Such prescription shall contain the name and address of the patient, the description of the instrument prescribed and the number of instruments prescribed.

3. Section 2 of P. L. 1955, c. 277 (C. 2A:170-77.4) is amended to read as follows:

C. 2A:170-77.4 Recording and filing of prescriptions; subsequent sales without renewal.

2. Every person who disposes of, or sells, or furnishes, or gives away a hypodermic syringe or a hypodermic needle or an instrument adapted for the use of controlled dangerous substances by subcutaneous injections, upon the written prescription of a duly licensed physician, dentist, or veterinarian, shall record upon the face of the prescription, over his signature, the date of the sale or furnishing of the instrument. This prescription shall be retained on file for a period of 2 years and shall be opened to inspection by any public officer or employee engaged in the enforcement of this section. A prescription filed in accordance with this section shall be sufficient authority, without the necessity of a renewal or reissuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the use of controlled dangerous substances by subcutaneous injections to the person to whom the prescription was issued, for a period of 6 months from the date of its original issuance.

4. Section 3 of P. L. 1955, c. 277 (C. 2A:170-77.5) is amended to read as follows:

C. 2A:170-77.5 Control or possession of needles without prescription prohibited; exceptions.

3. It shall be unlawful for any person or persons, except a duly licensed physician, dentist, veterinarian, nurse, podiatrist, hospital, sanitarium or other medical institution, or a resident physician or interne of a hospital, sanitarium or other medical institution, to have under control or possess, a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of controlled dangerous substances by subcutaneous injections with intent to use such syringe, needle or instrument for such purpose, unless such possession be obtained upon a valid written prescription from, and such use be authorized or directed by a duly licensed physician or veterinarian. For the purposes of this subdivision no such prescription shall be valid, which has been outstanding for more than 6 months.

5. This act shall take effect immediately.

Approved May 21, 1975.

CHAPTER 99

AN ACT concerning alcoholic beverage control and amending R. S. 33:1–25.

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

1. R. S. 33:1–25 is amended to read as follows:

Licensees; qualifications; applications; contents; corporations; partnerships; clubs; notice; publication.

33:1–25. No license of any class shall be issued to any person under the age of 21 years or to any person who has been convicted of a crime involving moral turpitude.

In applications by corporations, except for club licenses, the names and addresses of, and the amount of stock held by, all stockholders holding 1% or more of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application, and if one or more of such officers or members of the board of directors or one or more of the owners, directly or indirectly, of more than 10% of such stock would fail to qualify as an individual applicant in all respects, no license of any class shall be granted.

In applications for club licenses, the names and addresses of all officers, trustees, directors, or other governing officials, together with the names and addresses of all members of the corporation, association or organization must be stated in the application.

In applications by partnerships, the application shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants.

A photostatic copy of all Federal permits necessary to the lawful conduct of the business for which a State license is sought and which relate to alcoholic beverages, or other evidence in lieu thereof satisfactory to the director, must accompany the license application, together with a deposit of the full amount of the required license fee, which deposit to the extent of 90% thereof shall be returned to the applicant by the director or other issuing authority if the application is denied, and the remaining 10% shall constitute an investigation fee and be accounted for as other license fees.

Every applicant for a license that is not a renewal of an annual

license shall cause a notice of the making of such application to be published in a form prescribed by rules and regulations, once a week for 2 weeks successively in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located: but if there shall be no such newspaper, then such notice shall be published in a newspaper, printed in the English language, published and circulated in the county in which the licensed premises are located. No publication shall be required with respect to applications for transportation or public warehouse licenses or with respect to applications for renewal of licenses.

The Division of Alcoholic Beverage Control shall cause a general notice of the making of annual renewal applications and the manner in which members of the public may object to the approving of such applications to be published in a form prescribed by rules and regulations, once a week from the week of April 1 through the week of June 1 in a newspaper printed in the English language published and circulated in the counties in which the premises of applicants for renewals of annual licenses are located. Any application for the renewal of an annual license shall be made by May 1, and none shall be approved before May 1.

Every person filing an application for license, renewal of license or transfer of license with a municipal issuing authority shall, within 10 days of such filing, file with the director a copy of such application together with a nonreturnable filing fee of $25.00.

Applicants for licenses shall answer such questions as may be asked and make such declarations as shall be required by the form of application for license as may be promulgated by the director from time to time. All applications shall be duly sworn to by each of the applicants, except in the case of applicants in the military service of the United States whose applications may be signed in their behalf by an attorney-in-fact holding a power of attorney in form approved by the director, and except in cases of applications by corporations which shall be duly sworn to by the president or vice-president. All statements in said applications required to be made by law or by rules and regulations shall be deemed material, and any person who shall knowingly misstate any material fact, under oath, in said application shall be guilty of a misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for suspension or revocation of the license.

2. This act shall take effect on July 1, 1975.

Approved May 21, 1975.

CHAPTER 100

AN ACT to amend "An act concerning insurance, regulating the trade practices in the business of insurance, defining and prohibiting unfair and deceptive acts and practices in the business of insurance, and supplementing subtitle 3 of Title 17 of the Revised Statutes," approved July 3, 1947 (P. L. 1947, c. 379), and making an appropriation therefor.

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

1. Section 4 of P. L. 1947, c. 379 (C. 17:29B–4) is amended to read as follows:

C. 17:29B-4 Unfair methods of competition and unfair or deceptive acts or practices defined.

4. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) Misrepresentations and false advertising of policy contracts. Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station, or in any

other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

(3) Defamation. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Boycott, coercion and intimidation. Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(5) False financial statements. Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive.

Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who was authorized by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(6) Stock operations and advisory board contracts. Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Unfair discrimination. (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits

payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(c) Making or permitting any discrimination against any person or group of persons because of race, creed, color, national origin or ancestry of such person or group of persons in the issuance, withholding, extension or renewal of any policy of insurance, or in the fixing of the rates, terms or conditions therefor, or in the issuance or acceptance of any application therefor.

(d) Making or permitting discrimination in the use of any form of policy of insurance which expreses, directly or indirectly, any limitation or discrimination as to race, creed, color, national origin or ancestry or any intent to make any such limitation or discrimination.

(e) Making or permitting any unfair discrimination solely because of age in the issuance, withholding, extension or renewal of any policy or contract of automobile liability insurance or in the fixing of the rates, terms or conditions therefor, or in the issuance or acceptance of any application therefor, provided, that nothing herein shall be construed to interfere with the application of any applicable rate classification filed with and approved by the commissioner pursuant to P. L. 1944, c. 27 (C. 17:29A–1 to 17:29A–28), or any amendment or supplement thereof, which is in effect with respect to such policy or contract of insurance.

(8) Rebates. (a) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life isurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks,

bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in clause 7 or paragraph (a) of this clause 8 shall be construed as including within the definition of discrimination or rebates any of the following practices (i) in the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonpaticipating insurance; provided, that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders; (ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense; (iii) readjustment of the rate of premium for a group policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

(9) Unfair claim settlement practices. Committing or performing with such frequency as to indicate a general business practice any of the following:

(a) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(b) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(c) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(d) Refusing to pay claims without conducting a reasonable investigation based upon all available information;

(e) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(f) Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(g) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than

the amounts ultimately recovered in actions brought by such insureds;

(h) Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

(i) Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(j) Making claims payments to insureds or beneficiaries not accompanied by statement setting forth the coverage under which the payments are being made;

(k) Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) Delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) Failing to promptly settle claims where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage;

(n) Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) Failure to maintain complaint handling procedures. Failure of any person to maintain a complete record of all the complaints which it has received since the date of its last examination. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, and the time it took to process each complaint. For purposes of this subsection, "complaint" shall mean any written communication primarily expressing a grievance.

(11) The enumeration of this act of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or any court of review under the provisions of section 9 of this act.

2. (New section) The sum of $12,500.00 is hereby appropriated to the Department of Insurance for the fiscal year ending June 30, 1975 in order to effectuate the purposes of this act.

3. This act shall take effect on the sixtieth day after enactment.

Approved May 22, 1975.

CHAPTER 101

AN ACT prohibiting insurance companies from engaging in unfair claims settlement practices, concerning life and health insurance, supplementing chapter 30 of Title 17B of New Jersey Statutes, and making an appropriation therefor.

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

C. 17B:30-13.1 Unfair claim settlement practices.

1. No person shall engage in unfair claim settlement practices in this State. Unfair claim settlement practices which shall be unfair practices as defined in N. J. S. 17B:30–2, shall include the following practices:

Committing or performing with such frequency as to indicate a general business practice any of the following:

a. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

b. Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

c. Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

d. Refusing to pay claims without conducting a reasonable investigation based upon all available information;

e. Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

f. Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

g. Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

h. Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

i. Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

j. Making claims payments to insureds or beneficiaries not accompanied by statement setting forth the coverage under which the payments are being made;

k. Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

l. Delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

m. Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage;

n. Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement

C. 17B:30-13.2 Record of complaints.

2. Failure of any person to maintain a complete record of all the complaints which it has received since the date of its last examination shall be a practice prohibited by N. J. S. 17B:30–2. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, and the time it took to process each complaint. For purposes of this section "complaint" means any written communication primarily expressing a grievance.

3. (New section) The sum of $12,500.00 is hereby appropriated to the Department of Insurance for the fiscal year ending June 30, 1975 in order to effectuate the purposes of this act.

4. This act shall take effect on the sixtieth day after enactment.

Approved May 22, 1975.

CHAPTER 102

AN ACT concerning motor vehicles and providing for the issuance of special bicentennial commemorative license plates.

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

1. a. Notwithstanding any other provision of Title 39 of the Revised Statutes, the New Jersey Bicentennial Celebration Commission is authorized and empowered to issue a special bicentennial commemorative license plate of such design as shall be approved by the Governor. Any such license plates shall be sold through nonprofit organizations or through official local and county bicentennial committees, at a standard fee to be determined by the commission. Such fee may include a profit to be retained by the vendor, and may also include a royalty fee not exceeding 10% of the cost of manufacturing such license plates to be retained by the commission.

b. Commercial establishments may sell such license plates only if received or purchased initially from nonprofit organizations or official bicentennial committees, and only if such commercial establishments do not retain a portion of the proceeds or profits.

c. Any special bicentennial commemorative license plate when displayed upon any motor vehicle shall be displayed on top of the regular front license plate from July 1, 1975 to February 1, 1977 in accordance with regulations of the Director of the Division of Motor Vehicles, but the regular front license plate presently required shall not be removed.

d. The New Jersey Bicentennial Celebration Commission shall arrange for the manufacture of any special bicentennial commemorative license plate in accordance with the bidding procedures established by P. L. 1954, c. 48 (C. 52:34–6 et seq.).

2. This act shall take effect immediately, and shall expire February 1, 1977.

Approved May 27, 1975.

CHAPTER 103

AN ACT concerning taxation of bank and trust company stock and amending R. S. 54:9–5.

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

1. R. S. 54:9–5 is amended to read as follows:

Statement; contents; additional information; assessment date.

54:9–5. (1) For the purposes of assessment, the chief fiscal officer of every such bank shall annually, on or before January 24, file with the secretary of the board of taxation of the county within which its principal office is located, and with the secretary of the board of taxation of every other county within which it has a branch office, and with the Director of the Division of Taxation of the State Department of the Treasury, a true statement under the oath of its president, cashier, or treasurer, setting forth the following as of the close of business on the assessment date as herein defined.

a. Its name, the location of its principal office and of each branch office maintained by it, including the name of the county in which each such office is located; the total deposit balances at each of its offices and the total deposit balances of such bank as of the close of business on the assessment date;

b. The amount of its capital, surplus and undivided profits;

c. The number of shares of its issued and outstanding preferred stock of all classes, separately itemizing the amount held by the United States, or any agency thereof, and the aggregate par value of each class thereof, and the amount required, in addition to the par value of the preferred stock, for the redemption and retirement of such preferred stock;

d. The number of shares of its issued and outstanding common stock;

e. The assessed value of its real property, including the assessed value of all real property owned by a corporation all the stock of which is owned by such bank.

The statements so filed shall be confidential and shall not be available to the public. The Director of the Division of Taxation of the State Department of the Treasury may require a profit and loss statement, balance sheet, and any additional information, which

in his opinion, may be necessary for a reasonable determination or verification of any of the facts required to be set forth in any statements so filed.

(2) For the purposes of this subtitle, "assessment date" means the December 31 next preceding the month during which the statement described in subsection (1) of this section is required to be filed, and "office," when not otherwise designated includes principal office and branch office.

2. This act shall take effect immediately.

Approved May 28, 1975.

CHAPTER 104

AN ACT to provide for exemption from taxation in certain cases, and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-3.72 Legislature's findings.

1. The Legislature finds:

a. Efforts are being made by many of our municipalities as well as by the State and Federal Government to encourage owners, particularly, of residential properties to rehabilitate their properties and thereby curb the extension of blight into once-flourishing residential neighborhoods.

b. As a result of the incursion of blight into such neighborhoods, many of our municipalities have and are presently engaged in extensive urban renewal and urban redevelopment projects involving vast expenditures of public funds.

c. The deterioration of neighborhoods into blighted areas making such renewal and redevelopment projects necessary is the result in a large measure of the unwillingness of the owners and investors of residential properties to properly maintain and improve their properties out of fear of the resulting increase in property taxes.

d. By exempting for a limited period certain home improvements from taxation much of this unwillingness and fear would not only be dissipated but such owners and investors would be encouraged to rehabilitate and improve their properties and, incidentally, their respective neighborhoods and municipalities.

e. The provisions of Article VIII, Section III, of the State Constitution, providing for limited tax abatements in areas subject to blight, can be best utilized at the least economic cost preventively in areas threatened by physical and social deterioration and blight by their application to the improvement, modernization, rehabilitation and renewal of individual residential properties in such areas.

C. 54:4-3.73 Definitions.

2. As used in this act:

a. "Assessor" means the assessor, board of assessors or any other official or body of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

b. "Completion" means substantially ready for the use for which it was intended.

c. "Dwelling" means any building used, to be used or held for use, in whole or part, as the home or residence of one or more families, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof.

d. "Home improvement" means the improvement of a dwelling which neither changes its size nor its permitted use, except that a garage may be enlarged to the extent necessary to accommodate a modern automobile, and shall include the modernization, rehabilitation, renovation, alteration or repair of a dwelling.

e. "Qualified municipality" means any municipality in which residential neighborhoods have been declared by the county planning board or the Commissioner of the Department of Community Affairs to be endangered by blight, pursuant to section 3 of this act.

C. 54:4-3.74 Determination of residential neighborhoods endangered by blight.

3. The county planning board may determine that a municipality's residential neighborhoods are endangered by blight. It may make such a determination on its own initiative or in response to a petition by the governing body of the municipality. In the event of the failure of the county planning board to respond favorably to such a petition within 30 days of its receipt, the petitioning municipal governing body may request the Commissioner of the Department of Community Affairs to make such determination instead.

In determining that a municipality's residential neighborhoods are endangered by blight, the following may be considered: existence of areas within the municipality that have previously been

declared blighted; deterioration in housing maintenance; age of housing stock; and arrearage in real property taxes due on residential properties.

C. 54:4-3.75 Determination of value of real property; home improvement exemption.

4. In determining the value of real property for the purposes of taxation, qualified municipalities may regard the first $4,000.00 in assessor's full and true value of home improvements for each dwelling unit primarily and directly affected by a home improvement in any single or multiple-dwelling property more than 20 years old, as not increasing the value of such property for a period of 5 years, notwithstanding that the value of the dwelling to which such improvements are made is increased thereby, provided, however, that during said period, the assessment on such dwelling shall in no case, except that of damage through action of the elements sufficient to warrant a reduction, be less than the assessment thereon existing immediately prior to such home improvements.

C. 54:4-3.76 Deductible amounts.

5. Such amounts may be deducted from the amount determined by the assessor on October 1 of any year following the date of the completion of the improvement to be the true taxable value of the improvement, and may continue to be so treated for each of the 5 tax years subsequent to the original determination by the assessor.

C. 54:4-3.77 Additional improvements; additional deduction privileges.

6. Additional improvements, completed during a period in which the improved property is subject to previously granted exemption privileges in an amount less than the maximum deductions permissible hereunder shall be qualified for additional deduction privileges, under the terms and conditions herein specified; provided, however, that in no tax year shall the total deduction for any single property exceed the maximum amount specified in section 4 hereinabove.

C. 54:4-3.78 Written application; form; filing; approval; recording.

7. No exemption authorized pursuant to the provisions of this act, shall be granted or allowed except upon written application therefor filed with and approved by the assessor of the taxing district wherein the home improvement is made. Every such application shall be on a form prescribed by the Director of the Division of Taxation, Department of the Treasury, and provided for the use of claimants by the governing body of the municipality constituting the taxing district, and shall be filed with the assessor

within 30 days, including Saturdays and Sundays, following the completion of the improvement. Every application for exemption of one or more improvements which qualify as improvements, within a municipality adopting the provisions of this act, as defined by this act, and which is filed within the time specified, shall be approved and allowed by the assessor. The granting of any such exemption shall be recorded and made a permanent part of the official tax records of the taxing district which record shall contain a notice of the termination date of the exemption and the consequences of transfer of title.

8. This act shall take effect immediately.

Approved May 29, 1975.

CHAPTER 105

AN ACT to provide for the safety inspection, licensing and regulation of carnival and amusement rides, and supplementing Title 5 of the Revised Statutes.

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

C. 5:3-31 Short title.

1. This act shall be known and may be cited as the "Carnival-Amusement Rides Safety Act."

C. 5:3-32 Definitions.

2. As used in this act, except where a different meaning is clearly implied by the context:

a. "Carnival" or "amusement ride" means any mechanical device or devices which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement;

b. "Owner" means a person who owns, leases, controls, or manages the operations of a carnival or amusement ride, including the State or any of its subdivisions;

c. "Ride operator" means any person or persons actually engaged in or directly controlling the operations of a carnival or amusement ride;

d. "Commissioner" means the Commissioner of Labor and Industry;

e. "Department" means the State Department of Labor and Industry; and

f. "Advisory board" means the Advisory Board on Carnival-Amusement Ride Safety.

C. 5:3-33 Advisory Board on Carnival-Amusement Ride Safety; establishment; membership; appointment; terms; vacancies.

3. a. There is hereby established within the Department of Labor and Industry an Advisory Board on Carnival-Amusement Ride Safety to consist of 10 members, of whom one shall be a representative of the carnival-amusement ride manufacturers, one shall be a representative of the carnival-amusement owners, one shall be an owner or operator of a registered fair, one shall be an owner or operator of an amusement park or enterprise, one shall be a representative of the insurance underwriters, one shall be a licensed professional engineer, three shall be public members, and one shall be a representative of the Department of Labor and Industry who shall be appointed by the commissioner. The nine citizen members shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall designate the chairman and vice-chairman of the advisory board.

b. Of the eight members first to be appointed by the Governor, three shall be appointed for terms of 2 years, three for terms of 3 years, and three for terms of 4 years. All appointments thereafter shall be made for terms of 4 years. All members so appointed shall serve until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed members of the board, by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term and the appointee shall serve until a successor is appointed and shall qualify.

C. 5:3-34 Compensation.

4. The members of the board shall serve without compensation but shall be reimbursed for any expenses incurred in attending meetings of the board and in performance of their duties as members thereof.

C. 5:3-35 Powers of advisory board.

5. The advisory board is empowered to:

a. Study and request information from the commissioner on any aspect of the carnival-amusement ride safety program, or on any matter relating to the proper conduct and improvement of said program, including its administrative, engineering and technical

aspects, and to make its findings and recommendations on the aforesaid and other related matters to the commissioner;

b. Study the rules and regulations promulgated by the department in regard to carnival-amusement ride safety and report its findings or recommendations thereon to the commissioner;

c. Hold public hearings prior to the promulgation of any rules and regulations, as well as on any of its other responsibilities, as defined in this section, and to report its findings and recommendations thereon to the commissioner.

C. 5:3-36 Rules and regulations.

6. The Department of Labor and Industry, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), shall adopt and promulgate rules and regulations for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the department may find necessary for the protection of the general public.

C. 5:3-37 Nature of rules and regulations; uniformity with other states.

7. Any rules and regulations adopted and promulgated by the department shall be of a reasonable nature, and based upon generally accepted engineering standards, formulas and practices, and, insofar as is practicable and consistent with the provisions of this act, shall be uniform with the rules and regulations of other states.

C. 5:3-38 Administration and enforcement of provisions; publication.

8. The department shall administer and enforce all provisions of this act and all rules and regulations adopted and promulgated in accordance with section 6 of this act, and shall cause the text of such rules and regulations, and any changes therein, to be published in pamphlet form and a copy thereof to be furnished without charge to each registered owner.

C. 5:3-39 Schedule of inspection and permit fees.

9. The department shall determine a schedule of inspection and permit fees. The department shall, from time to time, make such further recommendations to the Legislature as would allow fee requirements to be, as nearly as practicable and within the limits of reasonableness, brought into line with the costs of implementing the provisions of this act.

C. 5:3-40 Chief inspector; additional inspectors and employees.

10. The department, in accordance with the provisions of Title 11 of the Revised Statutes of New Jersey, shall employ a chief in-

spector and such additional inspectors and other employees as may be necessary to administer and enforce this act.

C. 5:3-41 Issuance of permit; inspections.

11. No carnival-amusement ride may be operated without a permit issued by the department. Before commencing operations and in each year thereafter, an owner shall apply for a permit to the department on a form furnished by the department and containing such information as the department may require. All carnival-amusement rides shall be inspected before they are originally put into operation for the public's use and thereafter at least once every year, unless authorized to operate on a temporary permit. Annual permits shall be issued for a period commencing July 1 and expiring the following June 30. Carnival-amusement rides may also be required to be inspected by the owner, in accordance with standards promulgated by the department, each time they are disassembled and reassembled.

C. 5:3-42 Authorization of ride for use by public.

12. If, after inspection, a carnival-amusement ride is found to comply with the rules and regulations of the department, the department shall authorize the ride for use by the public.

C. 5:3-43 Filing of plans and specifications by owner; review and approval by department.

13. Before a new carnival-amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification or capacity of any carnival-amusement ride or the physical spacing between rides, the owner shall file with the department a notice of his intentions and any plans or diagrams requested by the department. Such plans and specifications for new carnival-amusement rides, or for additions or alterations thereon, shall be reviewed and approved by an engineer retained or employed by the department and licensed in this State as a professional engineer. Upon approval of the plans and specifications the department shall authorize the ride or device for use by the public.

C. 5:3-44 Hazardous or unsafe ride; temporary cessation of operation.

14. The department may order, in writing, a temporary cessation of operation of a carnival-amusement ride if it has been determined after inspection, in accordance with standards promulgated by the department, to be hazardous or unsafe. Operation shall not resume until such conditions are corrected to the satisfaction of the department.

C. 5:3-45 Construction of act.

15. This act shall not be construed as to prevent the use of any existing carnival-amusement ride found to be in a safe condition and in conformance with the rules and regulations of the department.

C. 5:3-46 Maintenance and inspection records; contents.

16. The owner shall retain at all times up-to-date maintenance and inspection records for each carnival-amusement ride in accordance with such rules and regulations as the department may prescribe. Among other things, such records shall contain information of the date and nature of all inspections, whether by a departmental inspector or a person in the employment of the owner, as well as of any violations and the types of actions taken to rectify the violations. All breakdowns or repairs of any major mechanical part shall be duly noted. The department may also require, by rules and regulations, a full safety inspection of any ride whose operation results in any injury or death before operation of said ride can be resumed.

C. 5:3-47 Report of accidents and resulting injuries or fatalities.

17. The department shall require the immediate reporting, on a form to be provided by the department, of any accidents and resulting injuries or fatalities incurred during the operation of any carnival-amusement ride and may provide for the cessation of operation of any ride whose breakdown or malfunction directly causes serious injury to a rider, subject to rules and regulations promulgated by the department.

C. 5:3-48 Modification of rules, regulations or orders; hearing; findings and recommendations; record.

18. If there are practical difficulties or unnecessary hardships for an owner to comply with any rules and regulations adopted pursuant to this act, or if an owner is aggrieved by any order issued thereto, the department may modify the application of such rules, regulations or order in the spirit of the provisions of this act with regard to public safety. Any owner may, within 10 days after the promulgation of such rules or regulations or the service of such order, apply to the department for a modification of said rules, regulations or order. The request shall be in writing and shall state the grounds for applying for such modification. It shall be the duty of the department to provide such hearing at the earliest convenient opportunity, at which time the owner shall have the right to be heard personally or by counsel, to cross-examine witnesses appearing against him and to produce evidence in his own behalf.

After such hearing the department shall report in writing its findings and recommendations, which shall include a description of the conditions under which the modifications, if any, are permitted. Such hearing and decision shall conform to the applicable provisions of the "Administrative Procedure Act," and a record of all authorized modifications shall be kept by the department and open to the public.

C. 5:3-49 Requirement of age.

19. The department shall adopt and promulgate rules and regulations on safe operating procedures which, inter alia, shall include the requirement that a ride operator be at least 16 years of age, that he operate no more than one ride at any given time, and that he be in attendance at all times that said ride is in operation.

C. 5:3-50 Requirement of insurance policy, bond, cash or security.

20. No persons shall operate a carnival-amusement ride unless at the time there is in existence (a) a policy of insurance in an amount of not less than $100,000.00 insuring the owner or operator against liability for injury suffered by persons riding the carnival-amusement ride, or (b) a bond in a like amount; provided, however, that the aggregate liability of the surety under such bond shall not exceed the face amount thereof, or (c) cash or other security acceptable to the board. The policy shall be procured from one or more insurers acceptable to the State Commissioner of Insurance and either (a) licensed to transact insurance in the State of New Jersey, or (b) approved as surplus line insurers pursuant to section 11 of P. L. 1960, c. 32 (C. 17:22–6.45).

C. 5:3-51 Applicability of act.

21. This act shall not apply to any single-passenger coin-operated ride, manually, mechanically or electrically operated, which customarily is placed, singly or in groups, in a public location and which does not normally require the supervision or services of an operator.

C. 5:3-52 Enactment of more restrictive requirements by municipalities; written application for exemption.

22. Nothing contained in this act shall prevent municipalities from enacting requirements more restrictive than those provided for by, or adopted pursuant to the provisions of this act. Any municipality desiring to impose more restrictive requirements shall make a written application for exemption from any State standards adopted hereunder to the department which shall act upon said

application in accordance with the procedures set forth in section 18 of this act.

C. 5:3-53 Injunctive proceedings.

23. The department shall have the power to bring injunctive proceedings in any court of competent jurisdiction to compel compliance with any lawful order made by the department pursuant to the provisions of this act.

C. 5:3-54 Penalties.

24. Any person who interferes in any manner with the implementation of or otherwise fails to comply with the provisions of this act, shall be liable to a fine of not more than $500.00 to be adjudged, collected and enforced, in suit filed by the department, pursuant to the provisions of "the penalty enforcement law", (N. J. S. 2A:58–1 et seq.).

25. This act shall take effect immediately and shall apply to the operations of all carnival-amusement rides in this State; except that it shall apply to those rides in place and in operation as of the date of enactment at the time they shall have been first inspected in accordance with the terms of this act. Any carnival-amusement rides actually operated prior to the aforesaid date may continue in operation without a departmental permit until final action is taken by the department upon application for such permit filed pursuant to section 11 (C. . . . .) of this act.

Approved May 29, 1975.

CHAPTER 106

AN ACT providing for the licensing, qualification, regulation, examination, suspension and dissolution of title insurance companies, the examination and regulation of rates and rating organizations for title insurance, the regulation of agents and applicants for title insurance, prohibiting the payment of commissions for procuring title insurance, prescribing the terms and conditions upon which foreign title insurance companies may be admitted or may continue to do title insurance business within the State, a prohibition against the practice of law, a

prohibition on personal or controlled insurance imposing penalties, repealing inconsistent laws, supplementing Title 17 of the Revised Statutes and making an appropriation therefor.

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

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A. Preliminary Provisions

C. 17:46B-1 Certain words defined.

1. Certain words defined. As used in this act:

a. "Title insurance" means insuring, guaranteeing or indemnifying owners of real property or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in or the unmarketability of the title to said property, guaranteeing, warranting, or otherwise insuring by a title insurance company the correctness of searches relating to the title to real property, or doing any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of this act.

b. The "business of title insurance" shall be deemed to be (1) the making as insurer, guarantor or surety, or proposing to make as insurer, guarantor or surety, of any contract or policy of title

insurance; (2) the transacting or proposing to transact, any phase of the title insurance, including abstracting, examination of title, solicitation, negotiation preliminary to execution of a contract of title insurance, and execution of a contract of title insurance, insuring and transacting matters subsequent to the execution of the contract and arising out of it, including reinsurance; or (3) the doing, or proposing to do, any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of this act.

c. "Title insurance company" means any domestic company organized under the provisions of this act for the purpose of insuring titles to real estate, any title insurance company organized under the laws of another state or foreign government and licensed to insure titles to real estate within this State pursuant to section 25 of this act, and any domestic or foreign company having the power and authorized to insure title to real estate within this State as of the effective date of this act and which meets the requirements of this act.

d. "Applicants for insurance" shall be deemed to include all those, whether or not a prospective insured, who from time to time apply to a title insurance company, or to its agent, for title insurance, and who at the time of such application are not agents for a title insurance company.

e. "Premium" for title insurance means that portion of the fee charged by a title insurance company, agent of a title insurance company or approved attorney of a title insurance company, or any of them, to an insured or to an applicant for insurance, for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy.

f. "Fee" for title insurance means and includes the premium for the assumption of the insurance risk, charges for abstracting or searching, examination, determining insurability, and every other charge, whether denominated premium or otherwise, made by any of them, but the term "fee" shall not include any charges paid to and retained by an attorney at law whether or not he is acting as an agent of a title insurance company or an approved attorney.

g. "Commissioner" means the Commissioner of Insurance of the State of New Jersey.

h. "Approved attorney" means an attorney at law admitted to practice in the State of New Jersey, who is not an employee of a title insurance company or of a title insurance agent, upon whose

examination of title and report thereon a title insurance company may issue a policy of title insurance.

i. "Title insurance agent" means a person, firm, partnership, association, corporation, cooperative or joint-stock company authorized in writing by a title insurance company to solicit insurance risks and collect fees in its behalf and who in the regular course of business as such agent shall perform all of the following functions: examine title to real estate, determine insurability in accordance with underwriting rules and standards prescribed by such title insurance company, and issue a title report, binder, or commitment to insure, and policy based upon the examination performed by such agent and determination of insurability as aforesaid. Provided, however, the term "title insurance agent" shall not include officers and salaried employees of any title insurance company authorized to do a title insurance business within this State.

j. "Single insurance risk" means the insured amount of any policy or contract of title insurance issued by a title insurance company unless two or more policies or contracts are simultaneously issued on different estates in identical real property, in which event, it means the sum of the insured amounts of all such policies or contracts. However, any such policy or contract that insures a mortgage interest that is excepted in a fee or leasehold policy or contract, and which does not exceed the insured amount of such fee or leasehold policy or contract, shall be excluded in computing the amount of a single insurance risk.

k. "Net retained liability" means the total liability retained by a title insurance company under any policy or contract of insurance, or under a single insurance risk as defined in or computed in accordance with paragraph j. of this section, after the purchase of reinsurance.

l. "Foreign title insurance company" means a title insurance company organized under the laws of any other state of the United States.

m. "Alien title insurance company" means any title insurance company incorporated or organized under the laws of any foreign nation or of any province or territory thereof, not included under the definition of "foreign title insurance company."

n. "Personal or controlled insurance" means a policy of title insurance where the source or origination of the application for insurance or where the insured or one of the insureds under such policy is, or the loss thereunder is payable to:

(1) The title insurance company issuing such policy, or (a) any person or corporation directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such title insurance company, or (b) any corporation which is directly or indirectly controlled by a person or corporation which also controls the title insurance company as described in paragraph (1) (a) of this subsection, or (c) any corporation making consolidated returns for United States income tax purposes with such title insurance company or any corporation described in paragraphs (1) (a) and (1) (b) of this subsection; or

(2) The title insurance agent issuing such policy, or

(a) If such title insurance agent is a natural person:

(i) his spouse, his employer or his employer's spouse; or

(ii) any person related to him or the persons mentioned in subparagraph (i) of paragraph (2) (a) of this subsection within the second degree by blood or marriage; or

(iii) if his employer is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation; or

(iv) if his employer is a partnership or association, any person owning an interest in such partnership or association.

(b) If such title insurance agent is a corporation,

(i) any person directly or indirectly owning or controlling a majority of the voting stock or contolling interest in such corporation; or

(ii) any corporation which is directly or indirectly controlled by a person who also controls the title insurance agent as described in subparagraph (i) of paragrah (2) (b) of this subsection; or

(iii) any corporation making consolidated returns for United States income tax purposes with any corporation described in subparagraph (i) or (ii) of paragraph (2) (b) of this subsection.

o. "Source" as used in this act means and includes clients and customers of attorneys at law and real estate brokers, where such attorney or broker acts as a title insurance agent in an individual, partnership or corporate capacity.

p. "Person" as used in this act means a firm, partnership, association, corporation, cooperative or joint-stock company as well as individuals, unless restricted by the context to an individual as distinguished from some other entity.

New Jersey State Library

C. 17:46B-2 Short title.

2. Short title. This act shall be known and may be cited as "The Title Insurance Act of 1974."

C. 17:46B-3 Application of act.

3. Application of act. The provisions of this act shall apply to all title insurance companies, title insurance rating organizations, title insurance agents, applicants for title insurance, policyholders and to all persons and business entities engaged in the business of title insurance.

C. 17:46B-4 Severability.

4. Severability. The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act.

C. 17:46B-5 Compliance with act required.

5. Compliance with act required. On and after the effective date of this act, only a title insurance company shall underwrite or issue a policy of title insurance. No person, firm, partnership, association, corporation, cooperative, joint-stock company or trust shall engage in the business of title insurance in this State unless authorized to transact such a business by the provisions of this act.

B. Title Insurance Company

C. 17:46B-6 Corporate form required.

6. Corporate form required. A title insurance company shall be organized as a stock corporation as provided in R. S. 17:17–2 except as hereinafter specified in this act.

C. 17:46B-7 Financial requirement.

7. Financial requirement:

a. Every title insurance company shall have a minimum capital, which shall be paid in and maintained, of not less than $500,000.00 and, in addition, paid-in surplus of at least $250,000.00.

b. Every title insurance company shall, prior to the issuance of any policy of title insurance in this State, have on deposit with the Commissioner of Insurance of the state of its domicile or in segregated funds if permitted by the company's state of domicile the sum of $100,000.00 as a fund for the security and protection of its policyholders wherever situated, or beneficiaries under such policies. The amount of such deposit shall be increased by the sum of $50,000.00 for each state or territorial subdivision of the

United States, other than the state of its domicile, in which it shall be or become qualified to engage in the business of title insurance, less the amount required by and deposited in such other states or territorial subdivisions. When the aggregate of amounts so deposited in this or such other states or territorial subdivisions has reached the sum of $250,000.00 no further deposit shall be required of such title insurance company as a condition of its qualification to engage in the business of title insurance in this State.

In the event any company is unable to make the deposits herein required in the state of its domicile by reason of a lack of statutory authority for such deposits, then such deposits may be made with the commissioner of this State.

c. The deposit required to be made by subsection b. of this section may be made in lawful money of the United States or in the classes of investments authorized by section 21 of this act for the investment of the capital of title insurance companies.

d. Assets deposited pursuant to subsection b. of this section may, with the approval of the commissioner, be exchanged from time to time for other assets of like value.

e. As long as the capital of the depositing title insurance company remains unimpaired, it shall receive the income, interest and dividends on any assets deposited.

f. Any title insurance company which has deposited assets pursuant to subsection b. of this section may, with the approval of the commissioner, withdraw any part of the assets so deposited; provided, however, that should said title insurance company continue to engage in the business of title insurance, it shall not be permitted to withdraw assets that would reduce the amount of its deposit below the amount required by subsection b. of this section.

g. Deposits made pursuant to subsection b. of this section shall be used solely for the security and protection of the insureds under the policies and contracts of insurance issued or reinsurance assumed by such title insurance company. In the event of insolvency or dissolution of such title insurance company, such deposits shall continue to be retained by the commissioner until such time as all outstanding liabilities created by such policies, contracts, or reinsurance agreements have been discharged by reinsurance or otherwise. Such deposits, or so much thereof as shall be necessary, may be used by or with the written approval of the commissioner in the payment of claims arising under such policies, contracts or reinsurance agreements or to purchase reinsurance thereof. Any

amounts then remaining with the commissioner shall be applied first to the payment of other obligations of such title insurance company, and second shall be distributed to the stockholders of such title insurance company. The actions of the commissioner shall be subject to judicial review as provided in section 58 of this act.

h. If, with respect to any title insurance company as defined in subsection c. of section 1 of this act, this section 7 requires a greater amount of capital or surplus or deposit than required of such title insurance company immediately prior to the effective date of this act, such title insurance company shall have the period ending July 1, 5 years after the effective date of this act within which to comply with any such increase requirement.

C. 17:46B-8 Procedure when capital impaired.

8. Procedure when capital impaired:

a. If, for any reason, the capital of a domestic title insurance company becomes impaired and such impairment shall not be eliminated within 30 days from its inception, the company shall forthwith give written notice thereof to the commissioner. The commissioner, upon receipt of such notice or upon otherwise discovering an impairment of capital, shall determine the amount of such impairment and issue a written requisition to the company to eliminate the impairment within such period as he shall designate not more than 60 days from the service of the requisition. He may also by official order prohibit the company from issuing any policies or contracts of title insurance while such impairment exists.

b. Such title insurance company, with the consent and approval of the commissioner, may authorize new or additional shares of stock, and issue certificates therefor, and dispose of the same at not less than their par value for an amount sufficient, at least, to make up the capital impairment, or the commissioner may, in his discretion permit such company to reduce its capital and the par value of its shares, but the capital shall at no time be reduced to an amount less than that required by law for the organization of any such company, after making due allowance for the number of states or territorial subdivisions of the United States in which said company shall retain its qualification to engage in the business of title insurance. In fixing such reduced capital, not less than $250,000.00 nor more than 33⅓% of the net assets existing at the time of such capital reduction shall be designated as surplus; nor shall any part of such assets be distributed to stockholders. When the amount of capital prescribed by the commissioner has

been established, such title insurance company shall so notify the commissioner, who, upon being satisfied that the impairment no longer exists and is not likely to recur, shall give written approval authorizing such title insurance company to resume issuance of policies or contracts of title insurance, in the state of its domicile, and reinsurance agreements with respect thereto.

c. If the capital of any title insurance company other than a domestic company authorized to do business in this State is found so impaired, the commissioner, may after notice and hearing, revoke its license to transact business in this State.

C. 17:46B-9 Determination of insurability required.

9. Determination of insurability required. No policy or contract of title insurance shall be written unless and until the title insurance company has caused to be conducted a reasonable examination of the title and has caused to be made a determination of insurability of title in accordance with sound underwriting practices for title insurance companies. Evidence thereof shall be preserved and retained in the files of the title insurance company or its agent for a period of not less than 15 years after the policy or contract of title insurance has been issued. In lieu of retaining the original copy, the title insurance company or the agent of the title insurance company may, in the regular course of business, establish a system whereby all or part of these writings are recorded, copied or reproduced by any photograhic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for reproducing the original. On every application for a commitment for title insurance the name and address of the applicant and the proposed insured shall be set forth in full. Except where the applicant is an attorney at law of the State of New Jersey representing the proposed insured, or where the proposed insured is the United States of America or the State of New Jersey, or any political subdivision thereof, or other governmental authority, the title company shall mail a notice, either separate from or as part of the commitment to insure, to the address of the insured, notifying the insured that there may be conditions, exceptions, and limitations of the insurance liability of the title company, contained in the commitment to insure, and that the proposed insured is entitled to review the commitment to insure, before transfer of title, with an attorney at law of the insured's own choosing. Such notice shall be sent at least 5 days before the closing of title. This section shall not apply to a company assuming no primary liability in a contract of reinsur-

ance, or a company acting as a coinsurer if one of the other coinsuring companies has complied with this section.

C. 17:46B-10 Power to insure titles to real estate.

10. Power to insure titles to real estate. Every title insurance company shall have the power to do the kinds of business defined in subsections a. and b. of section 1 of this act, and to make searches, abstracts, examine titles to real property and chattels, procure and furnish information in relation thereto, and to provide any other services related to the land title business.

C. 17:46B-11 Prohibition upon guaranteeing mortgages and completion.

11. Prohibition upon guaranteeing mortgages and completion. A title insurance company shall not, in any manner whatsoever, guarantee the payment of the principal or the interest of bonds or other obligations secured by mortgages upon real property; nor shall a title insurance company, in any manner whatsoever guarantee the completion of any building, structure or project.

C. 17:46B-12 Prohibition against transacting other kinds of insurance; prohibition against other kinds of insurance companies transacting title insurance.

12. Prohibition against transacting other kinds of insurance; prohibition against other kinds of insurance companies transacting title insurance. A title insurance company shall not transact, underwrite or issue any kind of insurance other than title insurance; nor shall title insurance be transacted, underwritten or issued by any company transacting any other kinds of insurance.

C. 17:46B-13 Prohibition against the practice of law.

13. Prohibition against the practice of law.

No title insurance company and no title insurance agent shall engage in the practice of law or render legal services, legal advice or legal opinions.

Nothing in this act shall be construed to permit or authorize acts by a title insurance company or title insurance agent which may now or hereafter be prohibited by the Supreme Court of the State of New Jersey.

C. Reserves

C. 17:46B-14 Statutory premium reserve.

14. Statutory premium reserve.

a. Every domestic insurance company shall, in addition to other reserves, establish and maintain a reserve to be known as the "statutory premium reserve" for title insurance, which shall, at all times for all purposes, be deemed and shall constitute the

unearned portions of premiums due or received and shall be charged as a reserve liability of such title insurance company in determining its financial condition.

b. The statutory premium reserve shall be retained and held by such title insurance company for the protection of the policyholders' interest until released as prescribed in section 15 f. of this act in policies which have not expired. Except as provided in section 17 of this act, assets equal to the amount of such reserve shall not be subject to distribution among creditors or stockholders of such title insurance company until all claims of policyholders or holders of other title insurance contracts or agreements of such title insurance company have been paid in full and all liability on the policies or other title insurance contracts or agreements, whether contingent or actual, has been discharged or lawfully reinsured.

C. 17:46B-15 Amount of statutory premium reserve; release thereof.

15. Amount of statutory premium reserve; release thereof.

a. The statutory premium reserve of every domestic title insurance company shall consist of:

(1) The amount of the reserve held as of the effective date of this act, pursuant to or under permission granted by P. L. 1938, c. 289, s. 6, as amended by P. L. 1949, c. 180, s. 1 (C. 17:18–13); and

(2) The amount of all additions required to be made to such reserve by this section, less the withdrawals therefrom as required by this section.

b. After the effective date of this act, every domestic title insurance company shall add to its statutory premium reserve, in respect to each policy or reinsurance agreement issued by it, a sum of money out of the fees due or received for such title insurance made by it and deemed to be unearned portions of such fees, a sum equal to $1.50 for each such policy or contract or agreement, plus $0.12½ for each $1,000.00 face amount of net retained liability, as defined in subparagraph k. of section 1, of this act, and shall separately record the aggregate amounts so set aside and reserved in respect to such policies, contracts or agreements written in each calendar year.

c. No such reserves shall be required for a policy or contract that insures a mortgage interest which is excepted in a simultaneously issued owner's policy or contract covering the same estate in land and which does not exceed the insured amount of such owner's policy or contract.

d. The amounts set aside initially to establish the statutory premium reserve as referred to in subparagraph a. (1) of section 15 of this act, and additions to the statutory reserve as referred to in paragraph b. of section 15 of this act shall be deducted in determining net profits of any title insurance company.

e. For the purpose of determining the amounts of the statutory premium reserve that shall be withdrawn pursuant to paragraph f. of this section, and the interest of the policyholders therein under section 17 of this act, all policies, contracts of title insurance or reinsurance agreements of title insurance shall be considered as dated on July 1 of the year of issue.

f. The aggregate of the amounts set aside in statutory premium reserve in any calendar year pursuant to subparagraph b. of this section shall be released from said reserve and restored to net income in years of release pursuant to the following formula:

one-twentieth of such aggregate sum on July 1 of each of the years next succeeding the year of addition to the reserve for a period of 20 years until the entire sum shall have been so released and restored to net profits.

The reserve held at the effective date of this act referred to in subsection a. (1) of this section shall also be released according to the foregoing formula.

g. If substantially the entire outstanding liability under all policies, contracts of title insurance or reinsurance agreements of any title insurance company shall be reinsured, the value of the consideration received by a reinsuring title insurance company authorized to transact the business of title insurance in this State, shall constitute, in its entirety, unearned portions of original premiums and be added to its statutory reserve and deemed, for recovery purposes, to have been provided for liabilities assumed during the year of such reinsurance. The amount of such addition to the statutory premium reserve of such assuming title insurance company shall be equal to the statutory premium reserve required to be maintained by the ceding title insurance company at the time of such reinsurance.

C. 17:46B-16 Maintenance of the statutory premium reserve.

16. Maintenance of the statutory premium reserve. If by reason of any cause, other than depreciation in the market value of investments, the amount of the assets of a title insurance company held as investments of its statutory premium reserve should on any date be less than the amount required to be maintained by law in such reserve, and the deficiency shall not be promptly cured,

such title insurance company shall forthwith give written notice thereof to the commissioner and shall make no further policies, contracts of title insurance or reinsurance agreements of title insurance until the deficiency shall have been eliminated and until it shall have received written approval from the commissioner authorizing it to again issue such policies, contracts of title insurance or agreements.

C. 17:46B-17 Use of the statutory premium reserve on liquidation, dissolution or insolvency.

17. Use of the statutory premium reserve on liquidation, dissolution or insolvency.

a. If a title insurance company becomes insolvent, or is in the process of liquidation or dissolution, or in the possession of the commissioner:

(1) Such amount of the assets of such title insurance company equal to the statutory premium reserve then remaining as is necessary may be used by or with the written approval of the commissioner, to pay for reinsurance of the liability of such title insurance company upon all outstanding policies or contracts or reinsurance agreements of title insurance, as to which claims for losses by the holders are not then pending, the balance, if any, of assets equal to the statutory premium reserve fund then remaining, then to be transferred to the general assets of the title insurance company;

(2) The assets other than the statutory premium reserve shall be available to pay claims for losses sustained by holders of policies then pending or arising up to the time reinsurance is effected. In the event that claims for losses are in excess of such other assets of the title insurance company, such claims, when established, shall be paid pro rata out of the surplus assets attributable to the statutory premium reserve, to the extent of such surplus, if any.

b. In the event that reinsurance is not obtained, the statutory premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held by the commissioner for 20 years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of such fund shall, at expiration of 20 years, revert to the general assets of the title insurance company.

C. 17:46B-18 Reserve for unpaid losses and loss expense.

18. Reserve for unpaid losses and loss expense.

a. Each domestic title insurance company shall at all times establish and maintain, in addition to other reserves, a reserve:

(1) Against unpaid losses, and (2) against loss expense, and shall calculate such reserves by making a careful estimate in each case of the loss and loss expense likely to be incurred, by reason of every claim presented, pursuant to notice from or on behalf of the insured, of a title defect in or lien or adverse claim against the title insured, that may result in a loss or cause expense to be incurred for the proper disposition of the claim. The sums of the items so estimated shall be the total amounts of the reserves against unpaid losses and loss expenses of such title insurance company.

b. The amounts so estimated may be revised from time to time as circumstances warrant, but shall be redetermined at least once each year.

c. The amounts set aside in such reserves in any year shall be deducted in determining the net profits for such year of any title insurance company.

D. Limit on Net Retention

C. 17:46B-19 Net retained liability.

19. Net retained liability. The net retained liability of any title insurance company under any single insurance risk as defined in subsections j. and k. of section 1 of this act shall not exceed the net amount remaining after deducting from the sum of its capital, surplus, statutory premium reserve and voluntary reserves, the value, if any, assigned in such summation to its title plants, all as shown in its most recent report on file with the commissioner. The same limitation shall apply to any secondary risk assumed by means of reinsurance or to any policy of excess coinsurance.

Nothing in this section is intended to limit the amount of a single insurance risk, as defined in subsection j. of section 1 of this act, that may be written or assumed by a title insurance company, provided it shall cede to one or more other title insurance companies, on or before the effective date of such writing or assumption, such portion, or portions, of the said risk as shall be sufficient to bring its net retained liability thereunder within the limits hereinabove set forth; and provided, further, that each such cession of risk shall also be within the limits of this section as applied to the sum of the capital, surplus, statutory premium reserve and voluntary reserves, less the value, if any, assigned in such summation to the title plants of the assuming and reinsuring title insurance company, as shown by its most recent report on file with the supervisory agency in the state of its domicile.

E. Reinsurance

C. 17:46B-20 Power to reinsure.

20. Power to reinsure. Any title insurance company authorized to engage in the business of title insurance in this State may cede reinsurance of all or any part of its liability under one or more of its policies or contracts or reinsurance agreements to any title insurance company authorized to engage in the business of title insurance in this or any other state, if such reinsuring company is and remains of the same standard of solvency and complies with all other requirements fixed by the laws of this State for title insurance companies authorized to insure titles to real estate within the State; provided, however, that no larger amount of reinsurance shall be ceded to any title insurance company on a single policy, or contract of title insurance, or on any single title insurance risk as defined in subsection j. of section 1 of this act, than such title insurance company would be permitted to retain if authorized to engage in the business of title insurance in this State. It may also reinsure policies of title insurance issued by other companies on risks whether located in this State or elsewhere. Issuance of contracts of reinsurance by a title insurance company not authorized to engage in the business of title insurance in this State, but authorized to engage in the business of title insurance in any of the United States, reinsuring a title insurance company authorized to engage in the business of title insurance in this State on real property located in this State, shall not of itself constitute the doing of business in this State for the purpose of this act by such reinsuring company; provided, however, that the issuance of such a contract or reinsurance is equivalent to and shall constitute an appointment by such reinsurer of the Commissioner of Insurance to be its true and lawful agent, upon whom may be served all lawful process and complaints in any actions or proceedings arising out of contracts of reinsurance with a title insurance company authorized to engage in the business of title insurance in this State on real property located in this State, and the issuance of any such reinsurance contract shall be signification of its agreement that such service of process and complaints is of the same legal force and validity as personal service of the same upon the insurer.

F. Investments

C. 17:46B-21 Minimum capital.

21. Minimum capital. An amount equivalent to the minimum capital requirements as defined in subsection a. of section 7 shall

be retained as cash on hand or on deposit in banks, or shall be invested in the following classes of investments; provided, however, that the aggregate invested at any time in those classes of investments set forth in subsections g., h., i. and p. of this section shall not, without written approval of the commissioner, exceed 50% of the sum of the capital and surplus of such title insurance company as shown by its most recent statement on file with said commissioner:

a. Government obligations. Bonds, notes or obligations issued, assumed or guaranteed by the United States, or by any state, district or territory of the United States, or the Commonwealth of Puerto Rico.

b. Governmental subdivisions or public instrumentality obligations. Valid and legally authorized bonds, notes or obligations issued, assumed or guaranteed by:

(1) Any city, town, county, borough, township, municipality, school district, poor district, water, sewer, drainage, road or other governmental district or division located in the United States or any state, district or territory thereof and the Commonwealth of Puerto Rico; or by

(2) Any public instrumentality other than a municipal authority of one or more of the foregoing, if, by statutory or other legal requirements applicable thereto, such bonds or other evidences of indebtedness of such instrumentality are payable, as to principal and interest, from taxes levied or by law required to be levied, upon all taxable property or all taxable income within the jurisdiction of the governmental unit or units of which it is an instrumentality, or from revenue pledged or otherwise appropriated or by law required to be provided for the purpose of such payment;

(3) Any municipal authority issued pursuant to the laws of the State relating to the creation or operation of municipal authorities, if the obligations are not in default as to principal or interest and if the project for which the obligations were issued is under lease to a school district or school districts or if the obligations are not in default as to principal or interest and if the project for which the obligations were issued is under lease to a municipality or municipalities or subject to a service contract with a municipality or municipalities, pursuant to which the municipal authority will receive lease rentals or service charges available for fixed charges on the obligations, which will average

not less than one and one-fifth times the average annual fixed charges of such obligations over the life thereof, or if the obligations are not in default as to principal or interest and if for a period of 5 fiscal years next preceding the date of acquisition, the income of such authority available for fixed charges has averaged not less than one and one-fifth times average annual fixed charges of such obligations over the life of such obligations. As used in this clause, the term "income available for fixed charges" shall mean income after deducting operating and maintenance expenses, and, unless the obligations are payable in serial, annual maturities, or are supported by annual sinking fund payments, depreciation, but excluding extraordinary nonrecurring items of income or expenses; and the term "fixed charges" shall include principal, both maturity and sinking fund, and interest on bonded debt. In computing such income available for fixed charges for the purposes of this section, the income so available of any corporation acquired by any municipal authority may be included, such income to be calculated as though such corporation had been operated by a municipal authority and an equivalent amount of bonded debt were outstanding.

The eligibility for investment purposes of obligations of each project of a municipal authority shall be separately considered hereunder.

c. Public utility obligations. Bonds, notes or obligations issued, assumed or guaranteed by any solvent public utility corporation or public utility business trust, incorporated or existing under the laws of the United States or of any state, district or territory thereof.

d. Other corporate obligations. Bonds, notes or obligations issued, assumed or guaranteed by any other corporation, including railroads, or business trust, incorporated or existing under the laws of the United States, or of any state, district or territory thereof, whose income available for fixed charges for the period of 5 fiscal years next preceding the date of investment shall have averaged not less than one and one-half times its average annual fixed charges applicable to such period. As used in this subsection, the term "income available for fixed charges" shall mean income, after deducting operating and maintenance expenses, depreciation and depletion, and taxes other than Federal or State income taxes, but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of the corporation or business trust, and the term "fixed

charges'' shall include interest on funded or unfunded debt and amortization of debt discount and expense. If income is determined in reliance upon consolidated income statements of parent and subsidiary corporations or business trusts, such income shall be determined after provision for Federal and State income taxes of subsidiaries, and after proper allowance for minority stock interest, if any, and the required coverage of fixed charges, shall be computed on a basis including fixed charges and preferred dividends of subsidiaries, other than those payable by subsidiaries to the parent corporation or business trust, or to any other such subsidiaries. In applying an income test under this section to any issuing, assuming or guaranteeing corporation or business trust, whether or not in legal existence during the whole or the 5-year period next preceding the date of the investment, which has at any time or times after the beginning of such period acquired the assets or the outstanding shares of capital stock of any other corporation or business trust by purchase, merger, consolidation or otherwise, substantially as an entirety, or has been reorganized pursuant to the bankruptcy law, the income of such other predecessor or constituent corporation or business trust or of the corporation or business trust so reorganized, available for interest and dividends for such portion of such period as shall have preceded acquisition or reorganization may be included in the income of such issuing, assuming or guaranteeing corporation or business trust for such portion of such period as may be determined in accordance with adjusted or pro forma consolidated income statements covering such portion of such period, and giving effect to all stock or shares outstanding and all fixed charges existing immediately after acquisition or reorganization.

e. Trustees', receivers' or equipment trust obligations.

(1) Certificates, notes or obligations issued by trustees or receivers of any corporation or business trust created or existing under the laws of the United States or of any state, district or territory thereof which, or the assets of which, are being administered under the direction of any court having jurisdiction, if such obligation is adequately secured as to principal and interest.

(2) Equipment trust obligations or certificates, which are adequately secured, or other adequately secured instruments, evidencing an interest in transportation equipment, wholly or in part within the United States, and a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such transportation equipment.

f. Acceptances and bills of exchange. Bank and bankers acceptances, and other bills of exchange of the kind and maturities made eligible pursuant to law for purchase in the open market by Federal Reserve Banks.

g. Real estate loans. Ground rents and bonds, notes or other evidences of indebtedness, secured by first mortgages or trust deeds upon unencumbered and improved real property located in any state, district or territory of the United States, and in investments in the equity of the seller under contracts for deeds covering the entire balance due on bona fide sales of such real property; provided that a loan guaranteed or insured in full by the Administrator of Veterans' Affairs pursuant to the provisions of the Servicemen's Readjustment Act of 1944, c. 268, Title II, 58 Stat. 284, as heretofore or hereafter amended may be subject to a prior encumbrance. Real property shall not be considered to be encumbered within the meaning of this section by reason of the existence of instruments reserving mineral, oil, water or timber rights, rights-of-way, sewer rights, rights in walls or driveways, by reason of liens inferior to the lien securing the loan of the insurance company, or liens for taxes or assessments not yet delinquent, or by reason of building restrictions or other restrictive covenants or by reason of any lease under which rents or profits are reserved to the owner, if, in any event, the security for such loan is a first lien upon such real property, and if there is no condition or right of reentry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed. No mortgage or trust deed, loan or investment in a seller's equity under a contract for deed made or acquired by the insurance company on any one property shall at the date of investment exceed two-thirds of the value of the real property securing the loan, or subject to such contract; provided that such limitation in respect to value shall not apply to a loan which is:

(1) Insured by, or for which a commitment to insure has been made by, the Federal Housing Administrator or commissioner pursuant to the provisions of the National Housing Act, 12 U.S.C. § 1702 et seq. (1934), as heretofore or hereafter amended;

(2) Guaranteed by the Administrator of Veterans' Affairs pursuant to the provisions of the Servicemen's Readjustment Act of 1944, c. 288, Title II, 58 Stat. 284, as heretofore or hereafter amended, except, that if only a portion of a loan is so guaranteed, such limitation shall apply to the portion not so guaranteed;

(3) Insured by the administrator pursuant to the provisions of

the Servicemen's Readjustment Act, c. 288, Title II, 58 Stat. 284, of 1944, as heretofore or hereafter amended;

(4) Upon real estate under lease to a corporation or business trust, incorporated or existing under the laws of the United States or any state, district or territory thereof, whose income available for fixed charges for the period of 5 fiscal years next preceding the date of investment, shall have averaged not less than one and one-half times its average annual fixed charges applicable to such period, if there is pledged and assigned, as additional security for the loan, and for application thereon, sufficient of the rentals payable under the lease to provide for repayment of the loan within the unexpired term of the lease;

(5) Upon such terms that the principal thereof will be amortized by repayments of principal at least once in each year in amounts sufficient to repay the loan within a period of not more than 30 years, and such loan is upon improved real estate, and at the date of investment does not exceed three-fourths of the value of the real estate securing the loan.

h. Purchase money securities. Purchase money mortgages or like securities received by it upon the sale or exchange of real property, acquired pursuant to subsection p. of this section.

i. Federal Housing Administrators debentures. Debentures issued by the Federal Housing Administrator or commissioner in settlement of claims pursuant to the National Housing Act, 12 U.S.C. § 1701 et seq. (1934), as heretofore or hereafter amended.

j. National mortgage association securities. Securities of national mortgage associations or similar national mortgage credit institutions organized under the Federal Housing Act, as heretofore or hereafter amended.

k. Federal Land Bank, Federal Intermediate Credit Bank and Bank for Cooperatives Securities. Bonds, debentures and other obligations of Federal Land Banks or Federal Intermediate Credit Banks issued pursuant to the Federal Farm Loan Act, 12 U.S.C. § 642 et seq. (1916), as heretofore or hereafter amended, or of Banks for Cooperatives issued pursuant to the Farm Credit Act of 1933, c. 98, Title VIII, 48 Stat. 257, as heretofore or hereafter amended.

l. Loans upon leaseholds. Loans upon leasehold estates on unencumbered real estate located in any state, district or territory of the United States; provided that no such loan shall exceed two-thirds of the value of the leasehold at the date of investment, unless:

(1) Such loan is guaranteed or insured by, or for which a commitment to guarantee or insure such loan has been made by, the Federal Housing Administrator or commissioner, pursuant to the provisions of the Federal National Housing Act, 12 U.S.C. § 1701 et seq. (1934), as heretofore or hereafter amended; or

(2) Such leasehold is of improved real estate and such loan provides for amortization by repayments of principal at least once in each year in amounts sufficient to repay the loan within a period of four-fifths of the unexpired term of the leasehold, but within a period of not more than 30 years, and does not exceed three-fourths of the value of the leasehold at the date of investment; or

(3) Such real estate is under lease to a corporation or business trust, incorporated or existing under the laws of the United States or any state, district or territory thereof, whose income available for the fixed charges for the period of 5 fiscal years next preceding the date of investment shall have averaged not less than one and one-half times its average annual fixed charges applicable to such period, if there is pledged and assigned as additional security for the loan and for application thereon sufficient of the rentals payable under such lease to provide for repayment of the loan within the unexpired term of the lease. Provided further, that the terms of any such loan shall require repayments of principal at least once in each year in amounts sufficient to repay the loan within the term of the leasehold, unexpired at the date of investment, unless a shorter period is required under subparagraph (2).

m. Savings and loan shares. Shares of any Federal savings and loan association, or of any building and loan or savings and loan association, to the extent that the withdrawal or repurchasable value of such shares is insured by the Federal Savings and Loan Insurance Corporation, under the National Housing Act, 12 U.S.C. § 1701 et seq. (1934), as heretofore or herafter amended, and shares of any building and loan or savings association to the extent that the withdrawal or repurchasable value of such shares is insured by a State regulated and supervised savings and loan insurance corporation.

n. Federal Savings and Loan Insurance Corporation obligations. Bonds, notes or obligations issued, assumed or guaranteed by the Federal Savings and Loan Insurance Corporation, under the provisions of the National Housing Act, 12 U.S.C. § 1701 et seq. (1934), as heretofore or hereafter amended.

o. Federal Home Loan Bank obligations. Bonds, notes or

obligations issued, assumed or guaranteed by the Federal Home Loan Bank or issued, assumed or guaranteed by the Federal Home Loan Bank Board under the provisions of the Federal Home Loan Bank Act, 12 U.S.C. § 1421 et seq. (1932), as heretofore or hereafter amended.

p. Real estate; right to acquire. It shall be lawful for any title insurance company organized under the laws of this State to purchase, receive, hold and convey real estate or any interest therein:

(1) Required for its convenient accommodation in the transaction of its business with reasonable regard to future needs;

(2) Acquired in connection with a claim under a policy of title insurance;

(3) Acquired in satisfaction or on account of loans, mortgages, liens, judgments or decrees, previously owing to it in the course of its business;

(4) Acquired in part payment of the consideration of the sale of real property owned by it if the transaction shall result in a net reduction in the company's investment in real estate;

(5) Reasonably necessary for the purpose of maintaining or enhancing the sale value of real property previously acquired or held by it under subparagraphs (1), (2), (3), or (4) of this subsection.

Provided, however, that no title insurance company shall continue to hold any real estate acquired by it under subparagraph (2), (3), or (4) for more than 5 years from the date of acquisition thereof, unless it shall obtain the written approval of the commissioner to hold such real estate for a longer period of time.

C. 17:46B-22 Funds in excess of minimum capital, other than statutory premium reserve.

22. Funds in excess of minimum capital, other than statutory premium reserve. Funds over and above minimum capital, other than the statutory premium reserve, may be retained as cash on hand or on deposit in banks, or may be invested in the following classes of investments:

a. Any of the classes of investments authorized in section 21 of this act; provided, however, that the amount invested at any time in those classes of investments set forth in subsections g., h., l. and p. of section 21, when valued at cost, shall not, without written approval of the commissioner, exceed 50% of the sum of the capital and surplus of such title insurance company as shown by its most recent statement on file with said commissioner.

b. Corporate stock or shares of any solvent corporation incorporated under the laws of the United States or any state, district or territory thereof, the Commonwealth of Puerto Rico, or of the Dominion of Canada or any province thereof, including the stock of another title insurance company.

c. Corporate obligations. Bonds, notes or obligations issued, assumed or guaranteed by any solvent corporation or business trust, incorporated or existing under the laws of the United States or any state, district or territory thereof, the Commonwealth of Puerto Rico, or of the Dominion of Canada or any province thereof.

d. Canadian governmental subdivision obligations. Valid and legally authorized bonds, notes or obligations issued, assumed or guaranteed by any province, county, city, town, village, municipality or political subdivision of the Dominion of Canada.

e. Other loans and investments. Loans or investments not qualifying or permitted under the preceding subsections of this section to an amount not exceeding 25% of the amount of the surplus of a title insurance company as shown by its most recent statement on file with the commissioner.

f. Title plant. Provided it shall at all times comply with the minimum capital investment requirements of section 21, a title insurance company may invest in title plants. The title plants shall be considered assets at the fair value thereof. In determining the fair value of a title plant, no value shall be attributed to furniture and fixtures, and the real estate in which the title plant is housed shall be carried as real estate. The value of title abstracts, title briefs, copies of conveyances or other documents, indices and other records comprising the title plant shall be determined by considering the expenses incurring in obtaining them, the age thereof, the cost of replacements, and all other relevant factors. Once the value of a title plant shall have been determined, hereunder, such value may be increased only by the acquisition of another title plant by purchase, consolidation or merger; in no event shall the value of the title plant be increased by additions made thereto as part of the normal course of abstracting and insuring titles to real estate. Subject to the above limitations and with the approval of the commissioner, a title insurance company may enter into agreements with one or more title insurance companies authorized to do business in this State, whereby such companies shall participate in the ownership, management and control of a title plant to service the needs of all such companies

or such companies may hold stock of a corporation owning and operating a title plant for such purposes.

C. 17:46B-23 Statutory premium reserve.

23. Statutory premium reserve. The statutory premium reserve of a title insurance company may be held as cash on hand or on deposit in banks, or shall be invested only in those classes of investments authorized by subsections a. through f., i., j., k., m., n. and o. of section 21 of this act, except that not more than 25% of such reserve may be invested in preferred or guaranteed stock or shares of any solvent corporation or business trust, incorporated or existing under the laws of the United States, or of any state, district or territory thereof, whose net earnings available for its fixed charges during each of the 2 years next preceding the date of such investment have been, and during the 5 years next preceding such date shall have averaged, not less than one and one-half times the sum of its average annual fixed charges, if any, as such fixed charges are defined in subsection d. of section 21 of this act and its average annual preferred dividend requirements. For the purpose of this section such computation shall refer to the calendar or other fiscal year or years of such solvent corporation and the term "preferred dividend requirements" shall include cumulative and noncumulative dividends.

C. 17:46B-24 Investment acquired before effective date.

24. Investments acquired before effective date. Any investment of a title insurance company lawfully acquired before the effective date of this act and which but for this section would be considered ineligible as an investment on such effective date shall be disposed of within 5 years from such effective date. The commissioner, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurance company and its policyholders, may extend the period for sale or disposal of such investment for a further reasonable time, in no event to exceed 3 years.

G. Foreign and Alien Companies

C. 17:46B-25 Requisites for foreign and alien title insurance companies to do business.

25. Requisites for foreign and alien title insurance companies to do business. Any title insurance company organized under the laws of another state or foreign government shall be licensed to transact a title insurance business within this State only if such company is and remains of the same standard of solvency and

complies with other requirements fixed by the laws of this State for domestic title insurance companies organized and authorized to transact the business of title insurance pursuant to the laws of this State. No title insurance company shall be admitted and authorized to do business until:

a. It has filed with the commissioner a certified copy of its charter, a statement of its financial condition and business, signed and sworn to by its proper officers, and copies of forms of all policies it proposes to issue in this State, with such other information as the commissioner may require; and

b. It has satisfied the commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact. That it has the requisite amount of capital, fully paid up and unimpaired; and

c. It shall, by a duly executed instrument filed in his office, constitute and appoint the commissioner or his successor its true lawful attorney, upon whom all lawful processes in any action, rule, order or legal proceeding against it may be served; and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocably so long as any liability of the company remains outstanding in this State.

C. 17:46B-26 Foreign and alien title insurance companies.

26. Foreign and alien title insurance companies. No title insurance company not incorporated or organized under the laws of this State, but authorized to transact business herein, shall make, write, place or cause to be made, written or placed any policy or contract of insurance covering real property in this State except:

a. Through a title insurance agent as defined in section 1 of this act who or which is a resident of this State or maintains his, her or its principal place of business in this State; or

b. Through a bona fide branch office located in this State and under the direction and control of such title insurance company, all expenses of which branch office, including compensation of all employees, are paid by such title insurance company; or

c. Through a subsidiary title insurance company having its principal place of business in this State. This section shall not be applicable to contracts of reinsurance, or to policies of excess coinsurance.

H. Mergers, Consolidations and Acquisitions

C. 17:46B-27 Mergers and consolidations of title insurance companies.

27. Mergers and consolidations of title insurance companies.

a. A title insurance company organized and incorporated under the laws of this State may merge, be merged by or consolidate with, one or more title insurance companies whether or not so incorporated, by complying with chapter 27 of Title 17 of the Revised Statutes as amended and supplemented but subject to the following:

(1) No such merger or consolidation shall be effectuated unless in advance thereof, the plans and agreement therefor have been filed with the commissioner. The commissioner shall examine the terms and conditions of such merger or consolidation, and of any exchange of shares or securities pursuant thereto, after holding a hearing at which all persons or parties to whom it is proposed to issue shares or securities in such exchange shall have the right to appear. After such hearing, the commissioner shall either approve or disapprove the fairness of such terms and conditions of exchange. The commissioner shall give such approval within a reasonable time after filing of a plan or agreement unless he finds such plan or agreement:

(a) Is contrary to law; or

(b) Inequitable to the stockholders of such title insurance company; or

(c) Would substantially reduce the security of and services to be rendered to policyholders of the domestic title insurance company in this State or elsewhere.

(2) Where such merger or consolidation involves a parent company absorbing a wholly-owned subsidiary, the commissioner may, in his discretion, dispense with the holding of a hearing.

b. No director, officer, agent or employee of any title insurance company party to such acquisition shall receive any fee, commission, compensation or other valuable consideration whatsoever for in any manner aiding, promoting or assisting therein except as set forth in such plan or agreement.

c. If the commissioner does not approve any such plan or agreement he shall notify the title insurance company in writing specifying in detail his reasons therefor.

C. 17:46B-28 Corporate acquisitions other than by merger or consolidation.

28. Corporate acquisitions other than by merger or consolidation.

a. A title insurance company organized and incorporated under

the laws of this State may issue stock in exchange for all or any part of the assets or stock of a domestic or foreign title insurance company, abstract company or title insurance agent if, in advance thereof, a plan or agreement of acquisition shall have been filed with the commissioner. The commissioner shall examine the terms and conditions of such plan or agreement of acquisition, and of any exchange or shares or securities pursuant thereto, after holding a hearing at which all persons or parties to whom it is proposed to issue shares or securities in such exchange shall have the right to appear. After such hearing, the commissioner shall either approve or disapprove the fairness of such terms and conditions of such acquisition and exchange. The commissioner shall give such approval within a reasonable time after filing of a plan or agreement unless he finds such plan or agreement:

(1) Is contrary to law; or

(2) Inequitable to the stockholders or any title insurance or abstract company involved; or

(3) Would substantially reduce the security of and services to be rendered to policyholders of the domestic title insurance company in this State or elsewhere.

b. No director, officer, agent or employee of any title insurance company or abstract company party to such acquisition shall receive any fee, commission, compensation or other valuable consideration whatsoever for in any manner aiding, promoting or assisting therein except as set forth in such plan or agreement.

c. If the commissioner does not approve any such plan or agreement, he shall notify the title insurance company in writing specifying in detail his reasons therefor.

C. 17:46B-29 Purchase or acquisition of controlling stock.

29. Purchase or acquisition of controlling stock.

a. In the event any person or persons, corporation or corporations propose to purchase or acquire the controlling capital stock of any domestic title insurance company, such person or persons, corporation or corporations, shall first make application to the commissioner for approval of such purchase or acquisition. The application shall contain the name and address of the proposed new owner or owners of the controlling stock, and the commissioner shall approve the proposed purchase or acquisition only after he has become satisfied that such purchase or acquisition will not result in violation of the antirebate provisions as defined herein by section 35 of this act, and that the proposed new owner or

owners of the controlling stock are qualified by character, experience and financial responsibility to control and operate the title insurance company in a lawful and proper manner; and that the interest of the title insurance company stockholders and policyholders and the interest of the public generally will not be jeopardized by the proposed change in ownership and management. If the commissioner does not, by affirmative action, approve or disapprove the proposed purchase or acquisition within 30 days after the date on which such application was so filed with him, the proposed purchase or acquisition shall be deemed to be approved at the expiration of such 30-day period.

b. No such purchase or acquisition of a domestic title insurance company shall be effectuated unless approved as provided in subsection a. above.

c. In event the commissioner disapproves the proposed purchase or acquisition, he shall give written notice thereof to the person or persons, corporation or corporations, so applying for approval, setting forth in detail the reasons for disapproval.

I. AGENTS

C. 17:46B-30 Title insurance agents; names to be certified to commissioner; application and examination for a license.

30. Title insurance agents; names to be certified to commissioner; application and examination for a license.

a. Every title insurance company authorized to transact business within this State shall certify annually to the commissioner the names of all title insurance agents representing it in this State. No person shall function as a title insurance agent and no title insurance company shall authorize any person to function as its agent unless such person shall hold a valid title insurance agent's license as provided herein.

b. Title insurance agents shall be licensed in the manner provided for agents of insurance companies in section 6 of P. L. 1944, c. 175 (C. 17:22–6.6); provided, however, that:

(1) All applicants for a title insurance agent's license, except attorneys licensed to practice law in this State, shall be required to qualify for such license by taking an examination of sufficient scope to satisfy the commissioner that the applicant has sufficient knowledge of, and is reasonably familiar with, the title insurance laws of this State and with the provisions, terms and conditions of title insurance, including a knowledge of the examination and evaluation of titles, and has an adequate understanding of the duties and obligations of a title insurance agent.

(2) If the applicant for a title insurance agent's license is a firm, association, partnership, corporation, cooperative or joint stock company, the application for a license shall name all members or officers thereof who intend to exercise the power and perform the duties of title insurance agents, and no such license shall be issued unless the members or officers so named in the application hold individual licenses as provided by this act; provided, however, those employees preforming only clerical functions not requiring the knowledge and understanding of title insurance agents shall not be required to obtain such a license.

(3) Any applicant for a title insurance agent's license who has had at least 2 years experience as a title insurance agent, prior to the effective date of this act, shall not be required to take an examination for such license if application for the issuance of such license is filed with the commissioner within a period of 6 months immediately following the effective date of this act.

(4) Applicants for a title insurance agent's license shall not be required to comply with the educational program requirements set forth in P. L. 1944, c. 175 (C. 17:22–6.6), as amended, unless and until the commissioner of insurance shall, by regulation, make said requirements applicable to applicants for a title insurance agent's license.

c. Licenses of title insurance agents shall expire biennially at midnight of June 30 unless sooner terminated as a result of business relations between the company and the agent, or unless revoked by the commissioner.

d. Title insurance agents' licenses shall be renewed biennially on the filing of an application containing such information as the commissioner deems necessary.

e. (1) At the time of application for a title insurance agent's license and for every renewal thereof, there shall be paid to the commissioner by each applicant for a license an annual fee of $25.00.

(2) An examination fee of $20.00 shall be paid to the commissioner at the time of the original application for each examination scheduled, which fee shall be nonrefundable.

f. In the event of the death or the inability further to act, of a licensed title insurance agent, where no other agent in the agency, copartnership, association or corporation is authorized to represent such insurance company the commissioner may issue a temporary license to another person enabling such other person to represent any such insurance company, upon the filing of an appropriate application for a title insurance agent's license containing the

additional information required by this section. Such temporary license shall continue only until the licensee is afforded an opportunity of taking the examination provided in subsection b. (1) hereof and receiving the results, but not to exceed a period of 6 months. In the event of the failure of the applicant to qualify for a regular title insurance agent's license as provided in this section, no renewal or extension may be granted to any temporary license held by said applicant.

g. No bank, trust company, bank and trust company or other lending institution, mortgage service, mortgage brokerage or mortgage guaranty company or any service company of or for any lending institution or any officer or employee of any of the foregoing shall be licensed as or permitted to act as an agent for a title insurance company. No bank, trust company, bank and trust company, or other lending institution, mortgage service, mortgage brokerage or mortgage guaranty company, or any service company of or for any lending institution shall make the selection of a particular title insurance company or agent a condition precedent to the granting of any mortgage loan.

C. 17:46B-31 Title insurance agents; books and records.

31. Title insurance agents; books and records.

a. Every title insurance agent shall keep his, her or its books of account and record and vouchers pertaining to the business of title insurance in a bona fide office in this State in such a manner that the commissioner, or his authorized representatives, may readily ascertain from time to time whether the agent has complied with all the provisions of this act.

b. Every title insurance agent shall maintain a separate record of all receipts and disbursements as a depository for funds as permitted in section 13 b. of this act and shall not commingle any such funds with agent's own funds or with funds held by agent in any other capacity.

c. If at any time the commissioner shall determine that an agent has failed to comply with any of the provisions of this section, the commissioner may direct that such agent cease writing new insurance until such provisions are complied with.

C. 17:46B-32 Title insurance agents; replies to inquiries by commissioner.

32. Title insurance agents; replies to inquiries by commissioner. Every title insurance agent shall reply, in writing, promptly, with a copy thereof to each title insurance company for which said agent is acting, to any inquiry of the commissioner relative to the busi-

ness of title insurance. A copy of any inquiry sent by the commissioner to any agent relative to said agent's conduct of the business of title insurance shall also be sent by the commissioner to each title insurance company for which said agent is acting.

C. 17:46B-33 Title insurance agents; certain names prohibited.

33. Title insurance agents; certain names prohibited. After the effective date of this act no agent for a title insurance company shall adopt a firm name containing the words "title," "title company," "title insurance company," "guaranty," "guarantee," "guaranty company," or "guarantee company" or similar combination thereof; except that the word title may be used in combination with the word "agent or agency" in letters of the same size and character.

J. Commissions and Rebates

C. 17:46B-34 Commissions; no right to pay.

34. Commissions; no right to pay. No title insurance company and no title insurance agent shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, any commission or part of its fee or charge or any other consideration as an inducement or compensation for the placing or procuring of any order for title insurance; provided, however, that nothing herein contained shall be construed to prohibit the payment of a commission or other compensation to a regular full-time employee of a title insurance company or agent of a title insurance company as part of the regular compensation of such employee or agent.

C. 17:46B-35 Rebates or reduced fees.

35. Rebates or reduced fees. a. No title insurance company and no title insurance agent shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insure, or after insurance has been affected, any rebate, discount, abatement, credit or reduction of premium or special favor, advantage, or other benefit to accrue thereon or any valuable consideration or inducement whatever, not specified or provided for in the policy, except to the extent provided for in an applicable filing with the commissioner as provided by this act.

b. No title insurance company and no title insurance agent shall quote any fee or make any charge to any person which is less than that currently available to others in a like amount and involving the same factors as set forth in the schedule of fees and charges established pursuant to section 41 of this act, or otherwise make or permit any unfair discrimination in the premium or rates

charged for insurance or in other fees and charges or in other benefits, or in any other of the terms and conditions of the insurance policy, except to the extent provided for in an applicable filing with the commissioner as provided by this act. The amount by which any fee or charge is less than that prescribed by the schedule of fees and charges established pursuant to section 41 of this act is an unlawful rebate.

c. No applicant for insurance, nor any insured, nor any owner, lessee, mortgagee, existing or prospective, of the real property or interest therein which is the subject matter of the application for insurance, nor any person acting as agent, representative, attorney, broker or employee of such applicant, insured, or such owner, lessee or mortgagee, shall knowingly receive or accept, directly or indirectly, any commission, rebate, discount, abatement, credit or reduction of premium, or any special favor or advantage or valuable consideration or inducement prohibited by this act.

C. 17:46B-36 Examination of records.

36. Examination of records. The commissioner, if he has reason to believe that any title insurance agent has violated or is violating any of the provisions of sections 34 and 35 of this act, shall forthwith examine said title insurance agent's books of account and record and vouchers pertaining to the business of title insurance, and any said title insurance agent so examined shall pay to the commissioner the cost of such examination on demand.

C. 17:46B-37 Additional penalty.

37. Additional penalty. Any person who pays, allows or gives, or offers to pay, allow or give, or who receives or offers to receive any commission, rebate, discount, abatement, credit or reduction of premium or any special favor or advantage or valuable consideration or inducement whatever in violation of sections 34 and 35 of this act shall be liable to the State of New Jersey for a penalty not exceeding five times the amount of such commission, or unlawful rebate, discount, abatement, credit or reduction of premium or any special favor or advantage or valuable consideration or inducement whatever in addition to any other penalty imposed by law.

C. 17:46B-38 Permitted division of fees.

38. Permitted division of fees. Nothing in this act prohibits the division of fees and charges between or among two or more title insurance companies or between or among one or more title insurance companies and one or more title insurance agents repre-

senting the same title insurance company, or between or among two or more title insurance agents representing the same title insurance company.

C. 17:46B-39 Personal or controlled insurance.

39. Personal or controlled insurance. If the rates and charges for personal or controlled insurance from any source so issued in any 1 calendar year received by a title insurance company or by a title insurance agent shall exceed 25%, or from all such sources shall exceed 50% of the total rates and charges received by such title insurance company or by such title insurance agent for title insurance issued in the same year, the excess shall be deemed to be unlawful rebate.

C. 17:46B-39A Enforcement.

39A. Enforcement. The commissioner shall have the full authority, and it shall be his duty, to enforce the provisions of sections 34 through 39 of this act and to carry out the full intent thereof through the adoption of appropriate rules and regulations and the issuance of orders.

K. Rates, Rating Organizations and Rate-Making Procedure

C. 17:46B-40 General provisions.

40. General provisions. The purposes of sections 41 to 52, inclusive, of this act are to promote the public welfare by regulating title insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory and to authorize cooperative action between or among title insurance companies in rate making and other matters within the scope of said sections. Nothing herein is intended to prohibit or discourage reasonable competition, or to require, prohibit or discourage, except to the extent necessary to accomplish the purposes stated above, uniformity in title insurance rates, rating systems and rating plans and practices. The provisions of sections 41 to 52, inclusive, shall be liberally interpreted to make effective the purposes thereof as outlined in this section.

C. 17:46B-41 Rate filing.

41. Rate filing.

a. Every title insurance company shall file with the commissioner its schedule of fees, every manual of classifications, rules and plans pertaining thereto, and every modification of any of the foregoing which it proposes to use in this State. Every such filing

shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated.

b. A title insurance company may satisfy its obligations to make such filings by becoming a member of, or a subscriber to, a licensed title insurance rating organization which makes such filings, and by authorizing the commissioner to accept such filings on its behalf.

c. The commissioner shall make such review of the filing as may be necessary to carry out the provisions of this act.

d. Beginning 90 days after the effective date of this act, no title insurance company or agent of a title insurance company shall charge any fee for any policy or contract of title insurance except in accordance with filings or rates which are in effect for said title insurance company as provided in this act.

e. The commissioner shall not require the filing of rates or fees for reinsurance contracts or agreements, or policies of excess coinsurance.

C. 17:46B-42 Justification for rates.

42. Justification for rates. A rate filing shall be accompanied by a statement of the title insurance company or title insurance rating organization making the filing, setting forth the basis upon which the rate was fixed and the fees are to be computed. Any filing may be justified by:

(1) The experience or judgment of the title insurance company or title insurance rating organization making the filing;

(2) Its interpretation of any statistical data relied upon;

(3) The experience of other title insurance companies or title insurance rating organizations; or

(4) Any other factors which the title insurance company or title insurance rating organization or the commissioner deem relevant.

C. 17:46B-43 Proposing of rates.

43. Proposing of rates.

a. Every title insurance company that shall propose its own rates, and every title insurance rating organization, shall propose rates that are not excessive nor inadequate for the safety and soundness of any title insurer, which do not unfairly discriminate between risks in this State which involve essentially the same exposure to loss and expense elements, and which shall give due consideration to the following matters:

(1) The desirability for stability and responsiveness of rate structures;

(2) The necessity of assuring the financial solvency of title insurance companies in periods of economic depression;

(3) The necessity for paying dividends on the capital stock of title insurance companies sufficient to induce capital to be invested therein; and

(4) A reasonable level of profit for the insurer.

b. Every title insurance company that shall propose its own rates, and every title insurance rating organization, may adopt basic classifications of policies or contracts of title insurance which shall be used as the basis for rates.

C. 17:46B-44 Approval or disapproval of filings.

44. Approval or disapproval of filings.

a. If the commissioner shall find in his review of rate filings that said filings provide for, result in, or produce rates that are not unreasonably high, and are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this State involving essentially the same hazards and expense elements, he shall approve such rates. Prior to such approval the commissioner may conduct a public hearing with respect to a rate filing. An approval shall continue in effect until the commissioner shall issue an order of disapproval pursuant to the requirements and procedure provided for in subsections b. and c. of this section.

b. Upon the review at any time by the commissioner of a rate filing, he shall, before issuing an order of disapproval, hold a hearing upon not less than 10 days' written notice, specifying in reasonable detail the matters to be considered at such hearing, to every title insurance company and title insurance rating organization which made such filing, and if, after such hearing, he finds that such filing or a part thereof does not meet the requirements of this act, he shall issue an order specifying in what respects he finds that it so fails, and stating when, within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. A title insurance company or title insurance rating organization shall have the right at any time to withdraw a filing or a part thereof, subject to the provisions of section 46 of this act in the case of deviation filing. Copies of said order shall be sent to every title insurance company and title insurance rating organization affected. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

c. Any person or organization aggrieved with respect to any filing which is in effect, may make written application to the commissioner for a hearing thereon. The title insurance company or title insurance rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify in reasonable detail the grounds to be relied upon by the applicant. If the commissioner shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within 30 days after receipt of such application, hold a hearing upon not less than 10 days written notice to the applicant and to every title insurance company and title insurance rating organization which made such a filing. If, after such hearing, the commissioner finds that the filing or a part thereof does not meet the requirements of this act, he shall issue an order specifying in what respects he finds that such filing or a part thereof fails to meet the requirements of this act, stating when within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such title insurance company and title insurance rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

C. 17:46B-45 Title insurance rating organizations.

45. Title insurance rating organizations.

a. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this State, may make application to the commissioner for license as a rating organization for title insurance companies, and shall file therewith:

(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;

(2) A list of its members and subscribers;

(3) The name and address of a resident of this State upon whom notices or orders of the commissioner or process affecting such rating organization may be served; and

(4) A statement of its qualifications as a title insurance rating organization.

If the commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization, and

that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, conform to the requirements of law, he shall issue a license authorizing the applicant to act as a rating organization for title insurance. Licenses issued pursuant to this section shall remain in effect for 3 years unless sooner suspended or revoked by the commissioner or withdrawn by the licensee. The fee for said license shall be $1,500.00. Licenses issued pursuant to this section may be suspended or revoked by the commissioner, after hearing upon notice, in the event the rating organization ceases to meet the requirement of this subsection. Every rating organization shall notify the commissioner promptly of every change in:

(1) Its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;

(2) Its list of members and subscribers; and

(3) The name and address of the resident of this State designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.

b. Subject to rules and regulations which have been approved by the commissioner as reasonable, each title insurance rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Notices of proposed changes in such rules and regulations shall be given to subscribers. Each such rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any such rating organization to admit a title insurance company as a subscriber, shall at the request of any subscriber or any such title insurance company, be reviewed by the commissioner at a hearing held upon at least 10 days written notice to such rating organization and to such subscriber. If the commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within 30 days after it was made, the title insurance company may request a review by the commissioner as if the application had been rejected. If the commissioner finds that the title insurance company has been refused admittance to the title insurance rating organization as a sub-

scriber without justification, he shall order said rating organization to admit the title insurance company as a subscriber. If he finds that the action of the title insurance rating organization was justified, he shall make an order affirming its action.

C. 17:46B-46 Deviations.

46. Deviations. Every member of or subscriber to a title insurance rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company which is a member of or subscriber to such a rating organization may file with the commissioner a uniform percentage of decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance which is found by the commissioner to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area, or otherwise deviate from the rating plans, policy, forms or other matters which are the subject of filings under this act. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the deviation filing and data shall be sent simultaneously to such rating organization. Deviation filings shall be subject to the provisions of section 44 of this act.

C. 17:46B-47 Appeal by minority.

47. Appeal by minority. Any member of or subscriber to a title insurance rating organization may appeal to the commissioner from any action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization, and the commissioner shall, after a hearing held upon not less than 10 days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal and to take action or make a decision upon it within 30 days. If such appeal is from the action or decision of the title insurance rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing said rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order. If the appeal is from the action of the title insurance rating organization with regard to a rate or a

proposed change in or addition to its filings relating to the character and extent of coverage, he shall approve the action of said rating organization or such modification thereof as shall have been suggested by the appellant if either be made in accordance with this act.

The failure of a title insurance rating organization to take action or make a decision within 30 days after submission to it of a proposal under this section shall constitute a rejection of such proposal within the meaning of this section. If such appeal is based upon the failure of said rating organization to make a filing on behalf of such member of subscriber which is based on a system of expense allocation which differs from the system of expense allocation included in a filing made by said rating organization, the commissioner shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the commissioner shall apply the standards set forth in section 43 of this act.

C. 17:46B-48 Rate administration; authority and duties of commissioner; rules and regulations.

48. Rate administration; authority and duties of commissioner; rules and regulations.

a. The commissioner shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time, and which shall be used thereafter by each title insurance company, in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurance companies may be made available, at least annually, in such form and detail as may be necessary to aid him in determining whether rating systems comply with the standards set forth in this article. Such rules and plans may also provide for the recording of expense experience items which are specially applicable to this State and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the commissioner shall give due consideration to the rating systems on file with him, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. Such rules and plans shall not place an unreasonable burden of expense on any title insurance company. No title insurance company shall be required to record or report its expense

and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurance company be required to report its experience to any agency of which it is not a member or subscriber. The commissioner may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commissioner, to title insurance companies and rating organizations. The commissioner shall give preference in such designation to entities organized by and functioning on behalf of title insurance companies operating in this State. If the commissioner, in his judgment, determines that one or more of such organizations designated as statistical agent is unable or unwillingly to perform its statistical functions according to reasonable requirements established from time to time by him, he may, after consultation with such statistical agent and upon 20 days notice to any affected companies, designate another person to act on his behalf in the gathering of statistical experience. The commissioner shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the commissioner shall assist him in making compilations of the reported data and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the commissioner, to insurers, rating organizations and any other interested parties.

b. Reasonable rules and plans may be promulgated by the commissioner for the interchange of data necessary for the application of rating plans.

c. In order to further uniform administration of rate regulatory laws, the commissioner and every title insurance company and rating organization may exchange information and experience data with insurance supervisory officials, title insurance companies and rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.

d. In addition to any powers hereinbefore expressly enumerated in this act, the commissioner shall have full power and authority, and it shall be his duty, to enforce and carry out by regulations, orders or otherwise, all and singular the provisions of this article and the full intent thereof. The commissioner may make such reasonable rules and regulations not inconsistent with this act, as

may be necessary or proper in the exercise of his powers or for the performance of his duties under this article.

C. 17:46B-49 False or misleading information.

49. False or misleading information. No title insurance company or title insurance agent shall willfully withhold information from, or knowingly give false or misleading information to the commissioner, or to any title insurance rating organization, of which the title insurance company is a member or subscriber, which will affect the rates or fees chargeable under this act.

C. 17:46B-50 Penalties.

50. Penalties. The commissioner may, if he finds that any title insurance rating organization, title insurance company or title insurance agent has violated any provision of this act, impose a penalty of not more than $1,000.00 for each such violation, but if he finds such violation to be willful, he may impose a penalty of not more than $5,000.00 for each such violation. Such penalties may be in addition to any other penalty provided by law.

The commissioner may suspend the license of any title insurance rating organization, title insurance company, or title insurance agent that fails to comply with an order of the commissioner within the time limited by such order, or any extension thereof, which the commissioner may grant. The commissioner shall not suspend the license of any such rating organization, company or agent for failure to comply with an order until the time prescribed for an appeal therefrom has expired, or, if an appeal has been taken, until such order has been affirmed.

The commissioner may determine when a suspension of license shall become effective, and it shall remain in effect for the period fixed by him unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, reversed. No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than 10 days' written notice to such person or organization, specifying the alleged violation.

C. 17:46B-51 Hearing procedure.

51. Hearing procedure.

a. Any title insurance company, title insurance rating organization or person aggrieved by any action of the commissioner, or by any rule or regulation adopted and promulgated by the commis-

sioner, shall have the right to file a complaint with the commissioner and to have a hearing thereon before the commissioner. Pending such hearing and the decision thereon, the commissioner may suspend or postpone the effective date of such action, rule or regulation.

b. All hearings provided for in this act shall be conducted, and the decision of the commissioner on the issue or filing involved shall be rendered, in accordance with the provisions of P. L. 1958, c. 68 (C. 17:1–8.5 et seq.).

C. 17:46B-52 Existing filings and hearings continued.

52. Existing filings and hearings continued. All title insurance manuals of classifications, rules and rates, rating plans and modifications thereof filed under any repealed act shall be deemed to have been filed under this act, and all title insurance rating organizations licensed under such repealed act shall be deemed to have been licensed under this act. All hearings and investigations pending under such repealed act shall be deemed to have been initiated under and shall be continued under this act.

L. Policy Forms

C. 17:46B-53 Forms of policies and other contracts of title insurance.

53. Forms of policies and other contracts of title insurance. Every title insurance company shall file with the commissioner all forms of title policies and other contracts of title insurance before the same shall be issued. Any such filing may be made by a title insurance rating organization in behalf of all of its members or subscribers; provided, however, that members or subscribers of a rating organization may file specific deviations to forms of policies and other contracts of title insurance in the manner provided in section 46 of this act. In no event shall any title insurance company issue any such form of policy or contract until 30 days after it shall have been filed with the commissioner unless it shall have received earlier approval by the commissioner. Forms subject to filing hereunder shall include preliminary reports of title, binders for insurance and policies of insurance or guaranty, together with all the terms and conditions of insurance coverage or guaranty that relate to title to any interest in real property and which shall be offered by a title insurance company, but shall specifically exclude reinsurance contracts or agreements, all specific defects in title that may be ascertained from an examination of the risk and excepted in such reports, binders or policies, together with any affirmative assurances of the title insurance company with respect

to such defects, and such further exception from coverage by reason of limitations upon the examination of the risk imposed by an applicant for insurance or through failure of an applicant for insurance to provide the data requisite to a judgment of insurability. Nothing herein contained shall authorize a title insurance company to delete or insure over an exception to or exclusion from coverage contained in forms of title policies or other approved contracts of title insurance filed hereunder except by endorsement specifically approved by the commissioner.

M. Annual Statements, Records, Examinations

C. 17:46B-54 Annual statements of title insurance companies; form and contents.

54. Annual statements of title insurance companies; form and contents.

a. Every title insurance company which is authorized to do a title insurance business in this State, shall file in the office of the commissioner annually, on or before March 1, a statement, to be known as its annual statement, executed in duplicate, verified by the oath of at least two of its principal officers, showing its condition on December 31 then next preceding. Such statement shall be in such form and shall contain such matters as the commissioner shall prescribe.

b. The commissioner shall from time to time prescribe the form of such annual statement as shall seem to him best adapted to elicit a true exhibit of the condition of each such title insurer, in respect to every matter which he may deem material. He shall cause to be prepared and furnished to every title insurance company uniform printed forms of the statements and schedules required by him.

C. 17:46B-55 Records.

55. Records. Every domestic title insurance company shall, except as hereinafter provided, keep and maintain at its principal office in this State: a. its charter and bylaws, b. its books of account, c. a record containing the names and addresses of its stockholders, the number and class of shares held by each and the dates when they respectively became the owners of record thereof, and d. the minutes of any meetings of its stockholders, board of directors and committees thereof.

A domestic title insurance company may keep and maintain its books of account without this State if, in accordance with a plan adopted by its board of directors or trustees and approved by the

commissioner, it maintains in this State suitable records in lieu thereof; provided, however, that the commissioner may after notice and hearing direct such title insurance company to return all or any of its books of account to this State if such return is reasonably necessary to protect the interest of the people of this State or to permit their inspection in this State by a director or stockholder who has shown to the satisfaction of the commissioner that he has made an application to such title insurance company for inspection of such books in good faith and for a necessary and legitimate purpose, and that such title insurance company has either declined to permit such inspection or to agree to pay any additional expenses reasonably to be incurred by the applicant, or his agent or attorney, in connection with the inspection of such books as a result of their maintenance without this State. If in the judgment of the commissioner delay in the return of any or all books of account of such title insurance company may be hazardous, or may cause irreparable injury, to the people of this State or to the policyholders of such title insurance company, he may direct the return thereof without notice and hearing.

C. 17:46B-56 Commissioner may require special reports.

56. Commissioner may require special reports. The commissioner may also address to any authorized title insurance company or its officers any inquiry in relation to its transaction or condition or any matter connected therewith. Every corporation or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be verified, if required by the commissioner, by such individual, or by such officer or officers of a corporation, as he shall designate.

C. 17:46B-57 Examination of title insurance companies; when authorized or required.

57. Examination of title insurance companies; when authorized or required.

a. The commissioner may make an examination into the affairs of any title insurance company authorized to do a title insurance business in this State as often as he deems it expedient for the protection of the interest of the people of this State.

b. The commissioner shall make an examination into the affairs of every authorized domestic title insurance company at least once in every 3 years and every title insurance rating organization at least once in every 5 years.

N. No Other Provisions

C. 17:46B-58 Judicial review of commissioner's action.

58. Judicial review of commissioner's action. If any title insurance company, title insurance agent, or title insurance rating organization be dissatisfied with any decision, regulation, order, rate, rule, act or administrative ruling adopted by the commissioner, such title insurance company, title insurance agent or title insurance rating organization, may appeal therefrom to the Superior Court, Appellate Division.

C. 17:46B-59 Other sections applicable.

59. Other sections applicable. In addition to the provisions of this act, only the following provisions of the laws governing insurance companies and insurance agents as presently enacted and hereinafter amended, except as they are inconsistent with the provisions of this act, shall apply to the business of title insurance to title insurance companies, which shall be considered as within the class of insurance companies regulated by such provisions solely for the limited purpose of being subject to such provisions:

P. L. 1970, c. 12 (C. 17:1C–1 to 17:1C–18)
P. L. 1948, c. 266 (C. 17:3A–1 to 17:3A–7)
R. S. 17:17–1, 17:17–4, 17:17–5, 17:17–8 and 17:17–10
P. L. 1948, c. 157 (C. 17:17A–1 to 17:7A–4)
P. L. 1965, c. 57 (C. 17:17B–1 to 17:17B–8)
R. S. 17:18–1, 17:18–2, 17:18–4 and 17:18–10
R. S. 17:19–1 to 17:19–7
R. S. 17:20–4 and 17:20–5
P. L. 1966, c. 85 (C. 17:20–6)
R. S. 17:21–1 to 17:21–3
P. L. 1960, c. 32, ss. 3, 4, 5 (C. 17:22–6.37 to 17:22–6.39)
R. S. 17:23–2, 17:23–4 and 17:23–5
P. L. 1958, c. 15 (C. 17:23–6, 17:23–7)
R. S. 17:24–5, 17:24–12
P. L. 1949, c. 248 (C. 17:24–13 to 17:24–16)
R. S. 17:25–7
R. S. 17:26–1 to 17:26–3
R. S. 17:27–1 to 17:27–5
R. S. 17:32–1, 17:32–2, 17:32–4, 17:32–8 to 17:32–10
R. S. 17:32–13 and 17:32–14
P. L. 1950, c. 231 (C. 17:32–15)
P. L. 1968, c. 234 (C. 17:32–16 to 17:32–20).

C. 17:46B-60 Repealer.

60. Repealer. All laws and parts of laws in conflict with the provisions of this act are hereby repealed insofar as they may be or have been applicable to the business of title insurance, title insurance companies, title insurance agents, or title insurance rating organizations; and, in case conflict should develop, the provisions of this act shall control and be effective.

C. 17:46B-61 Effect of this act.

61. Effect of this act. The repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded, nor shall this act affect any act done, liability incurred, or any right accrued or established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offense under the authority of the repealed laws.

No provision of the insurance laws of this State, except as contained or referred to in this act, shall be applicable to title insurance companies, title insurance agents, title insurance rating organizations or the business of title insurance, and no law hereafter enacted shall apply to title insurance companies, title insurance agents, title insurance rating organizations or the business of title insurance unless specified to be or become so applicable.

62. There is hereby appropriated to the Department of Insurance a sum of $25,000.00 to administer this act.

63. Effective date. The provisions of this act shall take effect immediately, except that the Commissioner of Insurance may suspend the operation of any of the provisions of this act for a period not to exceed 90 days in order to provide for an orderly transition period.

Approved May 29, 1975.

CHAPTER 107

AN ACT to repeal the "Fair Sales Act," approved June 17, 1938 (P. L. 1938, c. 394) and R. S. 56:4–3 through 56:4–6, amending R. S. 56:4–1, and supplementing chapter 4 of Title 56 of the Revised Statutes.

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

Repealer.

1. The "Fair Sales Act," approved June 17, 1938 (P. L. 1938, c. 394; C. 56:4–7 to C. 56:4–16) and R. S. 56:4–3 through 56:4–6 are repealed.

2. R. S. 56:4–1 is amended to read as follows:

Use of name, trademark or goodwill.

56:4–1. No merchant, firm or corporation shall appropriate for his or their own use a name, brand, trademark, reputation or goodwill of any maker in whose product such merchant, firm or corporation deals.

C. 56:4-1.1 Unenforceable contract provision.

3. (New section) Any contract provision that purports to restrain a vendee of a commodity from reselling such commodity at less than the price stipulated by the vendor or producer shall not be enforceable or actionable at law.

4. This act shall take effect 60 days after enactment.

Approved May 29, 1975.

CHAPTER 108

AN ACT to amend and supplement "An act to provide for the creation, setting apart, maintenance and administration of a city employees' retirement system in cities of the first class having, at the time of the enactment of this act, a population in excess of 400,000 inhabitants; and merging and superseding the provisions of pension funds established pursuant to article 2 of chapter 13, chapters 18 and 19, of Title 43 of the Revised Statutes, in said cities," approved November 22, 1954 (P. L. 1954, c. 218).

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

1. Section 1 of P. L. 1954, c. 218 (C. 43:13–22.3) is amended to read as follows:

C. 43:13-22.3 Definitions.

1. As used in this act:

"Service" shall always, unless otherwise stated, be considered as in the aggregate.

"Salary" or "compensation," when used solely for the purpose of fixing benefits under this act, means annual salary or compensation earned by a member as a permanent employee at the time of his death or retirement; provided, however, that $16,000.00 shall be the maximum amount of the annual salary of any member which shall be considered for any purpose under this act; provided further, however, that as to any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in the city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes; and of chapter 18, Title 43 of the Revised Statutes; and of chapter 19, Title 43 of the Revised Statutes, the total annual salary received by such member as a permanent employee at the time of his death or retirement shall be considered for pension or other purposes under this act, except as otherwise provided herein, and further that where an employee heretofore has been receiving more than $12,000.00 in salary or compensation prior to the effective date of the amendment increasing the salary or compensation ceiling to $16,000.00, and he did not pay into the system all sums that he would have contributed on his full salary he shall not be eligible for the benefits permitted by the increased ceiling unless he pays into the system all said sums he would have paid had he not failed to contribute continuously. Application for the exercise of such option shall be made to the commission within 6 months next succeeding the effective date of this amendatory act.

(a) Any such benefit for retirement or otherwise accruing as a result of the increase in the salary or compensation ceiling for more than $12,000.00 shall be on the average annual salary received by such employee member for 1 year preceding his retirement.

(b) The repayment of any contributions shall be made within such period of time as shall be granted by the commission but at no time for a greater period than 3 years.

"Pension fund" or "fund" means the fund referred to in section 2 of this act, and is the fund from which pensions and other benefits provided for in this act shall be paid.

"State" shall, unless otherwise stated, mean the State of New Jersey.

"City," unless otherwise specified, means any city of the first class of the State of New Jersey having, at the time of the enactment of this act, a population in excess of 400,000 inhabitants.

"His" shall be construed to mean both sexes.

"City employee" or "employee" means and includes all permanent employees as defined by Title 11 of the Revised Statutes of New Jersey (Civil Service Law) in service in any city of the first class of this State, as hereinabove defined; and shall mean and include all permanent employees of any city board, body or commission maintained out of city funds in such city. Notwithstanding the provisions of any other statute of this State, any person under 45 years of age hereafter accepting permanent employment in the city (excepting uniformed policemen and firemen) shall, subject to the provisions of section 13 (a) of this act, become a member of the pension fund provided by this act as a "city employee" or "employee" as hereinabove defined; and except as herein otherwise provided, any such person of the age of 45 years or over shall be ineligible to become a member: provided, however, that any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in such city under and by virtue of article 2, chapter 13, Title 43 of the Revised Statutes; or of chapter 18, Title 43 of the Revised Statutes; or of chapter 19, Title 43 of the Revised Statutes, shall not be barred from membership in this retirement system on account of age of any such employee.

Notwithstanding the provisions of chapter 1, Title 43 of the Revised Statutes, any present employee of the city as herein defined, who was not more than 45 years of age at the time of his permanent appointment, shall, subject to the provisions of section 13 of this act, have the right, subject to section 13 (b) of this act, to become a member of the retirement system established by this act, by declaring his intention in writing so to do, within 2 months after the formation of the commission created by this act.

All such applicants shall submit to and pass a physical examination as required by the commission, and shall pay into the retirement system all arrears of dues and assessments determined by the commission, with interest thereon at 3%, in order to receive credit for said prior service as an employee, for the purposes of this act. The maximum length of time to be afforded any such employee for payment of said arrears and interest thereon shall be 5 years from the date of membership in said system.

"Widow" or "widower" means the surviving spouse of a city employee married to such employee for a period of at least 5 years prior to the retirement or death of such employee, except as otherwise provided herein, and said marriage having occurred prior to the time when such employee reached the age of 55 years, except

that where death results from and as a result of an accident or injury sustained in the line of duty, the widow or widower shall be entitled to the benefits hereinafter set forth, even though the marriage has not been in existence for a period of 5 years; provided, however, that no pension shall be paid to the surviving husband of a deceased employee unless he shall be and shall continue to remain dependent upon the income which such employee was receiving at the time of her death, or unless he shall be and shall continue to remain physically or mentally incapable of pursuing a gainful occupation. No pension shall be paid to any minor child or dependent parent of such female employee unless such minor child or dependent parent shall be and shall continue to remain dependent upon the income which such employee was receiving at the time of her death. The pension commission shall determine the question of the dependency of the surviving husband, minor child or dependent parent, as well as the ability of the surviving husband to pursue some gainful occupation.

"Minor child" means a child under the age of 18 years, whose father or mother was married to the employee-member for a period of at least 5 years prior to the retirement of said employee, and the said marriage having occurred prior to the time such employee arrived at the age of 55 years. It shall also mean a child of any age who is permanently and totally disabled as determined by the commission by virtue of physical or mental deficiencies precluding engagement in gainful employment and who is solely dependent for support upon the employee-member.

"Dependent parent" shall mean a dependent parent or parents who is or are solely dependent for support upon the employee-member.

"Commission" shall mean pension commission.

"Commissioners" shall mean pension commissioners, unless otherwise specified.

"Permanent" and "total" disability means physical or mental incapacity of an employee, as determined by the commission, and which would make the employee unable to perform the duties of his position or office.

"Employees' Retirement System of (name of city)" shall be the name of the retirement system provided under the provisions of this act. By that name all of its business shall be transacted, its funds invested, warrants for money drawn and payments made, and all of its cash and securities and other property held.

2. Section 17 of P. L. 1954, c. 218 (C. 43:13–22.19) is amended to read as follows:

C. 43:13-22.19 Retirement for age and service; maximum pensions.

17. Subject to the other provisions of this act, any employee member who shall have served or who shall hereafter have served in the employ of such city in the aggregate for a period of 30 years and who shall have attained the age of 55 years, or who shall have served in the aggregate for a period of 25 years and who have or have not attained the age of 60 years, shall, upon his application, be retired on a pension equal to one-half of the salary he is receiving at the time of his retirement, and for each year of service beyond 30 years and up to 40 years the retiring employee shall, for each additional year, receive an additional pension of 2½% of the salary received by him at the time of his retirement; provided, however, that the pension shall be reduced by ¼ of 1% for each month that the member lacks of being age 55, and that no pension shall exceed three-quarters of the annual salary received by the said employee member, nor shall any pension exceed the sum of $12,000.00 per annum.

3. Section 19 of P. L. 1954, c. 218 (C. 43:13–22.21) is amended to read as follows:

C. 43:13-22.21 Disability not arising out of employment; retirement pension; pension to dependents after death.

19. Subject to the other provisions of this act, any member employee who shall have served or who shall hereafter have served in the employ of such city continuously for a period of 1 year and shall become permanently and totally disabled as the result of injury or illness not arising out of and in the course of his employment, shall, upon his application and approval thereof by the commissioners be retired on a pension equal to 2½% of the salary received by him at the time of his retirement; and for each additional year of aggregate service, but not more than 20 years of service in the aggregate, the amount of said pension shall be increased to the extent of 2½% of said salary for each year, not exceeding in any event 50% of said salary; provided, however, that for each year of service over 30 years there shall be an increase of disability pension of 2½% of the salary received by the employee at the time of said retirement; provided further, however, that no such pension, regardless of service or disability, shall exceed three-quarters of the annual salary of said employee at the time of retirement; nor shall any such pension be in excess of

$12,000.00 per annum. Upon and after the death of such retired member or upon and after the death of any member who died as a result of injury or illness not arising out of and in the course of his employment, the said pension or a pension based upon the services of said member as the case may be, shall be paid to the surviving widow, so long as she remains unmarried, surviving dependent widower, so long as he remains unmarried, minor children or dependent parent, as the case may be; provided, however, that in no instance shall said pension exceed the sum of $3,000.00 per annum.

4. Section 20 of P. L. 1954, c. 218 (C. 43:13–22.22) is amended to read as follows:

C. 43:13-22.22 Disability arising out of employment; retirement pension.

20. Subject to the other provisions of this act, any city employee who shall become permanently or totally disabled as a result of injury or illness arising out of and in the course of his employment shall, upon his application and approval thereof by the commission, be retired on a pension equal to one-half of the annual salary received by him at the time of his retirement; provided, however, that in no instance shall the pension exceed $12,000.00 per annum; and provided further, however, that where an employee has served more than 30 years he shall be entitled to 2½% of his annual salary for each additional year of service over 30 years, but not exceeding 40 years, and in no event shall such pension exceed $12,000.00 annually. Upon and after the death of such retired member or upon and after the death of any member who dies as a result of any injury or illness arising out of and in the course of his employment, the said pension or a pension of one-half of the said annual salary of such member shall be paid as hereinafter provided to the surviving widow, so long as she remains unmarried; surviving dependent widower, so long as he remains unmarried; minor children or dependent parent, as the case may be; provided, however, that in no instance shall the pension exceed $3,000.00 per annum.

5. Section 26 of P. L. 1954, c. 218 (C. 43:13–22.28) is amended to read as follows:

C. 43:13-22.28 Dependency of widower; no beneficiary; election between two pensions; workmen's compensation; persons convicted; payments; eligibility of widow or widower.

26. The following provisions shall apply to all members of the retirement system:

(a) The commission shall determine the question of the dependency of the surviving dependent widower.

(b) When a member of the retirement system dies leaving no beneficiary him surviving as aforementioned, there shall be paid to his or her estate a sum equivalent to 50% of his contribution to the retirement system, without interest.

(c) Where a husband and wife are each receiving a pension as a retired employee from any retirement system supported wholly or in part by the city, except as otherwise herein provided, then upon the death of either the survivor shall elect to accept one or the other of the two pensions, but in no case shall said survivor receive more than one pension at the same time. If the deceased was a member of the retirement system created hereby, the surviving widow or surviving dependent widower may continue to receive the pension being paid to him by reason of his membership in any other pension system or fund and in that event he shall be entitled to receive from the pension fund created hereby a sum equal to 50% of the total contributions paid into the pension fund by the said deceased husband or wife, as the case may be, less any actuarial and pension benefits received by the deceased member, as determined by the commission.

(d) Where any employee or other beneficiary is entitled to receive two pensions under the provisions of this act, such employee or other beneficiary shall elect to receive one or the other of the two pensions, and in no case shall receive more than one pension.

(e) The rights of any employee or beneficiary to receive compensation under the Workmen's Compensation Act of New Jersey shall not be affected or impaired by any of the provisions of this act.

(f) Where the service of an employee is terminated by reason of conviction of a crime involving moral turpitude, no pension under this act shall be paid to any such employee; provided, however, that no member of this retirement system who shall have served honorably as a city employee for a period of 25 years and shall have attained the age of 60 years, or who has served honorably as a city employee for a period of 30 years, shall be deprived of his pension privileges because of any violation of the rules and regulations established for the government of such city employees not involving conviction of a crime involving moral turpitude as aforesaid.

(g) Where any pension or other benefit shall be payable from the retirement system herein provided to any retired employee or other beneficiary who is or shall be confined in a penal institution

as a result of conviction of a crime involving moral turpitude, the pension commission may pay such pension or any part of it or other benefit to the wife, husband, minor children, mother or father of the confined person, if it determines the same is necessary for their maintenance during such confinement.

(h) All payments of pension shall be made semimonthly, and payments of pensions, refunds or other benefits of this act shall be made without interest.

(i) The benefits of this act shall not extend to the widow or widower of any city employee or of any pensioner who shall remarry or shall have married such employee or pensioner after such employee or pensioner has retired or attained the age of 55 years, nor to any children of such marriage.

6. Section 35 of P. L. 1954, c. 218 (C. 43:13-22.37) is amended to read as follows:

C. 43:13-22.37 New members; retirement for age and service.

35. Any person who, after the enactment of this act, becomes a permanent employee of the city and becomes a member of this retirement system and shall have served in the employ of the city in the aggregate for a period of at least 25 years, and who shall have attained the age of 70 years, shall be retired on a pension equal to one-half of the salary he is receiving at the time of his retirement, and for each year of service beyond 30 years and up to 40 years, the retiring employee shall for each additional year of service receive an additional pension of 2½% of the salary received by him at the time of his retirement; provided, however, that no pension shall exceed three-quarters of the annual salary received by the said employee, nor shall any pension exceed the sum of $12,000.00 per annum.

C. 43:13-22.29b Actuarial investigation; valuation; report.

7. Each year the actuary of the Newark City Employees Retirement System shall make an actuarial investigation into the mortality service, and compensation or salary experience of the members and beneficiaries and shall make a valuation of the assets and liabilities of the funds created by this act. The actuary's valuation shall be accompanied by projections of income and disbursements for a 10-year period including an estimate of any possible deficiency in meeting the obligations of the fund. A copy of the actuarial report shall be filed with the New Jersey Division of Pensions.

8. This act shall take effect immediately.

Approved June 3, 1975.

CHAPTER 109

AN ACT to amend "An act concerning hospital service corporations and regulating the establishment, maintenance and operation of hospital service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Hospital Service Corporations,' " approved June 14, 1938 (P. L. 1938, c. 366), and P. L. 1964, c. 104.

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

1. Section 6 of P. L. 1938, c. 366 (C. 17:48–6) is amended to read as follows:

C. 17:48-6 Contracts; certificates; contents.

6. Every individual contract made by a corporation subject to the provisions of this chapter to furnish services to a subscriber shall provide for the furnishing of services for a period of 12 months, and no contract shall be made providing for the inception of such services at a date later than 1 year after the actual date of the making of such contract. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been at least 30 days prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions.

No contract between any such corporation and a subscriber shall entitle more than one person to services, except that a contract issued as a family contract may provide that services will be furnished to a husband and wife, or husband, wife and their dependent child or children, or the subscriber and his (or her) dependent child or children. Adult dependent(s) of a subscriber may also be included for coverage under the contract of such subscriber.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of

injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

Nonfamily type contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 31 days from the date of birth of a newborn child.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a hospital service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

Every individual contract entered into by any such corporation with any subscriber thereto shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No such certificate form shall be made, issued or delivered in this State unless it contains the following provisions:

(a) A statement of the contract rate, or amount payable to the corporation by or on behalf of the subscriber for the original quarter-annual period of coverage and of the time or times at which, and the manner in which, such amount is to be paid; and a provision requiring 30 days written notice to the subscriber before any change in the contract, including a change in the amount of subscription rate, shall take effect;

(b) A statement of the nature of the services to be furnished and the period during which they will be furnished; and if there are any services to be excepted, a detailed statement of such exceptions printed as hereinafter specified;

(c) A statement of the terms and conditions, if any, upon which the contract may be amended on approval of the commissioner or canceled or otherwise terminated at the option of either party. Any notice to the subscriber shall be effective if sent by mail to the subscriber's address as shown at the time on the plan's records, except that, in the case of persons for whom payment of the contract is made through a remitting agent, any such notice to the subscriber shall also be effective if a personalized notice is sent to the remitting agent for delivery to the subscriber, in which case it shall be the responsibility of the remitting agent to make such delivery. The notice to the subscriber as herein required shall be sent at least 30 days before the amendment, cancellation or termination of the contract takes effect. Any rider or endorsement accompanying such notice, and amending the rates or other provisions of the contract, shall be deemed to be a part of the contract as of the effective date of such rider or endorsement;

(d) A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract for services;

(e) A statement that no statement by the subscriber in his application for a contract shall avoid the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract, and that no agent or representative of such corporation, other than an officer or officers designated therein, is authorized to change the contract or waive any of its provisions;

(f) A statement that if the subscriber defaults in making any payment under the contract, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the contract, but with respect to sickness and injury may

cover such sickness as may be first manifested more than 10 days after the date of such acceptance;

(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall be not less than 10 days.

In every such contract made, issued or delivered in this State:

(a) All printed portions shall be plainly printed in type of which the face is not smaller than 10 point;

(b) There shall be a brief description of the contract on its first page and on its filing back in type of which the face is not smaller than 14 point;

(c) The exceptions of the contract shall appear with the same prominence as the benefits to which they apply; and

(d) If the contract contains any provision purporting to make any portion of the articles, constitution or bylaws of the corporation a part of the contract, such portion shall be set forth in full.

2. Section 2 of P. L. 1964, c. 104 (C. 17:48–6.1) is amended to read as follows:

C. 17:48-6.1 Group contracts; issuance; description; benefits; employees defined.

2. A hospital service corporation may issue to a policyholder a group contract, covering at least 10 employees or members at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the Commissioner of Insurance determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a

subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

Group contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, other than contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 31 days from the date of birth of a newborn child.

A contract under which coverage of such a dependent terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the covered employee or member for support and maintenance, not so terminate while the coverage of the employee or member remains in force and the dependent remains in such condition, if the employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a hospital service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

The contract may provide that the term "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corpora-

tions, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partnership. The contract may provide that the term "employees" shall include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

3. This act shall take effect 120 days following enactment.

Approved June 3, 1975.

CHAPTER 110

AN ACT to amend "An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations and medical service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Medical Service Corporations,' " approved May 29, 1940 (P. L. 1940, c. 74), and P. L. 1964, c. 105.

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

1. Section 5 of P. L. 1940, c. 74 (C. 17:48A–5) is amended to read as follows:

C. 17:48-5 Subscription contracts.

5. Every individual contract made by any corporation subject to the provisions of this chapter to provide payment for medical services shall provide for the payment of medical services for a period of 12 months from the date of issue of the subscription certificate. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been 1 month's prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material

misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions. No contract between such corporation and subscriber shall allow for the payment for medical services for more than one person, except that a family contract may provide that payment will be made for medical services rendered to a subscriber and any of those dependents defined in section 1 of this act.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

Nonfamily type contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 31 days from the date of birth of a newborn child.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's

attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a medical service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors, required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

2. Section 1 of P. L. 1964, c. 105 (C. 17:48A–7.1) is amended to read as follows:

C. 17:48A-7.1 Group contracts; issuance; description; benefits; employees defined.

1. A medical service corporation may issue to a policyholder a group contract, covering at least 10 employees or members at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the Commissioner of Insurance (hereinafter called the commissioner) determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

Group contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, other than contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 31 days from the date of birth of a newborn child.

A contract under which coverage of such a dependent terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the covered employee or member for support and maintenance, not so terminate while the coverage of the employee or member remains in force and the dependent remains in such condition, if the employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall apply retrospectively or prospectively to require a medical service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

The contract may provide that the term "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partnership. The contract may provide that the term "employees" shall

include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

3. This act shall take effect 120 days following enactment.

Approved June 3, 1975.

CHAPTER 111

AN ACT concerning health insurance and amending N. J. S. 17B:26–2 and N. J. S. 17B:27–30.

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

1. N. J. S. 17B:26–2 is amended to read as follows:

Form of policy; requirements.

17B:26–2. a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) The entire money and other considerations therefor are expressed therein; and

(2) The time at which the insurance takes effect and terminates is expressed therein; and

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not

less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26–3 to 17B:26–31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) It contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply

with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administraton of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26–3 to 17B:26–31 inclusive.

e. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any psychological service which is within the lawful scope of practice of a duly licensed psychologist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed psychologist.

f. All individual health insurance policies which provide coverage for a family member or dependent of the insured on an expense incurred basis shall also provide that the health insurance benefits applicable for children shall be payable with respect to a newly-born child of that insured from the moment of birth.

(1) The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

(2) If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth of a newly-born child and payment of the required premium must be furnished to the insurer within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

g. All individual health insurance policies which provide coverage on an expense incurred basis but do not provide coverage for a family member or dependent of the insured on an expense incurred basis shall nevertheless provide for coverage of newborn

children of the insured which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, provided application therefor and payment of the required premium are made to the insurer to include in said policy coverage the same or similar to that of the insured, described in (f) (1) above 31 days from the date of a newborn child.

2. N. J. S. 17B:27–30 is amended to read as follows:

Dependents.

17B:27–30. Benefits of group health insurance, except benefits for loss of time on account of disability, may be provided for one or more members of the families or one or more dependents of persons who may be insured under a group policy referred to in sections 17B:27–27, 17B:27–28 or 17B:27–29. Any group health insurance policy which contains provisions for the payment by the insurer of benefits for expenses incurred on account of hospital, nursing, medical, or surgical services for members of the family or dependents of a person in the insured group may provide for the continuation of such benefit provisions, or any part or parts thereof, after the death of the person in the insured group.

All group health insurance policies which provide coverage for a family member or dependent of an insured on an expense incurred basis shall also provide that the benefits applicable for children shall be payable with respect to a newly-born child of that insured from the moment of birth. The coverage for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth of a newly-born child and payment of the required premium must be furnished to the insurer within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

All group health insurance policies which provide coverage on an expense incurred basis for the insured but do not provide coverage for a family member or dependent of the insured on an expense incurred basis, except such group policies as provide no dependent coverage whatsoever for the insured's class, shall nevertheless provide for coverage of newborn children of the insured which shall commence with the moment of birth of each child and shall

consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, provided application and payment of the required premium are made to the insurer to include in said policy coverage for a newly-born child as described in the previous paragraph of this section within 31 days from the date of birth of a newborn child.

A policy under which coverage of a dependent of an employee or other member of the insured group terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such employee or member for support and maintenance, not so terminate while the insurance of the employee or member remains in force and the dependent remains in such condition, if the insured employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provision of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child of an employee or other member of the insured group where such dependent does not satisfy the conditions of the group policy as to any requirements for evidence of insurability or other provisions as may be stated in the group policy required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

3. This act shall take effect 120 days following enactment.

Approved June 3, 1975.

CHAPTER 112

AN ACT concerning investments by savings banks and supplementing article 25 of "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-182.4 Investment by savings banks; amount.

1. In addition to investments otherwise authorized by law, a savings bank may invest in any assets, except equity securities of any bank or national banking association or bank holding company, in amounts not to aggregate more than 3% of the total assets of such savings bank or 50% of the total surplus, reserves and undivided profits of such savings bank, whichever is the lesser; provided, no such investment shall be made outside of the State of New Jersey, and the aggregate amount invested in any one person (as "persons" is defined in section 60 (1) of the act to which this is a supplement) shall not exceed 1% of the total assets of such savings bank.

C. 17:9A-182.5 Commissioner's powers.

2. The commissioner may make, amend and repeal regulations prescribing the amount, location, required collateralization or purpose of any investment made in accordance with this act as the commissioner may from time to time deem advisable to foster safe and sound banking practices in this State and to promote the public interest. No such regulation shall be deemed to expand the powers granted to savings banks in this act.

3. This act shall take effect immediately.

Approved June 3, 1975.

CHAPTER 113

AN ACT concerning the rehabilitation and liquidation of certain insurers, supplementing Title 17 of the Revised Statutes, and repealing chapter 30 of Title 17 of the Revised Statutes.

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

C. 17:30C-1 Definitions.

1. Definitions.

a. "Impairment or insolvency" means the capital of a stock insurer or the surplus of a mutual insurer, shall be deemed to be impaired and the insurer shall be deemed to be insolvent, when such insurer is not possessed of assets at least equal to all liabilities

and required reserves together with its total issued and outstanding capital stock of a stock insurer, or the minimum surplus if a mutual insurer required by this title to be maintained for the kind or kinds of insurance it is then authorized to transact.

b. "Insurer" shall include a person subject to the insurance supervisory authority of, or to liquidation, rehabilitation, reorganization or conservation by, the commissioner or the equivalent insurance supervisory official of another state; also all persons purporting to be engaged as insurer in this State, and persons in process of organization to become insurers, pursuant to the provisions of Title 17 of the Revised Statutes.

c. "Delinquency proceeding" means any proceeding commenced against an insurer pursuant to this act for the purpose of liquidating, rehabilitating, reorganizing or conserving such insurer.

d. "Domiciliary state" means the state in which an insurer has its domicile, or in the case of an alien insurer the State in which such insurer, having become authorized to do business in such state, has at the commencement of delinquency proceedings, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States, and any such insurer is deemed to be domiciled in such state.

e. "Ancillary state" means any state other than a domiciliary state.

f. "Reciprocal state" means any state other than this State in which in substance and effect the provisions of the Uniform Insurers Liquidation Act, as defined in section 23 of this act are in force, including the provisions requiring that the commissioner or equivalent insurance supervisory official be the receiver of a delinquent insurer.

g. "General assets" means all property, real, personal or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States shall be deemed general assets.

h. "Preferred claim" means any claim with respect to which

the law of the State or of the United States accords priority of payment from the general assets of the insurer.

i. "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

j. "Secured claim" means any claim secured by mortgage, trust, deed, pledge, deposit as security, escrow or otherwise, but not including special deposit claim or claims against general assets. The term also includes claims which more than 4 months prior to the commencement of delinquency proceedings in the state of the insurer's domicile have become liens upon specific assets by reason of judicial process.

k. "Receiver" means receiver, liquidator, rehabilitator or conservator as the context may require.

C. 17:30C-2 Jurisdiction of delinquency proceedings.

2. Jurisdiction of delinquency proceedings. The Superior Court shall have original jurisdiction of delinquency proceedings under this act.

C. 17:30C-3 Exclusive remedy; appeal.

3. Exclusive remedy—appeal. Delinquency proceedings pursuant to this act shall constitute the sole and exclusive method of liquidating, rehabilitating, reorganizing or conserving an insurer, and no court shall entertain a petition for the commencement of such proceedings, or any other similar procedure, unless the same has been instituted by the commissioner.

C. 17:30C-4 Commencement of delinquency proceeding.

4. Commencement of delinquency proceeding.

a. The commissioner shall commence any such proceeding by an application to the court or to any judge thereof, for an order directing the insurer to show cause why the commissioner should not have the relief prayed for.

b. The application shall be by verified petition, setting forth the ground or grounds for the proceeding and the relief demanded.

c. If the court is satisfied from reading the commissioner's petition that the facts therein alleged, if established, would constitute grounds for a delinquency proceeding under this act, it shall issue an order to show cause as referred to in a. above.

d. On the return of the order to show cause, the court shall either deny the application or grant the application together with such other relief as the nature of the case and the interests of the

policyholders, creditors, stockholders, members, subscribers or the public may require.

C. 17:30C-5 Injunctions.

5. Injunctions.

a. Upon application by the commissioner for such an order to show cause, or at any time thereafter, the court may, without notice, issue an injunction restraining the insurer, its officers, directors, stockholders, policyholders, agents, and all other persons from the transaction of its business or the waste or disposition of its property until the further order of the court.

b. The court may, at any time during a proceeding under this act, issue such other injunctions or orders as may be deemed necessary to prevent interference with the commissioner or the proceeding, or waste of the assets of the insurer, or the commencement or prosecution of any actions, or the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against the insurer or against its assets or any part thereof.

C. 17:30C-6 Grounds for rehabilitation; domestic insurers.

6. Grounds for rehabilitation—domestic insurers. The commissioner may apply to the court for an order directing him to rehabilitate a domestic insurer upon one or more of the following grounds: That the insurer

a. Is impaired or insolvent; or

b. Has refused to submit its books, records, accounts or affairs to the reasonable examination of the commissioner; or

c. Has concealed or removed records or assets in violation of regulations which the commissioner may adopt; or

d. Has failed to comply with the commissioner's order, made pursuant to law, to make good an impairment of capital (if a stock insurer) or an impairment of surplus (if a mutual insurer) within the time prescribed by law; or

e. Has transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction the effect of which is to merge substantially its entire property or business in that of any other insurer without first having obtained the written approval of the commissioner; or

f. Is found, after examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its stockholders, or to its creditors, or to the public; or

g. Has willfully violated its charter or any law of this State; or

h. Has an officer, director, or manager who has unlawfully refused to be examined under oath, concerning its affairs; or

i. Has failed or refused to take such steps as may be necessary to remove from office any officer or director whom the commissioner has found, after notice to and hearing of such insurance company and of such officer or director, to be a dishonest or untrustworthy person; or

j. Has been the subject of an application for the appointment of a receiver, trustee, custodian or sequestrator of the insurer or of its property, otherwise than pursuant to the provisions of this act but only if such appointment has been made or is imminent; or

k. Has consented to such an order through a majority of its directors, stockholders, or policyholders; or

l. Has failed to pay a final judgment rendered against it in any state upon any insurance contract issued or assumed by it, within 30 days after the judgment became final or within 30 days after time for taking an appeal has expired, or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

C. 17:30C-7 Nature of rehabilitation order; termination of rehabilitation; domestic insurers.

7. Nature of rehabilitation order—termination of rehabilitation —domestic insurers.

a. An order to rehabilitate a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer and to conduct the business thereof, and to take such steps toward removal of the causes and conditions which have made rehabilitation necessary, as the court may direct.

b. If at any time the commissioner deems that further efforts to rehabilitate the insurer would be useless, he may apply to the court for an order of liquidation.

c. The commissioner, or any interested person upon due notice to the commissioner, at any time may apply for an order terminating the rehabilitation proceeding and permitting the insurer to resume possession of its property and the conduct of its business.

C. 17:30C-8 Grounds for liquidation.

8. Grounds for liquidation. The commissioner may apply to the court for an order directing him to liquidate the business of a domestic insurer or of the United States branch of an alien insurer having trusteed assets in this State, regardless of whether or not there has been prior order directing him to rehabilitate such insurer, upon any of the grounds specified in section 6, or upon any one or more of the following grounds: That the insurer

a. Has ceased transacting business for a period of 1 year; or

b. Is an insolvent insurer and has commenced voluntary liquidation or dissolution, or attempts to commence or prosecute any action or proceeding to liquidate its business or affairs, or to dissolve its corporate charter, or to procure the appointment of a receiver, trustee, custodian, or sequestrator under any laws except this act; or

c. Has not organized or completed its organization and obtained a certificate of authority as an insurer.

C. 17:30C-9 Order of liquidation; domestic insurers.

9. Order of liquidation—domestic insurers.

a. An order to liquidate the business of a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer, to liquidate its business, to deal with the insurer's property and business in his own name as commissioner or in the name of the insurer as the court may direct and to give notice to all creditors who may have claims against the insurer to present such claims.

b. The commissioner may apply under this act for an order dissolving the corporate existence of a domestic insurer:

(1) Upon his application for an order of liquidation of such insurer, or at any time after such order has been granted; or

(2) Upon the grounds specified in section 8 c., regardless of whether an order of liquidation is sought or has been obtained.

C. 17:30C-10 Order of liquidation; alien insurers.

10. Order of liquidation—alien insurers. An order to liquidate the business of a United States branch of an alien insurer having trusteed assets in this State shall be in the same terms as those prescribed for domestic insurers, save and except only that the assets of the business of such United States branch shall be the only assets included therein.

C. 17:30C-11 Grounds for conservation; foreign insurers.

11. Grounds for conservation—foreign insurers. The commissioner may apply for an order directing him to conserve the assets within this State of a foreign insurer upon any one or more of the following grounds:

a. Upon any of the grounds specified in section 6, and in section 8 b.

b. That its property has been sequestrated in its domiciliary sovereignty or in any other sovereignty.

C. 17:30C-12 Grounds for conservation; alien insurers.

12. Grounds for conservation—alien insurers. The commissioner may apply for an order directing him to conserve the assets within this State of an alien insurer upon any one or more of the following grounds:

a. Upon any of the grounds specified in section 6 and in section 8 b.

b. Upon the ground that the insurer has failed to comply within the time designated by the commissioner, with an order made by him to make good an impairment of its trusteed funds, or

c. Upon the ground that the property of the insurer has been sequestrated in its domiciliary sovereignty or elsewhere.

C. 17:30C-13 Conservation or ancillary receivership; foreign insurers.

13. Conservation or ancillary receivership—foreign insurers.

a. An order to conserve the assets of a foreign insurer shall direct the commissioner forthwith to take possession of the property of the insurer within this State and to conserve it, subject to the further direction of the court.

b. Whenever a domiciliary receiver is appointed for any such insurer in its domiciliary state the court shall, on application of the commissioner, appoint the commissioner as the ancillary receiver in this State.

c. An order to liquidate the assets in this State of a foreign insurer shall require the commissioner forthwith to take possession of the property of the insurer within this State and to liquidate it subject to the orders of the court and with due regard to the rights and powers of the domiciliary receiver, as provided in this act.

C. 17:30C-14 Conservation or ancillary receivership; alien insurers.

14. Conservation or ancillary receivership—alien insurers. An order to conserve the assets of an alien insurer shall direct the commissioner forthwith to take possession of the property of the insurer within this State and to conserve it, subject to the further direction of the court.

C. 17:30C-15 Conduct of delinquency proceedings; domestic insurers.

15. Conduct of delinquency proceedings—domestic insurers.

a. Whenever under the laws of this State a receiver is to be appointed in delinquency proceedings for a domestic insurer, the court shall appoint the commissioner as such receiver. The court shall direct the commissioner forthwith to take possession of the

assets of the insurer and to administer the same under the orders of the court.

b. As domiciliary receiver, the commissioner shall be vested by operation of law, with the title to all property, contracts, and rights of action, and all of the books and records of the insurer wherever located, as of the date of entry of the order directing him to rehabilitate or liquidate a domestic insurer and he shall have the right to recover the same and reduce the same to his possession.

c. The filing or recording of the order, directing possession to be taken, or a certified copy thereof, in the office where instruments affecting title to property are required to be filed or recorded, shall impart the same notice as would be imparted by a deed, bill of sale, or other evidence of the title duly filed or recorded.

d. The commissioner, as domiciliary receiver, shall be responsible on his official bond for the proper administration of all assets coming into his possession or control. The court may at any time require an additional bond from him or his deputies, if deemed desirable for the protection of the assets.

e. Upon taking possession of the assets of an insurer, the domiciliary receiver shall, subject to the direction of the court, immediately proceed to conduct the business of the insurer or to take such steps as are authorized by the laws of this State for the purpose of liquidating, rehabilitating, reorganizing, or conserving the affairs of the insurer.

C. 17:30C-16 Conduct of delinquency proceedings; foreign and alien insurers.

16. Conduct of delinquency proceedings—foreign and alien insurers.

a. Whenever under this act an ancillary receiver is to be appointed in delinquency proceedings for an insurer not domiciled in this State, the court shall appoint the commissioner as ancillary receiver. The commissioner shall file a petition requesting the appointment on the grounds set forth in section 13 b. of this act:

(1) If he finds that there are sufficient assets of the insurer located in this State to justify the appointment of an ancillary receiver; or

(2) If 10 or more persons resident in this State having claims against such insurer file a petition with the commissioner requesting the appointment of such ancillary receiver.

b. The domiciliary receiver for the purpose of liquidating an insurer domiciled in a reciprocal state shall be vested by operation of law with the title to all of the property, contracts and rights

of action, and all of the books and records of the insurer located in this State, and he shall have the immediate right to recover balances due from local agents and to obtain possession of any books and records of the insurer found in this State. He shall also be entitled to recover the other assets of the insurer located in this State, except that upon the appointment of an ancillary receiver in this State, the ancillary receiver shall during the ancillary receivership proceedings have the sole right to recover such other assets. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and allowed in the ancillary proceedings in this State, and shall pay the necessary expenses of the proceedings. All remaining assets he shall promptly transfer to the domiciliary receiver. Subject to the foregoing provisions, the ancillary receiver and his deputies shall have the same powers and be subject to the same duties with respect to the administration of such assets as a receiver of an insurer domiciled in this State.

c. The domiciliary receiver of an insurer domiciled in a reciprocal state may sue in this State to recover any assets of such insurer to which he may be entitled under the laws of this State.

C. 17:30C-17 Deputies and assistants.

17. Deputies and assistants. In connection with delinquency proceedings, the commissioner may appoint one or more special deputy commissioners to act for him, and may employ such counsel, clerks, and assistants as he deems necessary. The compensation of the special deputies, counsel, clerks, or assistants, and all expenses of taking possession of the insurer and of conducting the proceedings, shall be fixed by the receiver subject to the approval of the court, and shall be paid out of funds or assets of the insurer. Within the limits of the duties imposed upon them, special deputies shall possess all the powers given to, and, in the exercise of those powers, shall be subject to all of the duties imposed upon the receiver with respect to such proceedings.

C. 17:30C-18 Claims of nonresidents against domestic insurers.

18. Claims of nonresidents against domestic insurers.

a. In a delinquency proceeding begun in this State against a domestic insurer, claimants residing in reciprocal states may file claims either with the ancillary receivers, if any, in their respective states or with the domiciliary receiver. All such claims must

be filed on or before the last date fixed for the filing of claims in domiciliary delinquency proceedings.

b. Controverted claims belonging to claimants residing in reciprocal states may either:

(1) Be proved in this State; or

(2) If ancillary proceedings have been commenced in such reciprocal states, may be proved in those proceedings. In the event a claimant elects to prove his claim in ancillary proceedings, if notice of the claim and opportunity to appear and be heard is afforded the domiciliary receiver of this State, as provided in section 19 of this act with respect to ancillary proceedings in this State, the final allowance of such claim by the courts in the ancillary state shall be accepted in this State as conclusive as to its amount and shall also be accepted as conclusive as to its priority, if any, against special deposits or other security located within the ancillary state.

C. 17:30C-19 Claims against foreign insurers.

19. Claims against foreign insurers.

a. In a delinquency proceeding in a reciprocal state against an insurer domiciled in that state, claimants against such insurer who reside within this State may file claims either with the ancillary receiver, if any, appointed in this State, or with the domiciliary receiver. All such claims must be filed on or before the last date fixed for the filing of claims in the domiciliary delinquency proceedings:

b. Controverted claims belonging to claimants residing in this State may either:

(1) Be proved in the domiciliary state as provided by the law of that state; or

(2) If ancillary proceedings have been commenced in this State, be proved in those proceedings. In the event that any such claimant elects to prove his claim in this State, he shall file his claim with the ancillary receiver and shall give notice in writing to the receiver in the domiciliary state, either by registered mail or by personal service at least 40 days prior to the date set for hearing. The notice shall contain a concise statement of the amount of the claim, the facts on which the claim is based, and the priorities asserted, if any. If the domiciliary receiver within 30 days after the giving of such notice shall give notice in writing to the ancillary receiver and to the claimant, either by registered mail or by personal service of his intention to contest such claim, he shall be entitled to appear or to be represented in any proceed-

ing in this State involving adjudication of the claim. The final allowance of the claim by the courts of this State shall be accepted as conclusive as to its amount and shall also be accepted as conclusive as to its priority if any, against special deposits or other security located within this State.

C. 17:30C-20 Form of claim; notice; hearing.

20. Form of claim—notice—hearing.

a. All claims against an insurer against which delinquency proceedings have been begun shall set forth in reasonable detail the amount of the claim, or the basis upon which such amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any. All such claims shall be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and shall be supported by such documents as may be material thereto.

b. All claims filed in this State shall be filed with the receiver, whether domiciliary or ancillary, in this State, on or before the last date for filing as specified in this act.

c. Within 10 days of the receipt of any claim, or within such further period as the court may fix, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court shall determine to such persons as shall appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.

d. At the hearing all persons interested shall be entitled to appear and the court shall enter an order allowing, allowing in part, or disallowing the claim. Any such order shall be deemed to be an appealable order.

C. 17:30C-21 Priority of certain claims.

21. Priority of certain claims.

a. In a delinquency proceeding against an insurer domiciled in this State, claims owing to residents of ancillary states shall be preferred claims if like claims are preferred under the laws of this State. All such claims owing to residents or nonresidents

shall be given equal priority of payment from general assets regardless of where such assets are located.

b. In a delinquency proceeding against an insurer domiciled in a reciprocal state, claims owing to residents of this State shall be preferred claims if like claims are preferred by the laws of that state.

c. The owners of special deposit claims against an insurer for which a receiver is appointed in this or any other state shall be given priority against their several special deposits in accordance with the provisions of the statutes governing the creation and maintenance of such deposits. If there is a deficiency in any such deposit so that the claims secured thereby are not fully discharged therefrom, the claimants may share in the general assets, but such sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from a special deposit.

d. The owner of a secured claim against an insurer for which a receiver has been appointed in this or any other state may surrender his security and file his claim as a general credit, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors. If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this act, or if it has been adjudicated by a court of competent jurisdiction in proceedings in which the domiciliary receiver has had notice and opportunity to be heard, such amounts shall be conclusive; otherwise the amount shall be determined in the delinquency proceeding in the domiciliary state.

C. 17:30C-22 Attachment and garnishment of assets.

22. Attachment and garnishment of assets. During the pendency of delinquincy proceedings in this or any reciprocal state, no action or proceeding in the nature of an attachment, garnishment or execution shall be commenced or maintained in the courts of this State against the delinquent insurer or its assets. Any lien obtained by any such action or proceeding within 4 months prior to the commencement of any such delinquency proceeding or at any time thereafter shall be void as against any rights arising in such delinquency proceeding.

C. 17:30C-23 Uniform insurers liquidation act.

23. Uniform insurers liquidation act.

a. Subsections b. through k. of section 1, subsections a. and c. of section 4, together with sections 5 and 15 through 23 constitute and may be referred to as the Uniform Insurers Liquidation Act.

b. The Uniform Insurers Liquidation Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it. To the extent that its provisions when applicable conflict with other provisions of this act, the provisions of such act shall control.

C. 17:30C-24 Borrowing on pledge of assets.

24. Borrowing on pledge of assets. For the purpose of facilitating the rehabilitation, liquidations, conservation or dissolution of an insurer pursuant to this act, the commissioner may, subject to the approval of the court, borrow money and execute, acknowledge and deliver notes or other evidences of indebtedness therefor, and secure the payment of the same by the mortgage, pledge, assignment, transfer in trust or hypothecation of any or all of the property of such insurer, whether real, personal or mixed, and the commissioner, subject to the approval of the court, shall have power to take any and all other action necessary and proper to consummate any such loans and to provide for the repayment thereof. The commissioner shall be under no obligation personally or in his official capacity as commissioner to repay any loan made pursuant to this act.

C. 17:30C-25 Voidable transfers.

25. Voidable transfers.

a. Any transfer of, or lien upon, the property of an insurer which is made or created within 4 months prior to the granting of an order to show cause under this act with the intent of giving to any creditor or of enabling him to obtain a greater percentage of his debt than any other creditor of the same class, and which is accepted by such creditor having reasonable cause to believe that such a preference will occur, shall be voidable.

b. Every director, officer, employee, stockholder, policyholder, and any other person acting on behalf of such insurer who shall be concerned in any such act or deed and every person receiving thereby any property of such insurer or the benefit thereof, shall be personally liable therefor and shall be bound to account to the commissioner.

c. The commissioner, as receiver in any proceeding under this act, may avoid any transfer of, or lien upon the property of an insurer which any creditor, stockholder or policyholder of such insurer might have avoided, and may recover the property so transferred, or its value from the person to whom it was transferred, unless such person was a bona fide holder for value prior to the date of the granting of an order to show cause under this act. Such property or its value may be recovered from anyone who has received it, except a bona fide holder for value as above specified.

C. 17:30C-26 Priority of claims for compensation.

26. Priority of claims for compensation.

a. Compensation actually owing to employees other than officers of an insurer, for services rendered within 3 months prior to the commencement of a proceeding against the insurer under this act, but not exceeding $1,000.00 for each such employee, shall be paid prior to the payment of any other debt or claim, and in the discretion of the commissioner, may be paid as soon as practicable after the proceeding has been commenced; except, that at all times the commissioner shall reserve such funds as will, in his opinion, be sufficient for the expenses of administration.

b. Such priority shall be in lieu of any other similar priority which may be authorized by law as to the wages or compensation of such employees.

C. 17:30C-27 Offsets.

27. Offsets.

a. In all cases of mutual debts or mutual credits between the insurer and another person in connection with any action or proceeding under this act, such credits and debts shall be set off and the balance only shall be allowed or paid, except as provided in subsection b. below.

b. No offset shall be allowed in favor of any such person where

(1) The obligation of the insurer to such person would not at the date of the entry of any liquidation order, or at such other date determined by the court for fixing the rights and liabilities with respect to the estate of the insurer, have entitled him to share as a claimant in the assets of the insurer; or

(2) The obligation of the insurer to such person was purchased by or transferred to such person with a view of its being used as an offset; or

(3) The obligation of such person is to pay a balance upon a subscription to the capital stock of a stock insurer.

C. 17:30C-28 Allowance of certain claims.

28. Allowance of certain claims. a. No sontingent claim shall share in a distribution of the assets of an insurer which has been adjudicated to be insolvent by an order made pursuant to section 30 a., except that such claims shall be considered, if properly presented, and may be allowed to share where

(1) Such claim becomes absolute against the insurer on or before the last day fixed for filing of proofs of claim against the assets of such insurer; or

(2) There is a surplus and the liquidation is thereafter conducted upon the basis that such insurer is solvent.

b. Where an insurer has been so adjudicated to be insolvent, any person who has a cause of action against an insured of such insurer, shall have the right to file a claim in the liquidation proceeding, regardless of the fact that such claim may be contingent, and such claim may be allowed

(1) If it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon such cause of action against such insured; and

(2) If such person shall furnish suitable proof, unless the court, for good cause shown, shall otherwise direct, that no further valid claims against such insurer arising out of his cause of action, other than those already presented, can be made; and

(3) If the total liability of such insurer to all claimants arising out of the same act of its insured shall be no greater than its maximum liability would be, were it not in liquidation.

c. No judgment against such an insured, taken after the date of the entry of the liquidated order, shall be considered in the liquidation proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured taken by default, inquest or by collusion prior to the entry of the liquidation order, shall be considered as conclusive evidence in the liquidation proceeding, either of the liability of such insured to such person upon such cause of action, or of the amount of damage to which such person is therein entitled.

C. 17:30C-29 Allowance of secured claims.

29. Allowance of secured claims. No claim of any secured claimant shall be allowed at a sum greater than the difference between the value of the claim without security and the value of

the security itself as of the date of the entry of the order of liquidation, or such other date set by the court for fixation of rights and liabilities, unless the claimant shall surrender his security to the commissioner, in which event the claim shall be allowed in the full amount for which it is valued.

C. 17:30C-30 Time to file claims.

30. Time to file the claims.

a. If upon the granting of an order of liquidation under this act, or at any time thereafter during the liquidation proceeding, the insurer shall not be clearly solvent, the court shall, after such notice and hearing as it deems proper, make an order declaring the insurer to be insolvent. Thereupon, regardless of any prior notice which may have been given to creditors, the commissioner shall notify all persons who may have claims against such insurer and who have not filed proper proofs thereof, to present the same to him, at a place specified in such notice, within 4 months from the date of the entry of such order, of, if the commissioner shall certify that it is necessary, within such longer time as the court shall prescribe. The last day for the filing of proofs of claims shall be specified in the notice. Such notice shall be given in a manner determined by the court.

b. Proofs of claim may be filed subsequent to the date specified, but no such claim shall share in the distribution of the assets until all allowed claims, proofs of which have been filed before said date, have been paid in full, with interest.

Repealer.

31. Repealer. Chapter 30 of Title 17 of the Revised Statutes is repealed but such repeal shall not affect pending proceedings under such sections.

32. This act shall take effect immediately.

Approved June 3, 1975.

CHAPTER 114

AN ACT to amend "An act creating a commission to study methods of developing countermeasures to deal with the increasing problem of traffic collisions, by improving the effectiveness of all Division of Motor Vehicle programs aimed at encouraging legal, safe and skilled driving by New Jersey motorists," approved July 26, 1974 (P. L. 1974, c. 68).

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

1. Section 7 of P. L. 1974, c. 68 is amended to read as follows:

7. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature as soon as may be practicable, but in any event, not later than September 15, 1975, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

2. This act shall take effect immediately.

Approved June 3, 1975.

CHAPTER 115

AN ACT to forbid the use of voter registration lists for commercial solicitation, and amending P. L. 1947, c. 347.

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

1. Section 2 of P. L. 1947, c. 347 (C. 19:31–18.1) is amended to read as follows:

C. 19:31-18.1 Copies of registry lists; distribution; commercial solicitation prohibited.

2. a. The county clerk in all counties shall cause copies of the registry lists, certified and transmitted under R. S. 19:31–18, to be printed in handbill form, and shall furnish to any voter applying

for the same such copies, charging therefor $0.25 per copy of the list of voters of each election district. He shall also furnish five printed copies thereof to each district board, which shall within 2 days post two such registry lists, one in the polling place and one in another conspicuous place within the election district. The county clerk shall also forthwith deliver to the superintendent of elections if any there be and the municipal clerk of each of the municipalities in the county for which the lists have been printed five copies of the lists of voters of each election district in such municipality, and to the county board 10 copies of the lists of voters of each election district in each of such municipalities. The county clerk shall also forthwith deliver to the chairmen of the State committees and to the chairmen of the county committees of the several political parties, five copies of the lists of voters of each election district in each of the municipalities in his county.

b. In any county where the voter registration lists are recorded on magnetic tape or electronic data processing cards, the commissioner of registration shall furnish a copy of such tape or cards to any voter requesting such tape or cards, for which copy such commissioner shall make a charge which shall be uniform in any calendar year and which shall reflect only the cost of reproducing such tape or cards.

c. No person shall use voter registration lists or copies thereof prepared pursuant to this section as a basis for commercial solicitation of the voters listed thereon. Any person making such use of such lists or copies thereof shall be a disorderly person, and shall be punished by a fine not exceeding $500.00.

2. This act shall take effect in 90 days following its enactment.

Approved June 3, 1975.

CHAPTER 116

AN ACT concerning fish and game license fees and revising parts of the statutory law.

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

1. R. S. 23:3-1 is amended to read as follows:

Hunters, trappers and fishers to be licensed; penalty.

23:3–1. No person shall at any time hunt for, take or attempt to take, kill or pursue, with a gun or any firearms of any kind or character, or with longbow and arrow, a wild bird, animal or fowl, or take or attempt to take any skunk, mink, muskrat, or other fur-bearing animal by means of a trap, or set a trap for any fur-bearing animal, and no person above the age of 14 years shall at any time take or attempt to take fish in any of the fresh waters of this State by the method commonly known as angling with a hand line or rod and line, or with longbow and arrow unless he has first procured a proper license. Nor shall any person engage in hunting, fishing or trapping unless the appropriate license or tag as prescribed hereunder is visibly displayed in a holder in a conspicuous place on the outer clothing at the time of such hunting, fishing or trapping. A licensee shall exhibit his license and tag for inspection to any conservation officer, deputy conservation officer, police officer or other person requesting to see it. No person under 12 years of age shall be issued a trapping license.

Any person found hunting, fishing or trapping without the proper license tag as may be required conspicuously displayed shall be liable to a penalty of $10.00 and costs to be recovered pursuant to the provisions of Title 23, chapter 10, of the Revised Statutes.

A person who is on active duty with any branch or department of the armed service of the United States, shall be entitled to hunt or fish upon obtaining the proper resident license therefor.

Nothing in this section shall prevent the occupant of a farm in this State, who actually resides thereon, or the immediate members of his family who also reside thereon, from hunting for, taking, killing or pursuing with a gun or firearm or a longbow and arrow on the farm a wild bird, animal or fowl, from taking any skunk, mink, muskrat, or other fur-bearing animal by means of a trap or from setting a trap for a fur-bearing animal on the farm, or from taking fish on the farm with hand line or rod and line, or a longbow and arrow in the manner provided by law during the time when it is lawful so to do, without being licensed hereunder. The exemption of this paragraph shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant. Any person who violates any provision of this section for which a penalty is not otherwise expressly provided, shall be liable to a penalty of not less than $25.00 nor more than $50.00 for each offense.

2. R. S. 23:3–4 is amended to read as follows:

Licenses; residents', nonresidents' and aliens'; fees; term of licenses.

23:3–4. The licenses issued under this article shall be as follows:

a. A license issued to citizens of the United States above 14 years of age, who have an actual and bona fide domicile in this State at the time of the application for the license and who have had an actual and bona fide domicile in this State for at least 6 months immediately prior thereto, provided that for residents' trapping licenses such person may be above 12 years of age. These licenses shall be of five kinds and designated as the residents' firearm hunting license, the residents' bow and arrow license, the residents' trapping license, the residents' fishing license and the residents' family fishing license. The Fish and Game Council in the Division of Fish, Game and Shell Fisheries of the Department of Environmental Protection shall have the authority to adopt and promulgate regulations for said family fishing licenses.

The residents' firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of $10.00 and an issuance fee of $0.25 shall be charged therefor. The residents' bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of $10.00 and an issuance fee of $0.25 shall be charged therefor. The residents' trapping license shall authorize its holder to trap only, and a fee of $10.00 and an issuance fee of $0.25 shall be charged therefor. The residents' fishing license shall authorize its holder to fish only, and a fee of $7.00 and an issuance fee of $0.25 shall be charged therefor except that in any case where the applicant is 70 or more years of age and is otherwise qualified no fee shall be charged. The residents' family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the parent license permitting fishing only by the father or mother, or both, or the guardian shall be $12.00 with an issuance fee of $0.25; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family at a fee of $1.00 and an issuance fee of $0.25. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto hereunder. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish, Game and

Shell Fisheries shall be entitled to a residents' fishing license without fee or charge.

b. A license issued to a person above 14 years of age not entitled to a residents' license, authorizing him to trap or to hunt. These licenses shall be designated as the nonresidents' and aliens' firearm hunting license, the nonresidents' and aliens' bow and arrow license, and the nonresidents' and aliens' trapping license.

The fee for the nonresidents' and aliens' firearm hunting license and the nonresidents' and aliens' bow and arrow license shall be the same as the fees charged to New Jersey residents by the place of residence of the license purchaser for comparable licenses but shall not be less than $25.00 together with an issuance fee of $0.25.

The fee for the nonresidents' and aliens' trapping license shall be $100.00 and an issuance fee of $0.25.

c. A license issued to a person above 14 years of age not entitled to a residents' license, authorizing him to fish only. These licenses shall be designated as the nonresidents' and aliens' fishing license and the nonresidents' and aliens' 3-day vacation fishing license valid for a period of 3 consecutive days and only obtainable after June 1 of each year. The fee for these licenses shall be $12.00 for the annual fishing license, together with an issuance fee of $0.25, and $5.00 and an issuance fee of $0.25 for the 3-day vacation fishing license.

Every license issued hereunder shall be void after December 31, next succeeding its issuance excepting the 1-day hunting license which shall expire on the date of issuance, and the nonresidents' and aliens' 3-day fishing license which is valid only for 3 consecutive days after date of issuance.

C. 23:3-4.1 License to hunt for 1 day on certain licensed areas; fees.

3. Section 2 of P. L. 1951, c. 226 (C. 23:3–4.1) is amended to read as follows:

2. The division may, in its discretion, issue a license to a citizen of the United States above the age of 14 years authorizing him to hunt for 1 day only on areas licensed under subdivisions B. and D. of section 23:3–29, or at a shoot to kill field trial which is being held under a proper permit from the division. The fee for this license shall be $4.00, and an issuance fee of $0.25 shall be charged therefor. The fees collected hereunder shall be remitted to the State Treasurer, and placed to the credit of the "hunters' and anglers' license fund," and be disbursed by the State Treasurer on vouchers certified to by the division.

4. R. S. 23:3–11 is amended to read as follows:

Disposition of fees.

23:3–11. All fees for licenses and permits received by the Division of Fish, Game and Shellfisheries, remitted to the State Treasurer shall be placed to the credit of a fund to be known as the "hunters' and anglers' license fund," which fund shall be used exclusively for such purposes and activities as the Division of Fish, Game and Shellfisheries deems to be in best interest of the wildlife resources of the State. Not less than 24% of the "hunters' and anglers' license fund" shall annually be spent for law enforcement purposes by the Division of Fish, Game and Shellfisheries. This fund shall be kept separate and apart from all other State moneys and shall be disbursed by the State Treasurer on vouchers certified to by the division.

5. R. S. 23:3–20 is amended to read as follows:

Penalty for violations of article.

23:3–20. A person who at any time alters, disfigures or changes in any manner, or loans or transfers to another, a license or button or tag issued under this article, gives false information or makes any misrepresentation to the clerk or agent to whom application is made for a license hereunder, or who violates any provision of this article for the violation of which a penalty is not herein otherwise provided, shall be liable to a penalty of not less than $25.00 nor more than $50.00 for each offense, and upon conviction the license and button or tag issued to him, if any, shall be revoked by the court or magistrate before whom the conviction is secured. The court or magistrate shall send the license and button or tag marked "revoked," to the office of the division, and any license issued to a person whose license has been revoked during the year for which the license was issued shall be void. A person who shall fail or neglect to perform a duty imposed on him by this article shall be liable to a penalty of $20.00 for each failure. No penalty fixed by this section shall apply to an offense which is a misdemeanor under this article.

6. R. S. 23:3–34 is amended to read as follows:

Tag or seal; fee; sale of portion of bird or animal.

23:3–34. The division shall receive and collect $0.20 for each tag or seal affixed to the carcass of an animal or bird, as provided in sections 23:3–28 to 23:3–39 of this Title. These tags or seals shall remain affixed until the carcasses of the birds or animals are finally

prepared for consumption, and the sale of a portion of a bird or animal which shall not at the time have affixed thereto the tag or seal shall constitute a violation of said sections 23:3–28 to 23:3–39. The keeper of a hotel, restaurant or boarding house, a retail dealer in meat or a club may sell a portion of a bird or animal so tagged to a guest, customer or member for consumption.

7. R. S. 23:3–41 is amended to read as follows:

License to operate fishpound nets; requirement for; issuance.

23:3–41. No person shall erect, set, operate or maintain a fishpound net in the waters of the Atlantic ocean, within 3 nautical miles from the coast line of this State, or in Sandy Hook or Raritan bay, without first obtaining a license for that purpose, as hereinafter provided.

An application for a license for such purpose shall be made to the division. The division upon the payment to it of the sum of $100.00 for each pound net to be erected or set in the Atlantic ocean, and $50.00 for each pound net to be erected or set in Sandy Hook or Raritan bay, as a license fee, may in its discretion issue to the applicant, if he is a citizen of the United States, a license, to erect, set, operate and maintain a fishpound net in one of the waters above specified. The method of numbering and identification of pounds shall be that which the division determines. A license issued hereunder shall expire annually on December 31 next succeeding its issuance, and may be renewed by the division upon the payment of the same fee and upon the same terms as those upon which the original license was granted.

8. R. S. 23:3–47 is amended to read as follows:

Application for and granting of license; fee; term.

23:3–47. A person who intends to take fish with shirred or purse seines, otter or beam trawls in the waters of the Atlantic ocean within the jurisdiction of this State shall make application to the board for a license for that purpose for each vessel proposed to be engaged in the fishing.

The Division of Fish, Game and Shellfisheries, upon the receipt of the application and the payment to it of the sum of $100.00 for each vessel proposed to be engaged in the fishing, shall issue to the applicant a license for the vessel to take with shirred or purse seine, otter or beam trawl, fish of any kind, excepting striped bass, in the waters of the Atlantic ocean within the jurisdiction of this State at a distance of not less than 2 miles from the coast line.

The license shall expire on December 31 in the year in which it is issued.

9. R. S. 23:3–52 is amended to read as follows:

Fees.

23:3–52. The fees for issuing a license under sections 23:3–50 and 23:3–51 of this Title shall be as follows: For each

Vessel of not less than 30 nor more than 100 tons gross tonnage, owned by residents of New Jersey	$125 00
Vessel of not less than 100 nor more than 150 tons gross tonnage, owned by residents of New Jersey	250 00
Vessel of not less than 150 nor more than 175 tons gross tonnage, owned by residents of New Jersey	400 00
Vessel of not less than 175 nor more than 200 tons gross tonnage, owned by residents of New Jersey	550 00
Vessel over 200 tons gross tonnage, owned by residents of New Jersey	900 00
Vessel not over 20 tons gross tonnage used by residents for taking menhaden for bait purposes only	20 00
Vessel of not less than 30 nor more than 100 tons gross tonnage, owned or leased by nonresidents of New Jersey	450 00
Vessel of not less than 100 nor more than 150 tons gross tonnage, owned or leased by nonresidents of New Jersey	700 00
Vessel of not less than 150 nor more than 175 tons gross tonnage, owned or leased by nonresidents of New Jersey	1,000 00
Vessel of not less than 175 nor more than 200 tons gross tonnage, owned or leased by nonresidents of New Jersey	1,150 00
All vessels over 200 tons gross tonnage, owned or leased by nonresidents of the State of New Jersey	1,500 00

The fees for vessels from out of the State, leased by residents of New Jersey, shall be the same as the nonresident license fees.

Such gross tonnages shall be determined by Custom House measurements.

10. Section 3 of P. L. 1952, c. 328 (C. 23:3–59) is amended to read as follows:

C. 23:3-59 Fee for stamp; disposition of fees.

3. The fee for this stamp shall be $4.00 for residents and $8.00

for nonresidents. The amounts remitted to the State treasury for stamps issued under this law shall be placed to the credit of the "hunters' and anglers' license fund" mentioned in R. S. 23:3–12.

11. R. S. 23:4-52 is amended to read as follows:

Collecting mammals, reptiles, amphibians, fish and birds, their nests or eggs for scientific purposes; certificate for.

23:4–52. The Division of Fish, Game and Shellfisheries may grant to a properly accredited person, 18 years of age or over, a certificate permitting him to collect mammals, reptiles, amphibians, fish, and birds and their nests or eggs, for strictly scientific purposes only. In order to obtain the certificate the applicant therefor shall (a) present to the division, written testimonials from two well-known scientists, certifying to the good character and fitness of the applicant to be intrusted with the privilege, (b) pay to the division the fee of $20.00 for the scientific collectors certificate. The certificate shall be in force for 1 year only, from the date of its issuance, and shall not be transferable without approval of the director. The foregoing sections of this article shall not apply to a person holding such certificate, except as provided for in The Endangered and Nongame Species Conservation Act, P. L. 1973, c. 309 (C. 23:2A–1 et seq.).

Upon proof that a holder of the certificate has collected a mammal, reptile, amphibian, fish, bird or taken the nest or eggs of a bird, mammal, reptile, amphibian or fish for any purposes other than those named in this section, the certificate shall become void and the holder shall be further subject to the penalties provided therefor in this article.

12. Section 2 of P. L. 1941, c. 211 (C. 23:5–24.2) is amended to read as follows:

C. 23:5-24.2 Application; issuance of license; fees.

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the Division of Fish, Game and Shellfisheries for a license therefor, and the division upon receipt of the application and the fee hereinafter prescribed may in its discretion issue licenses for the taking of fish with nets as follows:

(a) Haul seines, the mesh of which shall not be larger than 3 inches stretched mesh while being fished, and not to exceed 70 fathoms in length, whether singly or attached, for all species, excepting striped bass. November 1 to April 30. Fee, $25.00.

(b) Fykes, with leaders, shall not exceed 30 fathoms in length

and no part of net or leaders to be larger than 3 inches stretched mesh while being fished, for all species excepting striped bass. November 1 to April 30. Fee, $30.00.

(c) Special fyke for flounder only, the length of the net not to exceed 30 fathoms and the mesh of which shall not be less than 4 inches stretched mesh. October 1 to April 30. Fee, $4.00.

(d) Miniature fykes or pots for the taking of catfish, suckers and eels, the same not to exceed 16 inches in diameter. March 15 to December 15. Fee, $1.00.

(e) Run around net the smallest mesh of which shall be 2¾ inches wide stretched mesh and the length of which net shall not exceed 200 fathoms, for all species excepting striped bass. March 15 to December 15. Fee, $20.00. This net shall be used in the Atlantic ocean only. The limit shall be one run around net per boat.

(f) Shad nets, either staked or anchored, the smallest mesh of which shall be 5 inches while being fished, and shall not exceed 50 fathoms in length, for all species excepting striped bass. March 1 to June 15. Fee, $3.00.

These nets shall be used in the Atlantic ocean only.

(g) Bait seines, over 50 feet long and not exceeding 150 feet. Fee, $3.00.

(h) Bait seines, not more than 50 feet long, may be used without application for or granting of license.

(i) Dip nets, not to exceed 24 inches in diameter, may be used for the taking of herring for live bait without application for or granting of license.

(j) Drifting gill net, the smallest mesh of which shall be 2¾ inches stretched mesh and the length of which net shall not exceed 150 fathoms, for all species excepting striped bass. The limit shall be two drifting gill nets per boat. March 15 to December 15. Fee, $20.00. These nets shall be used in the Atlantic ocean only.

13. Section 3 of P. L. 1958, c. 93 (C. 23:8A–3) is amended to read as follows:

C. 23:8A-3 Disposition of proceeds from sale, lease or exchange; use.

3. All moneys received from any such sale or lease, or received as part of the consideration when an exchange of lands is made, shall be remitted to the State Treasurer and placed to the credit of a fund known as the "hunters' and anglers' license fund" created by and existing under the provisions of R. S. 23:3–11, said money to be used exclusively for such uses and purposes as are

provided for by said act, and held and disbursed by the State Treasurer, on vouchers certified to by the division.

14. R. S. 23:9–115 is amended to read as follows:

License fee; season; lift period from Friday noon until Saturday midnight.

23:9–115. Upon application to the Division of Fish, Game and Shellfisheries and the payment of a fee of $60.00 for each net, the division may issue, in its discretion, a license permitting the licensee to fish for shad, in the Hudson river, from March 15 to June 15; provided further, however, no net shall be set or put in position and no shad shall be taken during the period from Friday noon until Saturday midnight of each week; provided, however, that any net which has been set prior to Friday noon shall be permitted to remain in position and be lifted at the next high water; provided further, however, that the aforementioned 36-hour lift period shall be the minimum period and the maximum lift period shall be at the discretion of the Division of Fish, Game and Shellfisheries.

15. This act shall take effect immediately.

Approved June 3, 1975.

CHAPTER 117

AN ACT providing for a special pheasant and quail stamp for hunters using designated Division of Fish, Game and Shellfisheries wildlife management areas, establishing a fee therefor and supplementing Title 23 of the Revised Statutes.

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

C. 23:3-61.1 Special pheasant and quail stamp.

1. No person shall at any time hunt for, pursue, kill, take or attempt to take with a firearm or bow and arrow, or have in possession, any pheasant or quail while present in such division wildlife management areas as may be designated in the Fish and Game Code unless such person has first procured in addition to a hunting license a valid "special pheasant and quail stamp."

This special pheasant and quail "stamp" shall be in the possession of the hunter at all times while engaged in hunting

pheasant or quail in such division wildlife management areas as may be designated in the Fish and Game Code and the hunter shall exhibit the special stamp for inspection to any conservation officer, deputy conservation officer or police officer requesting to see the stamp.

C. 23:3-61.2 Season; procurement, validity and form of stamp.

2. a. The stamp issued pursuant hereto shall be known as the "special pheasant and quail stamp" and shall authorize the holder to hunt pheasant and quail during seasons prescribed in the State Fish and Game Code in such wildlife management areas as may be designated in the Fish and Game Code.

b. The stamp shall be procured from the Division of Fish, Game and Shellfisheries at Trenton or from such agents as may be designated by the division. No stamp shall be valid unless it contains the signature of the owner. The division shall determine the form of the "special pheasant and quail stamp."

C. 23:3-61.3 Fee; disposition.

3. The fee for this stamp shall be $5.00. The amounts remitted to the State Treasury for special pheasant and quail stamps shall be deposited to the credit of the "hunters' and anglers' license fund."

C. 23:3-61.4 Violation of act; penalty.

4. A person who at any time alters, loans, or transfers to another a "special pheasant and quail stamp," or who hunts for, pursues, kills, takes or attempts to take with a firearm or bow or arrow, or has in possession, a pheasant or quail in such wildlife management areas as may be designated in the Fish and Game Code without a proper and valid special pheasant and quail stamp, or violating any other provisions of this act shall be liable to a penalty of not less than $25.00 nor more than $50.00 for each offense.

5. This act shall take effect immediately.

Approved June 3, 1975.

CHAPTER 118

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for education purposes," approved May 14, 1969 (P. L. 1969, c. 44).

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

1. There is hereby appropriated to the State Department of Education, from the Public Buildings Construction Fund, the sum of $5,000,000.00, or so much thereof as may be necessary, for buildings, structures, facilities and equipment required for the operation of vocational education programs, for expenditure for the period July 1, 1974 to June 30, 1975 for the following projects:

School District	Total Projected Cost (Adjusted)	Entitlement State Bond Issue Funds	Appropriations Available for the Period July 1, 1974 to June 30, 1975
Atlantic County			
Atlantic County AVTS	$4,954,170	$1,063,542	$330,373
Bergen County			
Bergen County AVTS:			
Hackensack (Addition)	510,000	82,500	22,500
Shared-Time Centers:			
West Central Bergen	1,875,000	393,750	373,750
East Central Bergen	2,225,000	468,750	50,000
Burlington County			
Burlington County AVTS:			
Medford	9,000,000	2,250,000	600,000
Camden County			
Camden City AVTS:			
Special Needs Center	662,000	165,500	100,000
Camden County			
Special Needs Center	6,000,000	1,500,000	600,000
Cumberland County			
Cumberland County AVTS	3,300,000	819,000	20,000

School District	Total Projected Cost (Adjusted)	Entitlement State Bond Issue Funds	Appropriations Available for the Period July 1, 1974 to June 30, 1975
Gloucester County			
Gloucester County AVTS	$3,765,000	$941,250	$451,329
Mercer County			
Mercer County AVTS:			
Shared-Time Centers:			
Assunpink Center	3,367,808	700,000	138,806
North Center	3,580,000	750,000	400,000
Middlesex County			
Middlesex County AVTS:			
East Brunswick Addition	275,000	41,000	21,000
Perth Amboy Addition	641,080	125,000	115,000
Northwest Middlesex County	10,000,000	2,500,000	200,000
Monmouth County			
Monmouth County AVTS:			
Shared-Time Centers:			
Matawan	500,000	125,000	60,000
New Shrewsbury	658,704	125,000	90,000
Morris County			
Morris County AVTS	1,541,400	385,350	46,220
Addition	800,000	200,000	100,000
Ocean County			
Ocean County AVTS:			
Shared-Time Centers:			
Toms River	2,400,000	500,000	334,026
Passaic County			
Passaic County AVTS:			
Special Needs Center	2,116,146	520,262	205,269
Salem County			
Salem County AVTS	1,850,000	462,500	300,000
Somerset County			
Somerset County AVTS	8,100,000	1,885,798	107,102

School District	Total Projected Cost (Adjusted)	Entitlement State Bond Issue Funds	Appropriations Available for the Period July 1, 1974 to June 30, 1975
Sussex County			
Sussex County AVTS: Addition II	$3,000,000	$750,000	$250,000
Union County			
Linden AVTS	3,338,110	792,027	84,625
Total			$5,000,000

2. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 119

AN ACT concerning health insurance other than group and blanket insurance and amending N. J. S. 17B:26–2.

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

1. N. J. S. 17B:26–2 is amended to read as follows:

Form of policy; requirements.

17B:26–2. a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) the entire money and other considerations therefor are expressed therein; and

(2) the time at which the insurance takes effect and terminates is expressed therein; and

(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) the style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26-3 to 17B:26-31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) it contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability

based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26–3 to 17B:26–31 inclusive.

e. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed chiropractor, the insured under such policy or the chiropractor rendering such service shall be entitled to reimbursement for such service, when the said service is performed by a chiropractor. The foregoing provision shall be liberally construed in favor of reimbursement of chiropractors.

2. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 120

AN ACT concerning municipal courts and amending N. J. S. 2A:8–6.

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

1. N. J. S. 2A:8–6 is amended to read as follows:

Additional judges.

2A:8–6. In every municipality having in 1948 or thereafter a population of more than 200,000, the governing body of such municipality may provide for the appointment, as the need may appear, of not more than five additional judges of a municipal court of such municipality; and the governing body of every municipality having a population between 75,000 and 85,000, located in a county of the first class may provide for the appointment of two additional judges of the municipal court of such municipality.

2. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 121

A SUPPLEMENT to "An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes," approved May 3, 1946 (P. L. 1946, c. 276, C. 40:37–95.1 et seq.).

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

C. 40:37-95.4a Tenure.

1. Any full-time employee appointed to office, position or employment by a county park commission in any county of the second class having a population of more than 460,000 and less than 525,000 pursuant to the provisions of section 4 of the act to which this act is a supplement (C. 40:37–95.4) shall secure tenure of office after serving three successive 1-year appointments. Such

employee shall hold and continue to hold said office, position or employment during good behavior and shall not be removed therefrom except for good cause, upon written charges and after a public, fair and impartial hearing before the commission.

2. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 122

AN ACT to amend the "Mortgage Guaranty Insurance Act," approved August 12, 1968 (P. L. 1968, c. 248).

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

1. Section 2 of P. L. 1968, c. 248 (C. 17:46A–2) is amended to read as follows:

C. 17:46A-2 Definitions.

2. Definitions. The definitions set forth in this section shall govern the construction of the terms used in this act.

(a) "Mortgage guaranty insurance" means insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate.

(b) "Authorized real estate security" means a note, bond or other evidence of indebtedness not exceeding 95% of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate; provided:

(1) The real estate loan secured in such manner is one which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this State or an agency of the Federal Government, is authorized to make.

(2) The improvement on such real estate is a residential building or buildings the principal use of which is residential; but minor use for commercial or business purposes may be included if the primary use is residential.

(3) The lien on such real estate may be subject and subordinate to the following:

(i) The lien of any public bond, assessment, or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(ii) Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles.

(d) "Policyholders surplus" means the aggregate of capital, surplus and contingency reserve.

2. Section 4 of P. L. 1968, c. 248 (C. 17:46A–4) is amended to read as follows:

C. 17:46A-4 Limitations and restrictions for transacting business.

4. Limitations and restrictions for transacting business.

(a) Mortgage guaranty insurance may be transacted in this State only by a stock insurance company holding a certificate of authority for the transaction of such insurance, and shall be written only to insure loans secured by authorized real estate securities as defined in section 2 of this act.

(b) A mortgage guaranty insurance company shall not insure loans secured by properties in a single housing tract or a contiguous tract in excess of 10% of the insurance company's policyholders surplus. In determining the amount of such risk, applicable reinsurance in any assuming insurance company authorized to transact mortgage guaranty insurance in this State shall be deducted from the total direct risk insured. "Contiguous," for the purposes of this section, means not separated by more than ½ mile.

(c) A mortgage guaranty insurance company shall limit its coverage to a maximum of 25% of the outstanding balance of the loan insured, but the liability of the insurance company shall in no event exceed the actual loss. In lieu of paying the percentage of the loan insured as specified in the policy, a mortgage guaranty insurance company may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

d. (Deleted by amendment.)

(e) A mortgage guaranty insurance company which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this State nor for the renewal thereof.

(f) Nothing in this act shall be construed as limiting the right of any mortgage guaranty insurance company to impose reasonable requirements upon the lender with regard to the terms of any note or bond or other evidence of indebtedness secured by a mortgage or deed of trust, such as requiring a stipulated down payment by the borrower.

3. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 123

AN ACT concerning calculation of the life of certain product warranties and supplementing chapter 2 of Title 12A of the New Jersey Statutes.

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

C. 12A:2-313.1 Calculation of life of consumer goods product warranty.

1. The warranty of any consumer goods product sold for less than $1,000.00 which is for 90 days or less shall start running on the date the consumer goods product is received or installed, and the calculation of the termination date of such warranty shall exclude any period of time the entire product or part thereof covered by warranty is in the possession or control of the seller, or an agent of the seller, for repairs or otherwise. Nothing herein shall be construed as limiting in any way any warranty on any consumer goods product.

C. 12A:2-313.2 "Consumer goods product" defined.

2. As used in this act, "consumer goods product" shall mean all goods or products sold for personal or household use, excluding those goods or products used in trade or for commercial purposes.

3. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 124

AN ACT to amend "An act concerning landlord and tenant, supplementing chapter 42 of Title 2A of the New Jersey Statutes and repealing 'An act relating to disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes,' approved October 5, 1967 (P. L. 1967, c. 215,)" approved September 30, 1970 (P. L. 1970, c. 210).

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

1. Section 4 of P. L. 1970, c. 210 (C. 2A:42–10.13) is amended to read as follows:

C. 2A:42-10.13 Application of act to rental premises for dwelling purposes.

4. This act shall apply to all rental premises or units used for dwelling purposes except owner-occupied premises with not more than two rental units. Mobile home spaces and mobile homes shall constitute rental premises under this act.

2. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 125

AN ACT concerning group health insurance and supplementing 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. 17B:27-51.1 Reimbursement for service of chiropractor.

1. Notwithstanding any provision of a policy or contract of group health insurance, hereafter delivered or issued for delivery in this State, whenever such a policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed chiropractor, a person covered under such group health policy or contract or the chiropractor rendering

such service shall be entitled to reimbursement for such service when the said service is performed by a chiropractor. The foregoing provision shall be liberally construed in favor of reimbursement of chiropractors.

2. This act shall take effect immediately.

Approved June 5, 1975.

CHAPTER 126

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, 1975 and regulating the disbursement thereof," approved June 28, 1974 (P. L. 1974, c. 58).

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

1. The following sums are hereby appropriated out of the General State Fund for the purpose herein specified:

500. DEPARTMENT OF EDUCATION

GENERAL ASSISTANCE FOR PUBLIC AND NONPUBLIC EDUCATION

31112. EMERGENCY AID

For supplemental emergency aid	$595,000
Total	$595,000

2. This act shall take effect immediately.

Approved June 9, 1975.

CHAPTER 127

AN ACT relating to affirmative action in relation to discrimination in connection with certain public contracts and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169).

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

C. 10:5-31 Definitions.

1. As used in this act:

a. "Public works contract" means any contract to be performed for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency or authority created by any of the foregoing, for the construction, alteration or repair of any building or public work or for the acquisition of materials, equipment, supplies or services with respect to which discrimination in the hiring of persons for the performance of work thereunder or under any subcontract thereunder by reason of race, creed, color, national origin, ancestry, marital status or sex is prohibited under R. S. 10:2–1.

b. "Equal employment opportunity" means equality in opportunity for employment by any contractor, subcontractor or business firm engaged in the carrying out of a public works project including its development, design, acquisition, construction, management and operation.

C. 10:5-32 Public works contract not awarded without agreement and guarantee of equal opportunity.

2. No public works contract shall be awarded by the State, a county, municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, nor shall any moneys be paid thereunder to any contractor, subcontractor or business firm which has not agreed and guaranteed to afford equal opportunity in performance of the contract in accordance with an affirmative action program approved by the State Treasurer.

C. 10:5-33 Contents of contract provisions.

3. In soliciting bids or negotiating public works contracts the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the

foregoing, shall include in the advertisement and solicitation of bids and in their contracts provisions the following language:

"During the performance of this contract, the contractor agrees as follows:

a. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause;

b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex;

c. The contractor or subcontractor where applicable, will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment."

C. 10:5-34 Affirmative action program; submission to State Treasurer; fee; approval.

4. Each prospective bidder on a public works contract or contracts and each subcontract bidder to a prime contract bidder shall formulate and submit to the State Treasurer his or its affirmative action program of equal opportunity whereby he or it guarantees minorities employment in all employment categories; the submission shall be accompanied by a fee in an amount to be fixed by the State Treasurer. The State Treasurer shall notify the bidder of approval or disapproval of his or its program within 60 days

of its submission; failure of the State Treasurer to so act within 60 days shall constitute approval of the program. Any existing federally approved or sanctioned affirmative action program shall be approved by the State Treasurer.

No subcontract bidder who has less than five employees need comply with the provisions of this section.

C. 10:5-35 When public works contract null and void; penalty.

5. a. Any public works contract including any subcontract awarded thereunder to any contractor which fails to contain the provisions set forth in sections 2 and 3 of this act shall be null and void; provided that if the award and execution of a contract is subject to Federal regulation requiring inclusion of similar contract provisions the same may be inserted in lieu of those required by sections 2 and 3 of this act, and further provided that nothing contained in this act shall operate to affect in any manner whatsoever any existing federally approved or sanctioned affirmative action program.

b. For any violation of this law in addition to all other penalties allowable by law, the violator shall be subject to a fine of up to $1,000.00 for each violation for each day during which the violation continues, said fine to be collected in a summary manner pursuant to the "Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.).

C. 10:5-36 State Treasurer's additional powers.

6. In carrying out his responsibilities under this act, the State Treasurer, in addition to and without limitation of other powers which he may have by law, shall have the following powers:

a. To investigate and determine the percentage of population of minority groups in the State or areas thereof from which the work force for public works contracts is or may be drawn;

b. To establish and promulgate such percentages as guidelines in determining the adequacy of affirmative action programs submitted for approval pursuant to section 2 of this act;

c. To require all State and local agencies awarding public works contracts to submit for approval their affirmative action programs;

d. To prescribe those affirmative action program provisions to be included in all public works contracts;

e. To provide guidelines to assist governmental agencies in the formulation of and the administration and enforcement of affirmative action programs;

f. To require State and local agencies awarding public works contracts to designate appropriate officers or employees to main-

tain liaison with and assist the State Treasurer in the implementation of this act and affirmative action programs adopted pursuant thereto;

g. To prescribe appropriate administrative procedures relating to prequalification of bidders, bidding practices and contract awards to assure equal employment opportunties;

h. To provide staff and technical assistance to public bodies, contractors and subcontractors in furtherance of the objectives of this act;

i. To levy on contractors and subcontractors fees and charges found by him to be reasonable and necessary to accomplish the objectives of this act;

j. To refer to the Attorney General or his designee circumstances which may constitute violations of the "Law Against Discrimination";

k. To issue, amend and rescind rules and regulations in accordance with the "Administrative Procedure Act" (C. 52:14B–1 et seq.);

l. To enforce in a court of law the provisions of this act or to join in or assist any enforcement proceeding initiated by any aggrieved person;

m. To make and execute contracts and all other instruments with other public agencies and private firms or individuals necessary or convenient for the exercise of their powers and functions hereunder, including contracts with consultants for rendering professional or technical assistance and advice;

n. To contract for or accept any gifts or grants or loans of funds or property or financial or other aid in any form from the Federal government or any agency or instrumentality thereof, or from the State or any agency or instrumentality thereof, or from any other source and to comply, subject to the provisions of this act, with the terms and conditions thereof.

C. 10:5-37 Expenses included in costs of project or facility; method of payment.

7. Notwithstanding any provision of any State law, ordinance or regulation to the contrary, there may be included in the costs of a project or facility to which a public works contract relates any expenses incurred by a public body or private firm or individual for the purpose of furthering equal employment opportunities with respect to such project or facility or for the purpose of complying with the provisions of this act, and such expenses may be paid for or financed by any method which may be used to pay or finance

other costs of development, acquisition or construction of such project or facility.

C. 10:5-38 Discrimination; action in court.

8. Any individual who has been discriminated against in violation of the provisions of this act and any organization which represents or acts to further the interests of individuals who have been discriminated against by reason of any violation of the provisions of this act shall have standing in courts of law to institute actions to enforce the provisions of this act.

9. This act shall take effect 30 days after enactment.

Approved June 23, 1975.

CHAPTER 128

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1976 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1975-76

Surplus	
Estimated balance, July 1, 1975	$40,664,685*
Major Taxes	
Sales tax	$832,000,000*
Motor fuels tax	273,500,000
Miscellaneous corporation taxes	202,000,000
Foreign insurance corporation tax	51,700,000
Domestic life insurance corporation tax	1,300,000
Motor vehicle fees, et cetera	168,000,000
Motor fuel use tax	6,000,000
Cigarette tax	169,000,000
Transfer inheritance tax	80,000,000

Alcoholic beverage tax	56,000,000
Pari-mutuel tax	39,000,000
Public utility tax	39,000,000
Bank stock tax	12,000,000
Financial business tax—State share	3,000,000
Savings institution tax	3,000,000
New revenue program	412,000,000
Total, Major Taxes	$2,340,500,000

Miscellaneous Taxes, Licenses and Other Revenue

Department of Law and Public Safety:	
Motor Vehicle Security Responsibility Law Administration	$2,230,625
Beverage licenses	2,600,000
Division of Consumer Affairs—	
General revenues	1,671,650
Professional examining boards	1,826,589
Amusement games control fees	104,605
Division of State Police	307,000
Bus excise tax	262,200
Racing Commission	175,000
Department of the Treasury:	
Investment earnings	15,000,000
Interest on deposits—General Treasury	1,700,000
Escheats, personal property (14-year law)	170,000
Public utility tax administration	110,000
Pensions and social security administration	3,207,000
Railroad taxes—Class II	175,000
Railroad taxes—franchise	50,000
Division of Tax Appeals—fees	75,290
Judicial retirement system reimbursements	1,431,247
Investment Division charges	500,000
Department of State:	
General revenue—fees	4,805,000
Uniform commercial codes—fees	681,000
Commissions	225,000
Department of Banking:	
Examining and other fees	2,473,848
New Jersey cemetery board	37,900

Department of Insurance:	
Examining and other fees	3,300,000
Real Estate Commission	1,252,900
Department of Agriculture:	
General fees	178,203
Milk Control licenses and fees	207,500
Fertilizer inspection and other fees	162,600
Department of Defense:	
Armory rentals	43,500
Surplus Property Agency	88,000
Department of Public Utilities:	
General revenue—fees	4,430,000
Department of Health:	
General revenues, licenses, fees, et cetera	719,980
Drug Unit Fees	150,000
Rabies Control licenses	277,845
Department of Labor and Industry:	
General revenues, licenses, fees, et cetera	714,000
Second Injury Workmen's Compensation insurance tax	510,263
Department of Environmental Protection:	
Air pollution fees	75,000
Water pollution fees	32,300
Radiation protection	400,000
State Sewerage Facilities Fund	154,000
Solid waste management fees	435,000
Hunters' and Anglers' licenses	2,300,169
Public Shooting and Fishing Grounds Fund	597,738
Parks management	1,440,000
Forest management	31,414
Recreation boating—Motor Boat Numbering Act	849,606
Recreation boating—other fees	30,000
Pilot Commissioners' receipts	40,400
Excess water diversion fees	250,000
Well drillers' licenses and permits	35,200
Marinas	346,800
Examination licensing program	75,000
Delaware and Raritan Canal—rentals and sales	989,000

Round Valley-Spruce Run—sale of water	587,375
Shell Fisheries—licenses and fees	204,370
Morris Canal fund receipts	52,000
Department of Education:	
Academic certificate fees	15,000
Marie H. Katzenbach School for the Deaf—board and fees	5,000
State Board of Examiners—fees	510,000
Miscellaneous licensing fees	27,000
Department of Higher Education:	
State Colleges—	
Glassboro:	
Tuition—regular	5,144,526
Miscellaneous	30,000
Auxiliary services income	1,106,030
Summer program tuition and fees	836,400
Other student fees	204,950
Jersey City:	
Tuition—regular	3,923,100
Miscellaneous	14,000
Auxiliary services income	136,720
Summer program tuition and fees	361,140
Other student fees	133,378
Kean College of New Jersey:	
Tuition—regular	5,474,860
Miscellaneous	44,600
Auxiliary services income	300,000
Summer program tuition and fees	498,210
Other student fees	198,000
William Paterson:	
Tuition—regular	5,212,787
Miscellaneous	24,000
Auxiliary services income	164,000
Summer program tuition and fees	390,000
Other student fees	176,956
Montclair:	
Tuition—regular	6,062,148
School of Conservation	375,000
Miscellaneous	33,763

Auxiliary services income	553,972
Summer program tuition and fees	810,000
Other student fees	189,942
Trenton:	
Tuition—regular	4,879,194
Miscellaneous	22,500
Auxiliary services income	1,397,185
Summer program tuition and fees	581,750
Other student fees	184,195
Ramapo:	
Tuition—regular	1,799,858
Miscellaneous	4,400
Auxiliary services income	346,140
Summer program tuition and fees	149,800
Other student fees	51,196
Richard Stockton:	
Tuition—regular	1,920,275
Miscellaneous	12,000
Auxiliary services income	459,249
Summer program tuition and fees	192,275
Other student fees	45,000
Agricultural Experiment Station—fees	20,000
Bond interest recoveries	360,472
Department of Transportation:	
Outdoor advertising	225,550
Division of Aeronautics fees	85,000
Miscellaneous receipts	81,500
Department of Institutions and Agencies:	
Board of patients and other income	88,000,000
Adoption law fees	170,000
Division of Mental Retardation	1,871,900
Department of Community Affairs:	
Division of Housing and Urban Renewal—fees	2,198,585
Division of Local Government Services—fees	88,000
Department of the Public Advocate:	
Rate counsel representation	65,000
Delaware River Joint Toll Bridge Commission:	
Pennsylvania's share	424,589

Judiciary:	
Court fees	7,436,500
Inter-Departmental Accounts:	
Pension contribution reimbursement from special funds	6,400,000
Social security contribution reimbursement from special funds	5,775,000
Health benefits contribution reimbursement from special funds	2,900,000
Public Employer's contribution reimbursement	2,400,000
Reimbursement from Rutgers—employer's share of employees' benefits	1,650,000
Rent of State building space	870,000
Miscellaneous sources	750,000
Total Miscellaneous Taxes, Licenses and Other Revenue	$227,551,712

Federal Aid

Department of Defense:	
General	$65,000
Civil Defense	372,000
Department of Labor and Industry:	
Vocational rehabilitation	13,122,613
Department of Environmental Protection:	
Hunters' and Anglers' License Fund	56,600
Public Shooting and Fishing Grounds	320,000
Forest nursery, farm forestry, forest fires and pest control	427,000
Air pollution	1,965,000
Water pollution	1,095,000
Radiation protection	150,000
Department of Higher Education:	
Home economics program (Montclair)	15,000
Department of Institutions and Agencies:	
Soldiers' homes	1,420,000
Division of Youth and Family Services:	
Child welfare services	1,230,756
In lieu of dependent children assistance	12,228,000

Administration of Division of Public Welfare and central office	4,300,000
Administration of blind	3,200,000
Medical assistance—administration	14,372,500
Inter-Departmental Accounts:	
Indirect cost recovery	1,750,000
Total Federal Aid	$56,089,469

Interfund Transfers

Unclaimed Bank Deposits Escheat Fund	$75,000
Unclaimed Life Insurance Escheat Fund	180,000
Unclaimed Personal Property Trust Fund	500,000
School Fund—income	2,009,000
1837 Surplus Revenue Fund—income	35,000
State Higher Education Buildings Construction Fund (Act of 1971)	1,000,000
Public Buildings Construction Fund	1,500,000
Unsatisfied Claim and Judgment Fund	3,700,362
State Recreation and Conservation Land Acquisition Fund (Act of 1974)	750,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	600,000
State Recreation and Conservation Land Acquisition Fund (Act of 1961)	200,000
Water Conservation Fund	1,250,000
State Water Development Fund	75,000
State Transportation Fund	4,500,000
State 1964 Institution Construction Fund	20,000
Housing Assistance Fund	260,000
State Disability Benefits Fund	5,821,632
Motor Vehicle Security-Responsibility Fund	145,000
Outstanding checks account	53,000
Unemployment compensation auxiliary fund	300,000
Motor Vehicle Liability Security Fund	4,200,000
Higher Education Assistance Authority	1,000,000
General Revenue Sharing Fund	66,271,582
Earnings on General Revenue Sharing Fund	770,000
State Lottery Fund	35,000,000
State Lottery Fund—Administration	3,847,780

Transportation Fund (Emergency Transportation Tax)	32,000,000
Transportation Benefits Fund	12,000,000
Special railroad deposits	1,300
Total Interfund Transfers	$178,064,656
Total Anticipated Revenues	$2,802,205,837
Total Resources	$2,827,922,080

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

1. The appropriations herein made or so much thereof as may be necessary are hereby appropriated out of the General State 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, 1976. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of 1 month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said 1 month period, all unexpended balances shall lapse into the State Treasury or to the credit of dedicated or non-State funds as applicable, except those balances held by contracts on file as of June 30, 1976 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1976 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by September 30, 1976. Nothing in this section or in this act contained 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.

LEGISLATIVE BRANCH

Legislative Affairs

72100. Legislature

72110-001. Senate		$1,829,994*
Sub-Total Appropriation		$1,829,994*
Salaries:		
Senators (40)	($403,334)	
Members' staff services	(600,000)	
Officers and employees	(425,000)	
Materials and Supplies	(208,150)	
Services Other Than Personal	(399,057)	
Maintenance of Property:		
Recurring	(8,000)	
Extraordinary:		
Compensation awards	(3,120)	
Additions and Improvements	(10,000)	
The unexpended balance as of June 30, 1975 in this account is hereby appropriated.		
72120-002. General Assembly		$2,816,748*
Sub-Total Appropriation		$2,816,748*
Salaries:		
Assemblymen (80)	($803,334)	
Members' staff services	(1,200,000)	
Officers and employees	(425,000)	
Materials and Supplies	(242,200)	
Services Other Than Personal	(547,057)	
Maintenance of Property:		
Recurring	(9,700)	
Extraordinary:		
Compensation awards	(5,824)	
Additions and Improvements	(20,000)	
The unexpended balance as of June 30, 1975 in this account is hereby appropriated.		
Total Appropriation, Legislature		$4,646,742*

72200. Legislative Services

72210-003.	Legislative Services Agency	$1,424,689*
	Total Appropriation, Legislative Services Agency	$1,424,689*

Salaries:		
Officers and employees	($1,302,297)	
Positions established from lump sum appropriation	(46,893)	
Materials and Supplies	(45,800)	
Services Other Than Personal	(63,149)	
Maintenance of Property:		
Recurring	(2,000)	
Non-recurring and replacements	(1,000)	
Extraordinary:		
Computer Statutory Research	(23,550)	

The unexpended balance, not to exceed $12,000, as of June 30, 1975 in this account is hereby appropriated.

72300. Office of Fiscal Affairs

72310-004.	Administrative Office of the Executive Director	$231,428*
72320-004.	Division of State Auditing	1,084,151
72330-004.	Division of Budget Review	240,056*
72340-004.	Division of Program Analysis	250,774*
	Total Appropriation, Office of Fiscal Affairs	$1,806,409*

Salaries:		
State Auditor	($21,250)	
Officers and employees	(1,742,408)	
Materials and Supplies	(33,200)	
Services Other Than Personal	(119,801)	
Maintenance of Property:		
Recurring	(3,950)	
Non-recurring and replacements	(800)	

Extraordinary:		
Special professional services	(75,000)	
Compensation awards	(2,000)	
Additions and Improvements	(8,000)	

72400. Legislative Commissions

72410-010. Intergovernmental Relations Commission		*
Sub-Total Appropriation		*
Salaries:		
Officers and employees	($600)	
Materials and Supplies	(180)	
Services Other Than Personal	(7,730)	
Extraordinary:		
The Council of State Governments	(48,550)	
Atlantic States Marine Fisheries Commission	(5,300)	
National Conference of Commissioners on Uniform State Laws	(11,500)	
Education Commission of the States	(24,750)	
National Governors' Conference	(21,850)	
Advisory Commission on Intergovernmental Relations	(1,000)	
National Conference of State Legislatures	(35,990)	

72410-011. Motor Vehicle Study Commission

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

72410-018. State Commission of Investigation

Extraordinary:	
Expenses of Commission	$575,000
Sub-Total Appropriation	$575,000

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

72410-020. Public Employer-Employee Relations Study Commission

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

72410-021. Nursing Home Study Commission

Extraordinary:	
Expenses of Commission	$20,000
Sub-Total Appropriation	$20,000

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

72410-039. County and Municipal Government Study Commission

Extraordinary:	
Expenses of Commission	$110,000
Sub-Total Appropriation	$110,000

One-half of the unexpended balance as of June 30, 1975 in this account is hereby appropriated.

72410-048. Energy Crisis Study Commission

The unexpended balance, not to exceed $100,000, as of June 30, 1975 in this account is hereby appropriated.

72410-049. County Penal System Study Commission

One-half of the unexpended balance as of June 30, 1975 in this account is hereby appropriated.

72410-050. Commission to Study Drug Law Penalties and Treatment Programs

Extraordinary:	
Expenses of Commission	$5,000
Sub-Total Appropriation	$5,000

Total Appropriation, Legislative Commissions	$710,000
Total Appropriation, Legislative Affairs	$8,587,840

EXECUTIVE BRANCH

71100. *Chief Executive's Office*

71110-080	Executive Management	$793,998*
	Total Appropriation, Chief Executive's Office	$793,998*

Salaries:
- Governor ..... ($62,500)
- Secretary to the Governor ..... (25,000)
- Officers and employees ..... (557,569)

Materials and Supplies ..... (42,500)

Services Other Than Personal ..... (113,529)

Maintenance of Property:
- Recurring ..... (1,900)
- Non-recurring and replacements ... (6,000)

Extraordinary:
- An 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 .... (35,000)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11100. *Regulation of Motor Vehicles*

11110-140.	Licensing and Registration	$7,453,478*
11120-140.	Vehicle Control	9,034,622*
11130-140.	Driver Control and Enforcement	5,647,750
11140-140.	Security Responsibility	2,230,625

11150-140.	Unsatisfied Claim and Judgment Fund Board	268,929
11190-140.	Administration and Support	1,478,939
	Total Appropriation	$26,114,343

Salaries:	
Officers and employees	($19,037,077)
Materials and Supplies	(2,302,266)
Services Other Than Personal	(4,654,706)
Maintenance of Property:	
Recurring	(124,950)
Non-recurring and replacements	(58,490)
Extraordinary:	
Traffic Safety Education	(10,000)
For transfer to an applicant State department for the State share of the cost of highway safety projects which qualify for no less than 50% matching by the Federal government	(250,000)
Compensation awards	(42,744)
Additions and Improvements	(44,110)

In addition to the amounts hereinabove specifically set forth, there are appropriated such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers (RS 39:3–3 and RS 39:10–25.)

The amount appropriated to Security Responsibility for the cost of administering the Motor Vehicle Security Responsibility Law shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State (NJS 39:6–58) and any receipts in excess of the amount hereinabove specifically set forth are hereby appropriated to defray additional cost of administration of the Security Responsibility Program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There are hereby appropriated out of the Unsatisfied Claim and Judgment Fund the amounts hereinabove set forth for administration of the Unsatisfied Claim and Judgment Fund, such sums as may be necessary for the payment of costs (C39:6–67) for payment of claims, and for such additional costs as may be required to implement PL 1968, c. 323; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance in the "For transfer to an applicant department for the State share of the cost of highway safety projects account" as of June 30, 1975 is hereby appropriated for such projects.

11200. *State Police*

11210-120.	Patrol Activities and Crime Control	$24,392,080*
11220-120.	Police Services and Public Order	8,434,318*
11290-120.	Administration and Support	1,922,068*
	Total Appropriation	$34,748,466*

Salaries:	
Officers and employees	($22,354,034)
Cash in lieu of maintenance	(4,015,386)
New positions	(81,256)
Materials and Supplies	(1,927,489)
Services Other Than Personal	(1,807,332)
Maintenance of Property:	
Recurring	(586,650)
Non-recurring and replacements	(1,573,149)
Extraordinary:	
Statewide communication and information system	(2,430,170)
Compensation awards	(115,000)
Additions and Improvements	(338,000)

In addition to the amounts hereinabove specifically appropriated to the Division of State Police, there are hereby 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 State Police 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 Retirement System shall not be appropriated and shall be paid into the General State Fund.

11300. *Legal, Administrative and Support Services*

11310-110.	Legal Services	$2,860,280*
11320-105.	Criminal Justice	2,932,672*
11330-105.	Police Training Commission	384,785*
11340-105.	State Medical Examiner	431,664
11390-100.	Department Planning and Management	304,870*
	Total Appropriation	$6,914,271*

Salaries:	
Attorney General	($43,000)
Officers and employees	(5,171,405)
New positions	(327,240)
Materials and Supplies	(394,230)
Services Other Than Personal	(743,953)
Maintenance of Property:	
Recurring	(19,025)
Non-recurring and replacements	(45,500)
Extraordinary:	
Amendment to State Grand Jury Act	(300,000)
Scholarships	(50,000)
Legislative Agents Disclosure Act publication	(4,700)
Additions and Improvements	(61,218)

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund (C38:23B–1) such sums

as may be necessary to pay for the administration thereof.

The unexpended balance as of June 30, 1975, not to exceed $2,500,000, in the revolving fund established under the New Jersey Antitrust Act (C56:9–1 et seq.) is hereby appropriated for the administration of the Act; provided, however, that any expenditures therefrom or any income to be credited thereto shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by Systems and Communications, and the unexpended balance of such receipts as of June 30, 1975, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Systems and Communications revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

Expenditures for the cost of securing evidence of violations under Title 19 and assisting in the prosecution of such violations shall be paid from the appropriation hereinabove set forth, provided that such expenditures shall be subject to the approval of the Governor.

The unexpended balance, not to exceed $50,000 as of June 30, 1975 in the revolving fund established to provide for expenses in providing special rate counsel, C48:2–31.1 et seq., and all receipts, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1975 in the Tort Claims account is hereby appropriated for the payment of such claims.

The unexpended balance as of June 30, 1975 in the Local Police Agencies Assistance account is hereby appropriated for the same purpose.

11400. *Protection of Individual Rights*

11410-160.	Consumer Affairs—General	$2,222,921*
11420-160.	Consumer Affairs—Professional Boards	1,855,358
11430-115.	Civil Rights	1,275,260
	Total Appropriation	$5,353,539*

Salaries:		
Officers and employees	(	$2,716,611)
Materials and Supplies	(	83,500)
Services Other Than Personal	(	657,670)
Maintenance of Property:		
Recurring	(	17,750)
Non-recurring and replacements	(	36,650)
Extraordinary:		
State Board of Certified Public Accountants	(	107,785)
State Board of Architects	(	80,071)
State Board of Dentistry	(	49,595)
State Board of Mortuary Science	(	49,069)
State Board of Professional Engineers and Land Surveyors	(	125,801)
State Board of Medical Examiners	(	162,595)
State Board of Nursing	(	342,091)
State Board of Optometrists	(	31,228)
State Board of Pharmacy	(	100,489)
State Board of Veterinary Medical Examiners	(	13,655)
State Board of Shorthand Reporting	(	5,368)
State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	(	18,191)

State Board of Beauty Culture Control	(	157,213)
State Board of Professional Planners	(	34,852)
State Board of Examiners of Electrical Contractors	(	76,661)
State Board of Psychological Examiners	(	25,515)
State Board of Examiners of Master Plumbers	(	70,218)
State Board of Marriage Counselor Examiners	(	7,200)
State Board of Barber Examiners	(	84,484)
Private Employment Agencies Section	(	66,226)
Legalized Games of Chance Control Commission	(	199,051)
Office of State Athletic Commissioner	(	48,000)
Compensation awards	(	10,000)
Additions and Improvements	(	6,000)

The amount hereinabove appropriated to each of the several State professional boards shall be payable out of the receipts of such boards and any receipts in excess of the amount specifically appropriated to each of said boards are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act; and provided further, however, that the appropriation of excess receipts shall not apply to the State Board of Beauty Culture Control and to the State Board of Barber Examiners.

Of the sum provided herein for the State Board of Beauty Culture Control, the annual salaries of the members shall not exceed $3,500 each, except the salary of the Chairman shall not exceed $4,500.

Of the sum provided herein for the Office of the State Athletic Commissioner, the annual salary of the Commissioner shall not exceed $7,000.

Receipts derived further from the assessment and recovery of costs of hearings conducted pursuant to the Consumer Fraud Act are hereby appropriated for such purpose; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

11600. *Miscellaneous Law Enforcement and Related Agencies*

11610-185.	Election Law Enforcement	$296,305
11620-190.	Law Enforcement Planning	1,731,028
11630-186.	Violent Crimes Compensation	1,185,332
11640-187.	Executive Commission on Ethical Standards	83,270
	Total Appropriation	$3,295,935

Salaries:		
Officers and employees	(	$303,354)
Materials and Supplies	(	19,000)
Services Other Than Personal	(	157,008)
Maintenance of Property:		
Recurring	(	650)
Extraordinary:		
For transfer to an applicant State department on request of the Attorney General and with the approval of the Director, Division of Budget and Accounting, for the State share of State Law Enforcement Planning Agency programs for which matching Federal funds are approved:		
Action grants (Part C)	(	912,528)
Correctional assistance grants (Part E)	(	218,500)
Discretionary grants	(	444,500)
Grant for administration of SLEPA	(	117,000)
Planning grants (Part B)	(	38,500)
Claims—Victims of violent crimes	(	985,000)

Executive Commission on Ethical Standards	(83,270)
Additions and Improvements	(16,625)

The unexpended balance as of June 30, 1975 in the Law Enforcement Planning program element is hereby appropriated for the same purpose as the Director of the Division of Budget and Accounting shall determine.

The sum hereinabove for Claims—Victims of violent crimes, shall be available for the payment of awards applicable to claims filed in prior fiscal years.

Regulation of Industry

14800. *Regulation of Other Industries*

14810-130.	Alcoholic Beverage Control	$1,960,368*
14820-155.	Racing Commission	804,757
	Total Appropriation	$2,765,125*

Salaries:	
Officers and employees	($2,464,639)
Materials and Supplies	(51,190)
Services Other Than Personal	(266,346)
Maintenance of Property:	
Recurring	(5,300)
Non-recurring and replacements	(4,000)
Extraordinary:	
Compensation awards	(2,500)
Additions and Improvements	(1,150)

The New Jersey Racing Commission is hereby authorized to bill the New Jersey Sports and Exposition Authority for costs incurred by the Commission for supervising track operations of the Authority.

Receipts from the Race Track Admission Tax (PL 1974, c. 181) and the unexpended balance of such receipts as of June 30, 1975 are hereby appropriated for use as provided by law.

Total Appropriation, Department of Law and Public Safety	$79,191,679*

DEPARTMENT OF THE TREASURY

Executive Management, Planning and Control

71200. *Central Management, Planning and Control*

71210-220.	Budget Planning and Control	$1,434,900*
71220-220.	Accounting and Fiscal Management	3,408,368
71230-225.	Management of Data Processing and Telecommunications	725,561
71240-212.	Employee Relations and Collective Negotiations	281,165
71250-211.	Economic Planning and Research	70,213*
71260-290.	Management of State Investments	696,604
71270-295.	Management of Employee Benefits Programs	3,334,208*
	Total Appropriation	$9,951,019*

Salaries:	
Officers and employees	($6,646,714)
New positions	(113,375)
Materials and Supplies	(304,350)
Services Other Than Personal	(2,878,025)
Maintenance of Property:	
Recurring	(20,620)
Non-recurring and replacements	(15,340)
Extraordinary:	
Study of State employment conditions	(10,000)
Federal-State Liaison Office, Washington, D. C.	(100,000)
Additions and Improvements	(13,595)

There are hereby 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.

Such sums as may be necessary for administrative expenses incurred by the Unemployment Benefits Section in processing Federal benefit payments are hereby appropriated from such sums as may be received or receivable for this purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are hereby appropriated for the purposes and from the sources defined in said acts.

Such sums as may be necessary for payment of interest due from the issuance of any bonds authorized under the several bond acts of the State, are hereby appropriated and shall first be charged to the earnings of the investment of such bond proceeds.

There are hereby appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for custodial costs, mortgage servicing fees and advertising bank balances as required by C52:18–16.1; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

71300. *Tax and Revenue Administration*

71310-240.	Tax Collection and Enforcement Services	$7,883,961*
71320-240.	Tax Audit Services	5,347,957*
71330-250.	Administration of State Lottery	3,847,780
71380-260.	Adjudication of Tax Appeals	355,486
71390-240.	Administration and General Support	$4,947,545*
	Total Appropriation	$22,382,729*

Salaries:

Judges (6 @ $17,000)	($102,000)
Officers and Employees	(16,725,739)
New positions	(344,625)
Materials and Supplies	(976,650)
Services Other Than Personal	(4,393,815)

Maintenance of Property:
Recurring ..... (27,800)
Non-recurring and replacements .. (24,000)

Extraordinary:
Administration of Farmland Act .. (10,000)
Motor vehicle agent fees ..... (110,000)
Additions and Improvements ..... (36,000)

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, as amended and supplemented.

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette Tax Act as may be necessary for storage and disposal thereof are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Any appropriation herein or heretofore made for administration of the Emergency Transportation Tax Act (C54:8A–1 et seq.) and the Transportation Benefits Tax Act (C54:8A–58 et seq.) shall first be charged to the Transportation Fund or the Transportation Benefit Fund, respectively, established in said Acts, and, in addition thereto, such sums as may be necessary for additional expenses of administration of said Acts are hereby appropriated from the receipts thereof; provided, however, that the expenditure of such additional sums shall be subject to transfers approved as prescribed in section 3 of this act.

There are hereby appropriated out of the State Lottery Fund the amounts hereinabove set forth for administration of the Division of the State Lottery, and such sums as may be necessary for such additional costs as may be required to implement C5:9–1 et seq., provided, however, that the expenditure thereof shall be subject to

transfers approved as prescribed in section 3 of this act.

In addition to the amounts hereinabove set forth there are hereby appropriated from the State Lottery Fund such sums as may be necessary for payment of commissions and prizes pursuant to the provisions of C5:9-7.

Centrally Financed Facilities and Services

78100. *Central Support Services*

78110-230.	Purchasing and Inventory Management	$1,856,541
78120-230.	Physical Plant Operation and Maintenance	4,076,958*
78130-230.	Other Property Management Services	389,197
78170-235.	Construction Management Services	2,116,076*
	Total Appropriation	$8,488,772*

Salaries:	
Officers and employees	($5,142,771)
New positions	(91,299)
Materials and Supplies	(1,422,100)
Services Other Than Personal	(619,231)
Maintenance of Property:	
Recurring	(207,050)
Non-recurring and replacements	(70,900)
Extraordinary:	
Affirmative Action Program	(100,000)
Construction management services	(969,831)
Additions and Improvements	(45,590)

The Director of the Division of Budget and Accounting is hereby empowered to impose a service charge on all State agencies based on occupancy of State facilities and/or the rental cost of rented facilities, to defray a portion of the cost of managing the said facilities; and that the receipts from such service charges be appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Construction Management Services account 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.

78110–230–300. *State Purchase Fund*

The unexpended balance, not to exceed $2,000,000, in the State Purchase Fund as of June 30, 1975 and the reimbursements thereto, are hereby appropriated for the purpose of making payments for purchases pursuant to the purchase act (RS 52:25–1 et seq.), and for the expenses of handling, storing and transporting purchases so made; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act. Any sum as of June 30, 1975, in excess of $2,000,000, shall be transferred by the State Treasurer to the General State Fund.

78140-220-300. *Data Processing Services*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Bureau of Data Processing, and the unexpended balance of such receipts as of June 30, 1975, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Bureau of Data Processing revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

78150-210-303. *Central Vehicle Fleet Management*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by a central motor pool, and the unexpended balance of such receipts as of June 30, 1975, for the purpose of operating such a motor pool, including the replacement of motor vehicles and the purchase of additional motor vehicles; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Management and General Support

79100. *Department Management and General Support*

79110-210. Management Services	$736,873*
Total Appropriation	$736,873*

Salaries:	
State Treasurer	($43,000)
Officers and employees	(619,660)
Positions transferred from another subcategory	(6,830)
Materials and Supplies	(17,100)
Services Other Than Personal	(74,983)
Maintenance of Property:	
Recurring	(2,000)
Non-recurring and replacements	(3,300)

79120-210-301. *Print Shop*

The unexpended balance as of June 30, 1975 in the Print Shop revolving fund, heretofore established, and any receipts therefrom are hereby appropriated for the several purposes thereof; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Print Shop revolving fund from any appropriation made to any department for printing costs appropriated or allocated to such departments for its share of costs of the Print Shop.

79120-210-302. *Microfilm Section*

The unexpended balances as of June 30, 1975 in the Microfilm Section revolving fund, heretofore established, and any receipts therefrom are hereby appropriated for the several purposes thereof; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Microfilm Section revolving fund from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for its share of costs of the Microfilm Section.

79120-233, 234-400. *State Cafeterias*

The unexpended balances in the State Cafeteria accounts as of June 30, 1975, and the receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria services and facilities (C52:18A–19.6)

Total Appropriation, Department of the Treasury	$41,559,393*

DEPARTMENT OF STATE

Direct Public Services

34600. *Development of Arts and Culture*

34610-300.	Development Support	$671,464*
	Total Appropriation	$671,464*

Salaries:	
Officers and employees	($46,911)
Materials and Supplies	(2,050)
Services Other Than Personal	(12,803)
Maintenance of Property:	
Recurring	(200)
Non-recurring and replacements	(500)
Extraordinary:	
Cultural Projects	(730,000)
Bergen County Museum	(15,000)

Of the sum appropriated for Cultural projects, a sum not to exceed $25,000 may be used for additional administrative expenses.

Executive Management Planning and Control

71600. *Recording, Filing and Control of Documents and Administrative Procedures*

71610-300.	Recording and Filing of Documents	$1,427,982*
71620-300.	Codification and Publication of Administrative Procedures	245,237*
	Total Appropriation	$1,673,219*

Salaries:	
Secretary of State	($43,000)
Officers and employees	(1,008,193)
Materials and Supplies	(110,877)
Services Other Than Personal	(211,049)
Maintenance of Property:	
Recurring	(4,100)
Non-recurring and replacements	(3,000)
Extraordinary:	
Voter Registration Act (PL 1974, c. 51)	(355,000)
Additions and Improvements	(1,000)

The unexpended balance in the receipts control account as of June 30, 1975 and any additional receipts derived from the sale of publications by

the Division of Administrative Procedure, are hereby appropriated for the printing and distribution of such publications.

Receipts derived from the examination of voting machines by the Secretary of State are hereby appropriated for the costs of making such examinations.

Total Appropriation, Department of State	$2,344,683*

DEPARTMENT OF CIVIL SERVICE

Personnel Management

75500. *Merit System Administration*

75510-310.	Personnel Policy Development and General Administration	$1,240,922
75520-310.	Recruitment and Selection	1,919,852*
75530-310.	Organization Management and Employee Development	2,242,852*
	Total Appropriation	$5,403,626*

Salaries:		
President	($41,000)	
Commissioners (4 @ $10,500)	(42,000)	
Officers and employees	(3,935,264)	
New positions	(106,552)	
Materials and Supplies	(271,875)	
Services Other Than Personal	(970,845)	
Maintenance of Property:		
Recurring	(9,000)	
Non-recurring and replacements	(9,440)	
Extraordinary:		
Public Employment Career Development	(100,000)	
Compensation awards	(3,500)	
Additions and Improvements	(21,150)	
Total Appropriation, Department of Civil Service		$5,403,626*

DEPARTMENT OF BANKING

Regulation of Industry

14100. *Regulation of Financial Institutions*

14110-320.	Regulation of Banking Industry	$1,269,427
14120-320.	Regulation of Savings and Loan Associations	593,342
14190-320.	Management and General Support	363,850
	Total Appropriation	$2,226,619

Salaries:		
Commissioner	($41,000)	
Officers and employees	(1,825,126)	
Materials and Supplies	(35,950)	
Services Other Than Personal	(275,982)	
Maintenance of Property:		
Recurring	(2,955)	
Non-recurring and replacements	(1,658)	
Extraordinary:		
New Jersey Cemetery Board	(37,900)	
Compensation awards	(4,700)	
Additions and Improvements	(1,348)	

Receipts derived pursuant to NJAC 3:1–6.1 et seq. by authority of NJSA 17:1–8 are hereby appropriated; provided, however, that expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amount appropriated to the New Jersey Cemetery Board shall be payable out of the receipts of the Board, and any receipts in excess of the amount appropriated to the Board shall be appropriated for its use; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act. The unexpended balance as of June 30, 1975 in the New Jersey Cemetery Board account is hereby appropriated for the same purpose.

Total Appropriation, Department of Banking $2,226,619

DEPARTMENT OF INSURANCE

Regulation of Industry

14200. *Regulation of the Insurance and Real Estate Industries*

14210-325.	Licensing and Enforcement	$941,621
14220-325.	Actuarial Services	730,438
14230-325.	Regulation of Real Estate Industry	442,673
14290-325.	Management and General Support	922,275
	Total Appropriation	$3,037,007

Salaries:
- Commissioner ($41,000)
- Real Estate Commissioners (6 @ $5,000) (30,000)
- Officers and employees (2,429,845)
- Positions established from lump sum appropriation (147,578)

Materials and Supplies (76,910)

Services Other Than Personal (288,269)

Maintenance of Property:
- Recurring (3,800)
- Non-recurring and replacements (8,100)

Extraordinary:
- Compensation awards (6,705)

Additions and Improvements (4,800)

There is hereby appropriated a sum not to exceed $250,000 from receipts to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners (C17:24–13).

Any receipts representing reimbursement of costs incurred by the Department of Insurance, acting as receiver for insolvent insurance companies, are hereby appropriated, subject to allotment by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Insurance $3,037,007

DEPARTMENT OF AGRICULTURE

Environmental Management

41100. *Disease Control and Agricultural Development Services*

41110-330.	Animal Disease Control	$431,031
41120-330.	Plant Pest and Disease Control	955,209
41130-330.	Resource Development Services	$346,896*
	Total Appropriation	$1,733,136*

Salaries:	
Officers and employees	($1,277,419)
New positions	(56,000)
Materials and Supplies	(139,075)
Services Other Than Personal	(230,517)
Maintenance of Property:	
Recurring	(2,405)
Non-recurring and replacements	(1,080)
Extraordinary:	
Indemnities (C4:5–93.37)	(10,000)
Indemnities, hog cholera eradication (RS 4:5–10)	(5,000)
Gypsy moth control (not to be used for the purchase and use of any long-lasting (persistent) pesticides like DDT)	(60,000)
Soil survey program	(70,000)
Grants to Soil Conservation Districts	(75,000)
Additions and Improvements	(7,640)

The unexpended balances as of June 30, 1975, in the Extraordinary accounts are hereby appropriated for the same purposes.

Development and Regulation of Industry

51300. *Agricultural Trade Regulation and Marketing Services*

51310-330.	Meat and Poultry Regulation	*
51320-330.	Dairy Industry Regulation	359,747*
51330-330.	Other Commodity Regulation	525,799

51340-330.	Marketing Services	331,788*
51350-330.	Commodity Distribution	980,554
	Sub-Total	$2,197,888*
	Less: Receipts from recipient agencies	*980,554*
	Total Appropriation	$1,217,334*

Salaries:	
Officers and employees	($1,174,679)
Materials and Supplies	(26,340)
Services Other Than Personal	(1,073,399)
Maintenance of Property:	
Recurring	(4,545)
Non-recurring and replacements	(900)
Extraordinary:	
Meat and poultry inspection	(325,000)
Additions and Improvements	(800)
Less: Receipts from recipient agencies	(*980,554*)

The cost of operating fruit and vegetable inspection shall be paid from inspection fees which shall be derived therefrom and the unexpended balances as of June 30, 1975, and receipts derived from the operation of the fruit and vegetable program, are hereby appropriated for program costs.

The unexpended balances as of June 30, 1975 of receipts derived pursuant to the provisions of Poultry Products Promotion Council (C54:47A–1), White Potato Industry Promotion Council (C54:47B–1), Asparagus Industry Promotion Council (C54:47C–1), Apple Industry Promotion Council (C54:47D–1), Sweet Potato Commission (C54:47E–1) and New Jersey Horse-breeding and Development (C5:5–22 et seq.), and such receipts collected, are hereby appropriated.

The unexpended balance of such receipts as of June 30, 1975 and the receipts derived from the distribution of commodities, sale of containers and

salvage of commodities, in accordance with applicable Federal regulations, are hereby appropriated for expenses of Commodity Distribution; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Management and General Support

79100. *Department Management and General Support*

79110-330.	Management Services	$635,800*
	Total Appropriation	$635,800*

Salaries:		
Secretary	($41,000)	
Officers and employees	(486,255)	
Materials and Supplies	(17,050)	
Services Other Than Personal	(114,045)	
Maintenance of Property:		
Recurring	(6,000)	
Non-recurring and replacements	(950)	
Additions and Improvements	(500)	
	Total Appropriation, Department of Agriculture	$3,586,270*

DEPARTMENT OF DEFENSE

Protection Against Natural and Man-Made Hazards

13100. *National Guard and Civil Defense*

13110-340.	National Guard Training, Operations and Administration	$1,420,538
13120-340.	Management of National Guard Installations	3,071,421*
13130-340.	Civil Defense Operations and Administration	734,981*
	Total Appropriation	$5,226,940*

Salaries:		
Chief of Staff	(	$38,400)
Officers and employees	(	3,503,498)
New positions	(	15,694)
Materials and Supplies	(	801,100)
Services Other Than Personal	(	353,252)
Maintenance of Property:		
Recurring	(	117,750)
Non-recurring and replacements	(	274,125)
Extraordinary:		
Organization allowance	(	2,000)
Emergency Operating Center	(	800)
Governor's youth program	(	54,000)
Hammonton Training School	(	4,000)
State Agency for Federal Surplus Property	(	88,000)
Compensation awards	(	38,856)
Additions and Improvements	(	5,465)

Receipts derived from rental of armories to municipalities for youth and school activities are hereby appropriated for costs of operation thereof; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Armory rental revenues representing the cost of overtime salary payments for armorers are hereby appropriated for the payment of such overtime; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Receipts from local school districts for the Governor's Youth program are hereby appropriated for the same purpose; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in the Emergency expenses account is hereby appropriated for the same purpose.

Such sums as may be necessary to carry out the provisions of C. App. A–9–57.1 et seq. are hereby appropriated from the Special Fund for Civil Defense Volunteers.

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to Civil Defense Operations and Administration such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage or disaster.

The amount hereinabove appropriated to the State Agency for Federal Surplus Property shall be payable out of the receipts of such agency and any receipts from charges made to recipient agencies, in accordance with applicable regulations, in excess of the amount specifically appropriated, is hereby appropriated to defray additional costs of administration of the Federal Surplus Property Distribution Program; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in the Revolving Fund for the distribution of Federal surplus property is hereby appropriated.

The unexpended balance as of June 30, 1975 in the Revolving Fund—Mess Hall, Sea Girt and the receipts derived from the sale of meals, are hereby appropriated for operating costs of the Sea Girt mess hall.

Total Appropriation, Department of Defense	$5,226,940*

DEPARTMENT OF PUBLIC UTILITIES

Regulation of Industry

14300. *Regulation of Public Utilities*

14310-350.	Economic Regulation	$589,573
14320-350.	Service Adequacy and Safety	1,346,089
14330-350.	Management and General Support	1,786,176*
	Total Appropriation	$3,721,838*

Salaries:		
President	(	$43,000)
Board members (2 @ $41,000)	(	82,000)
Officers and employees	(	2,345,122)
New positions	(	114,696)
Materials and Supplies	(	44,400)
Services Other Than Personal	(	297,260)
Maintenance of Property:		
Recurring	(	4,200)
Non-recurring and replacements	(	2,350)
Extraordinary:		
For the expansion and improvement of the department's operations, pursuant to PL 1975, c. 37	(	340,000)
Expenses of the Office of Cable Television (PL 1972, c. 186)	(	190,000)
Bus operators subsidy (PL 1972, c. 210)	(	700,000)
State Energy Office	(	210,662)
Compensation awards	(	4,000)
Additions and Improvements	(	45,148)

There are hereby appropriated such other sums as may be appropriated on behalf of this Department or as may be applicable thereto as the Director of the Division of Budget and Accounting shall determine in order to comply with the purposes of C48:2–59 et seq. and PL 1972, c. 186 or other applicable statutes with respect to assessment of public utilities or to assessment of the cable television industry.

The unexpended balance as of June 30, 1975 in the Bus operators subsidy account is hereby appropriated for the same purpose.

Education and Intellectual Development

34500. *Public Broadcasting*

34510-352.	New Jersey Public Broadcasting Authority	$3,200,625*
34520-352.	Debt Service	371,057
	Total Appropriation	$3,571,682*

Salaries:		
Officers and employees	(	$1,701,025)
Materials and Supplies	(	297,750)
Services Other Than Personal	(	396,590)
Maintenance of Property:		
Recurring	(	152,000)
Non-recurring and replacements	(	10,960)
Extraordinary:		
Programming	(	795,000)
Compensation awards	(	300)
Promotional expense	(	50,000)
Interest on Public Building Construction Bonds (PL 1968, c. 128)	(	371,057)
Additions and Improvements	(	2,000)

The unexpended balance as of June 30, 1975 in the revolving fund (PL 1972, c. 73) for the purpose of printing and purchasing publications and materials for sale, and the receipts derived from such sales are hereby appropriated.

The unexpended balance as of June 30, 1975 and the receipts derived from the leasing of space on transmitter towers is hereby appropriated for the maintenance of such towers and transmission equipment or facilities; provided, however, that the expenditure thereof shall be subject to allotments approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 and receipts derived from the rental of studio or production facilities to non-profit organizations, are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, Department of Public Utilities	$7,293,520*

DEPARTMENT OF HEALTH

Personal Health

22100. *Chronic Illness*

22120-360.	Chronic Renal Disease	$828,653
22130-360.	Other Chronic Diseases	904,456
	Total Appropriation	$1,733,109

Salaries:	
Officers and employees	($53,768)
Materials and Supplies	(5,900)
Services Other Than Personal	(46,140)
Extraordinary:	
Chronic renal disease	(828,653)
Hemophilia	(723,648)
Juvenile terminal illness assistance	(75,000)

The unexpended balance as of June 30, 1975 in the revolving fund, created for the purpose of printing and reprinting literature, codes and manuals for sale, and receipts derived from such sales, are hereby appropriated.

22200. *Parental and Child Health*

22210-360.	Parental and Child Health Services	$1,606,766
	Total Appropriation	$1,606,766

Salaries:
Officers and employees ..... ($109,341)
Materials and Supplies ..... (4,000)
Services Other Than Personal ..... (45,625)

Extraordinary:
Family planning services ..... (125,000)
Hospitalization and convalescent care of crippled children ..... (1,247,800)

To provide for testing for the specific hereditary diseases of Cooley's anemia, sickle cell anemia, Tay Sach's disease and cystic fibrosis, subject to the enactment of S-3128 or similar legislation ..... (75,000)

The unexpended balance as of June 30, 1975 in the Hospitalization and convalescent care of crippled children account is hereby appropriated for the same purpose, as the Director of the Division of Budget and Accounting shall determine.

The appropriation for the Hospitalization and convalescent care of crippled children shall be available for the payment of obligations applicable to prior fiscal years.

22300. *Communicable Diseases*

22310-360.	Tuberculosis Control	$1,255,239
22320-360.	Venereal Disease Control	315,410
22330-360.	Other Communicable Disease Control	310,813
	Total Appropriation	$1,881,462

Salaries:		
Officers and employees	(	$551,694)
New positions	(	23,188)
Materials and Supplies	(	290,700)
Services Other Than Personal	(	95,880)
Extraordinary:		
Venereal Disease Service Organization for venereal disease education	(	20,000)
For services to tuberculosis patients in connection with the closing of the New Jersey Hospital for Chest Diseases	(	900,000)

Community Health Programs

23100. *Health Care Systems Planning and Management*

23110-360.	Health Care Facilities Administration	$1,494,419
23120-360.	Clinical Laboratory Improvement	146,241
	Total Appropriation	$1,640,660

Salaries:		
Officers and employees	(	$1,115,144)
New positions	(	65,271)
Positions established from lump sum appropriation	(	77,310)
Materials and Supplies	(	28,050)
Services Other Than Personal	(	242,285)
Extraordinary:		
State support of areawide planning agencies	(	80,000)
Uniform health manpower registry	(	30,000)
Additions and Improvements	(	2,600)

The loan to the New Jersey Health Care Facilities Financing Authority shall be repaid to the General State Fund as required (C26:21-4), with interest at 6% per annum on loans previously made out of the proceeds of any obligations issued by said Authority.

The unexpended balance as of June 30, 1975 in the revolving fund created for the purpose of providing management information to health agencies, and receipts derived from the sale of this management information, are hereby appropriated for the same purpose.

23200. *Local Health Services*

23210-360.	Local Health Services	$852,019
23220-360.	Rabies Control	277,845
	Total Appropriation	$1,129,864

Salaries:	
Officers and employees	($333,592)
New positions	(86,327)
Materials and Supplies	(115,635)
Services Other Than Personal	(47,810)
Maintenance of Property:	
Recurring	(500)
Extraordinary:	
Planning and development of urban health services	(334,000)
Emergency medical, hospital and nursing services for migrant workers	(53,500)
Pilot training programs for mobile intensive care paramedics	(100,000)
Administration of the Health Maintenance Organizations Act	(30,000)
Homemaker services	(28,500)

The amount hereinabove included for Rabies Control is hereby appropriated out of the Rabies Control Trust Fund and the amount remaining therein is hereby appropriated for additional costs of operation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in the Pilot training programs for mobile intensive care paramedics account is hereby appropriated for the same purpose.

23300. *Alcohol, Narcotics and Drug Abuse Control*

23310-360.	Narcotics Education, Treatment and Rehabilitation	$4,626,201
23340-360.	Alcoholism Control	157,723
23350-360.	Interest on Public Building Construction Bonds	296,272
	Total Appropriation	$5,080,196

Salaries:	
Officers and employees	($1,871,069)
New positions	(81,000)
Materials and Supplies	(107,650)
Services Other Than Personal	(363,955)
Extraordinary:	
Drug addiction unit, Marlboro Psychiatric Hospital	(250,000)
Community drug program, Hudson County	(410,250)
Drug addiction treatment, College of Medicine and Dentistry of New Jersey, Newark	(150,000)
Addiction service inpatient unit, Jersey City Medical Center	(550,000)
State assumption of methadone maintenance programs	(1,000,000)
Interest on Public Building Construction Bonds (PL 1968, c. 128)	(296,272)

The amount provided herein for the State assumption of methadone maintenance programs may be reduced, as the Director of the Division of Budget and Accounting shall determine, by the amount of Federal funds made available for such purposes.

No expenditure shall be made from the State assumption of methadone maintenance programs account until a plan outlining the use of these funds is approved by the Director of the Division of Budget and Accounting and the Subcommittee on Transfers of the Joint Appropriations Committee.

There is hereby appropriated, subject to the approval of the Trust Advisory Board an amount not to exceed $500,000 from the Attorney General of New Jersey Public Health Trust, for the operation of the Therapeutic Residential School at Long Branch.

The Division of Alcohol, Narcotics and Drug Abuse Control is hereby authorized to bill a patient's estate, or the person chargeable for his support, or the county of residence, for institutional support of patients treated at the Addiction service inpatient unit of the Jersey City Medical Center.

23400. *Consumer Health Services*

23410-360.	Consumer Health Services	$721,425
23420-360.	Control of Pharmaceutical and Cosmetic Preparations and Devices	234,372
	Total Appropriation	$955,797

Salaries:		
Officers and employees	($805,888)	
Positions transferred from another subcategory	(10,922)	
New positions	(21,242)	
Materials and Supplies	(18,865)	
Services Other Than Personal	(98,880)	

Laboratory Support and Services

24100. *Supporting Laboratory Services*

24110-360.	Laboratory Services	$1,034,579*
	Total Appropriation	$1,034,579*

Salaries:		
Officers and employees	(	$853,610)
Positions established from lump sum appropriation	(	27,534)
Materials and Supplies	(	228,510)
Services Other Than Personal	(	14,925)
Maintenance of Property:		
Non-recurring and replacements	(	30,000)

Department Management, General Support Services and Special Programs

29100. *Department Management and General Support Services*

29110-360.	Office of the Commissioner	$221,193
29120-360.	Management and Fiscal Services	422,868
29130-360.	General Administration	1,673,070*
	Total Appropriation	$2,317,131*

Salaries:		
Commissioner	(	$41,000)
Officers and employees	(	1,559,280)
Positions transferred from other subcategories	(	46,382)
New positions	(	20,230)
Materials and Supplies	(	69,900)
Services Other Than Personal	(	779,639)
Maintenance of Property:		
Recurring	(	16,500)
Non-recurring and replacements	(	3,000)
Extraordinary:		
Resident public health training for physicians	(	71,000)
Compensation awards	(	10,000)
Additions and Improvements	(	200)

29200. *Special Programs*

29220-360.	Vital Statistics and Registration	$300,344
	Total Appropriation	$300,344

Salaries:		
Officers and employees	($280,919)	
Materials and Supplies	(8,500)	
Services Other Than Personal	(10,925)	
Total Appropriation, Department of Health		$17,679,908*

DEPARTMENT OF LABOR AND INDUSTRY

Income Security and Human Resource Development

52100. *Economic and Medical Assistance to Unemployed and Disabled Workers*

52120-380.	Disability Insurance—State Plan	$4,286,788
52130-380.	Disability Insurance—Private Plan	1,534,844
52140-380.	Workmen's Compensation	2,081,273*
52150-380.	Workmen's Compensation—Second Injury Fund	510,263
	Total Appropriation	$8,413,168*

Salaries:		
Officers and employees	($6,218,569)	
Materials and Supplies	(133,150)	
Services Other Than Personal	(1,183,477)	
Maintenance of Property:		
Recurring	(9,090)	
Non-recurring and replacements	(24,164)	
Extraordinary:		
Payments from Second Injury Fund to Workmen's Compensation and Department Administration for services	(215,000)	
Compensation awards	(14,252)	
Employees' retirement system	(349,784)	
Social security tax	(284,251)	
Employees' health benefits	(162,848)	
Unearned indirect costs recoverable—other than Federal	(106,375)	
Additions and Improvements	(3,208)	

In addition to the amounts hereinabove set forth, there are hereby appropriated out of the Temporary Disability Benefits Administration Fund such additional sums as may be required to administer the Disability Insurance Programs; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There are hereby appropriated out of the State Disability Benefits Fund such sums as may be necessary to pay disability benefits.

There are hereby appropriated out of the Second Injury Fund such sums as may be necessary for beneficiary payments and for costs of administration in addition to those included hereinabove; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amounts included hereinabove for administrative costs of the Second Injury Fund are hereby appropriated from said Fund, notwithstanding the $12,500 limitation contained in RS 34:15–95.

The State Treasurer is hereby empowered and directed to transfer to the General State Fund the sum of $50,000 from the excess in the Second Injury Fund over the sum of $1,250,000 accumulated as of June 30, 1975 pursuant to RS 34:15–94.

52200. *Manpower Development and Employment Assistance*

52210-380.	Work Incentive Program	$300,000
52230-380.	Employment Development Services	350,000
52240-380.	Vocational Rehabilitation Services	17,360,392*
	Total Appropriation	$18,010,392*

Salaries:	
Officers and employees	($3,379,560)
Materials and Supplies	(48,000)
Services Other Than Personal	(469,632)
Maintenance of Property:	
Recurring	(3,000)
Non-recurring and replacements	(1,200)
Extraordinary:	
Work Incentive Program	(300,000)
For manpower training by the Newark Construction Trades Training Council	(350,000)
Training Grants	(15,000)
Service to clients	(12,500,000)
Expansion Grants (State share)	(150,000)
Sheltered workshop support	(900,000)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amount for the Work Incentive Program is hereby appropriated from the Unemployment Compensation Auxiliary Fund for transfer to the General State Fund.

The portion of the appropriation made to or on behalf of Manpower Development and Employment Assistance subcategory which represents General State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

In addition to the appropriation hereinabove made in the Vocational Rehabilitation Services program element, recoveries of the State share of expenditures made in the fiscal year ending June 30, 1976 and those made in prior fiscal years are hereby appropriated.

The unexpended balance of State funds as of June 30, 1975 for the Vocational Rehabilitation section 2 program, is hereby appropriated to match Federal support beyond that now anticipated for fiscal year 1975-76.

The sum hereinabove for the Vocational Rehabilitation Services program element shall be available for the payment of obligations applicable to prior years.

Occupational Safety and Health, Labor Standards and Labor Relations

54100. *Occupational Safety and Health*

54110-380.	Protection of Employee Health and Safety	$367,450
54120-380.	Protection of Migrant Farm Workers	51,202
	Total Appropriation	$418,652

Salaries:	
Officers and employees	($321,638)
Materials and Supplies	(20,000)
Services Other Than Personal	(75,000)
Maintenance of Property:	
Recurring	(2,014)

Funds available for Occupational Safety and Health shall be used for inspection of Migrant labor camps to the extent that such inspections are not performed by the Federal government.

54200. *Labor Standards*

54210-380.	Regulation of Hazards due to Boilers and Pressure Vessels	$295,093
54220-380.	Protection of Workers' Earnings and Working Conditions	984,024*
	Total Appropriation	$1,279,117*

Salaries:		
Officers and employees	(	$1,245,447)
Materials and Supplies	(	31,600)
Services Other Than Personal	(	146,730)
Maintenance of Property:		
Recurring	(	1,300)
Non-recurring and replacements	(	2,240)
Additions and Improvements	(	1,800)

Such sums as may be necessary for payments out of the Wage and Hour Trust Fund (C34:11–56a et seq.) and the Prevailing Wage Act Trust Fund (C34:11–56 et seq.) are hereby appropriated.

54300. *Labor Relations*

54310-380.	Public Sector	$854,009
54320-380.	Private Sector	229,436
	Total Appropriation	$1,083,445

Salaries:		
Board members (7)	(	$9,000)
Officers and employees	(	531,770)
Materials and Supplies	(	11,525)
Services Other Than Personal	(	147,800)
Maintenance of Property:		
Recurring	(	900)
Non-recurring and replacements	(	1,000)
Extraordinary:		
Implementation of PL 1974, c. 123	(	380,000)
Additions and Improvements	(	1,450)

The unexpended balance as of June 30, 1975 in the Public Sector program element account is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Departmental Management and Economic Development

59100. *Department Management and General Support*

59110-380.	Department Management	$371,650*
59120-380.	Planning and Research	301,413
	Total Appropriation	$673,063*

Salaries:	
Commissioner	($43,000)
Officers and employees	(598,027)
Materials and Supplies	(22,400)
Services Other Than Personal	(110,636)
Maintenance of Property:	
Recurring	(3,450)
Non-recurring and replacements	(750)
Additions and Improvements	(1,800)

The unexpended balance as of June 30, 1975, in the revolving fund (PL 1967, c. 63) for the purpose of printing and reprinting literature, maps, Workmen's Compensation proceedings and other publications and printed matter for sale, and receipts derived from such sales, are hereby appropriated.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the data processing center, and the unexpended balance of such receipts as of June 30, 1975, for the purpose of operating the data processing center, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

59200. *Economic Development*

59210-380. Expansion and Growth of Commerce and Industry		$1,063,935*
Total Appropriation		$1,063,935*
Salaries:		
Officers and employees	($219,926)	
Materials and Supplies	(16,960)	
Services Other Than Personal	(165,168)	
Maintenance of Property:		
Recurring	(1,870)	
Non-recurring and replacements	(8,500)	
Extraordinary:		
Economic development assistance	(125,000)	
State office world trade center	(100,000)	
Promotional expense	(500,000)	
Additions and Improvements	(26,511)	

The unexpended balances as of June 30, 1975 in the Economic Development Assistance, the Economic Development Authority, the Emergency Employment Development Act, and the Promotional expense accounts are hereby appropriated for the same purposes.

The sum of $200,000 previously appropriated for the New Jersey Economic Development Authority shall be refunded to the General State Fund from the proceeds of any obligations issued by the Authority; provided, however, that the said Authority pay interest at the rate of 8% per annum on such sum.

Total Appropriation, Department of Labor and Industry	$30,941,772*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300. *Resource Management*

41310-400.	Water Supply and Flood Plain Management	$1,002,950*
41320-400.	Forest Resource Management	1,614,645
41330-400.	Marine Lands Management	619,498
41340-400.	Solid Waste Management	333,432*
41350-400.	Shellfish Resource and Development	119,231
41360-400.	Water Resources—Planning and Management	1,327,169*
41370-400.	Wildlife and Fisheries Management:	
	Hunters' and Anglers' License Fund	2,356,769
	Public Shooting and Fishing Grounds Fund	917,738
	Protection of Endangered and Non-Game Wildlife Species	35,000*
	Total Appropriation	$8,326,432*

Salaries:		
Officers and employees	(	$4,821,675)
New positions	(	329,981)
Positions transferred from another subcategory	(	509,635)
Materials and Supplies	(	821,501)
Services Other Than Personal	(	391,005)
Maintenance of Property:		
Recurring	(	162,050)
Non-recurring and replacements	(	307,675)
Extraordinary:		
Stream gauging stations	(	75,300)
Flood plain zoning and warning services	(	17,600)
Control of surface water diversion	(	13,650)
Flood plain regulation and delineation	(	500,000)
Laboratory services	(	60,000)

Gypsy moth control on State-owned lands	(25,000)
Fire fighting costs	(150,000)
Expenses of the Natural Resource Council	(25,000)
Compensation awards	(15,000)
Coastal zone surveillance	(25,000)
Coastal biological research program	(60,000)
Oyster seed bed monitoring	(20,000)
Disease resistant oyster program	(6,250)
Office of Rivermaster (State share)	(23,500)
Water quality network monitoring and analysis	(21,000)
Groundwater investigation	(143,500)
Sediment pollution investigations	(2,000)
Thermal pollution studies	(7,000)
Automatic water quality monitoring and telemetry	(30,000)
Wasteload allocation modeling data collection	(75,000)
Load allocation program	(145,000)
Deer management	(15,000)
Surface water quality program	(6,300)
Delaware River Basin study	(12,500)
Dike maintenance	(4,500)
Atlantic flyway	(2,060)
Oak mast research	(6,000)
Wildlife management area use study	(18,000)
Deer data analysis	(3,000)
Protection of endangered and non-game wildlife species	(70,000)
Additions and Improvements	(10,750)

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed $800,000 out of aggregate revenue produced (C58:22–10); provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There is hereby appropriated so much of the balance of the accumulated aggregated revenue as the Di-

rector of the Division of Budget and Accounting may determine as reimbursement to the General State Fund as provided in C58:22–10.

The unexpended balances as of June 30, 1975 in the Flood plain regulation and delineation and Fire fighting costs accounts are hereby appropriated for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

The unexpended balances as of June 30, 1975 in the Expenses of the Natural Resource Council and Wetlands—inventory, mapping and administration accounts are hereby appropriated for the same purposes.

There is hereby appropriated for delineation and title determination of the State riparian lands a sum not to exceed $1,100,000 out of revenue derived from the sales, grants, leases and rentals of State riparian lands; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in the revolving fund (PL 1972, c. 73) created for the purpose of providing outside appraisals for conveyances of riparian properties within the Hackensack Meadowland District, and receipts derived from the sale of riparian properties which represent reimbursements for appraisal services, are hereby appropriated.

The unexpended balances as of June 30, 1975 in the revolving funds created (PL 1959, c. 106 and PL 1972, c. 73) created for the purpose of printing, reprinting or purchasing literature, material and maps for sale and receipts derived from such sales are hereby appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said fund and any amount remaining therein shall be appropriated for additional operating costs;

provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The amount hereinabove for the Public Shooting and Fishing Grounds Fund shall be payable out of said fund and any amount remaining therein shall be appropriated for additional costs of operation and for 50% of the amounts payable (RS 54:4–2.1); provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

41400. *Pollution Control*

41410-400.	Air Pollution	$2,805,678*
41420-400.	Radiation Protection	430,064
41430-400.	Pesticide Control	100,000
41440-400.	Water Pollution Control—Operations and Enforcement	1,482,271*
41450-400.	Noise Control	75,000
41460-400.	Public Waste Water Facilities	100,000
	Total Appropriation	$4,993,013*

Salaries:		
Officers and employees	(	$3,833,347)
New positions	(	221,461)
Materials and Supplies	(	272,400)
Services Other Than Personal	(	317,730)
Maintenance of Property:		
Recurring	(	120,600)
Non-recurring and replacements	(	281,725)
Extraordinary:		
Pesticide regulation	(	100,000)
Laboratory services	(	250,000)
Noise Control Council	(	75,000)
Cost attributable to planning, engineering, developing and constructing regional waste water treatment plants	(	950,000)

Additions and Improvements	(	103,750)
Less: Costs attributable to the Water Conservation Fund for planning, engineering, developing and constructing regional waste water treatment plants	*(*	*1,300,000)*

There is hereby appropriated from the Water Conservation Fund the sum of $1,300,000 for costs attributable to planning, engineering, developing and constructing regional waste water treatment plants.

The Commissioner of Environmental Protection shall establish fees for the training of pesticide applicators and the receipts derived from such fees are hereby appropriated to carry out the training programs; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Recreation Management

46100. *Recreation Opportunities*

46110-400.	Parks Management	$5,796,430*
46120-400.	Recreational Boating	725,529*
46120-400.	Boat Regulation	849,606
46130-400.	Marina Operations	295,588
	Total Appropriation	$7,667,153*

Salaries:		
Officers and employees	(	$4,976,365)
New positions	(	79,022)
Materials and Supplies	(	881,850)
Services Other Than Personal	(	518,266)
Maintenance of Property:		
Recurring	(	461,650)
Non-recurring and replacements	(	709,500)
Extraordinary:		
Maintenance, Old Barracks, Trenton (State share)	(	40,000)

Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas; and dredging State-controlled lakes	(200,000)
Control of obnoxious aquatic vegetation in State-controlled lakes	(25,000)
Compensation awards	(25,000)
Additions and Improvements	(130,500)

The unexpended balances as of June 30, 1975 in the Expenses of the Delaware and Raritan Canal Commission and Surveying the Delaware and Raritan Canal accounts are hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1975 in the Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas; and dredging State-controlled lakes accounts, are hereby appropriated for the same purposes as determined by the Director of the Division of Budget and Accounting.

The unexpended balance, not to exceed $50,000, as of June 30, 1975 in the revolving fund (PL 1967, c. 63) for the purchase of merchandise for sale, and receipts derived from such sales, are hereby appropriated.

The amount hereinabove for the operation, maintenance, and administration of Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General State Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The amount hereinabove for the Boat regulation program element, shall be payable out of the New Jersey Boat Numbering Act revolving fund (C12:7–34.36 et seq.), and any amount remaining

therein is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Management and General Support

49100. *Department Management*

49110-400.	Department Management and Administrative Services	$2,228,360*
49120-400.	Program Management	1,211,069*
49130-400.	Debt Service—Interest on Bonds	10,444,719
	Total Appropriation	$13,884,148*

Salaries:	
Commissioner	($43,000)
Officers and employees	(1,351,660)
New positions	(85,237)
Positions transferred from other subcategories	(291,391)
Materials and Supplies	(35,000)
Services Other Than Personal	(991,186)
Maintenance of Property:	
Recurring	(4,700)
Non-recurring and replacements	(2,350)
Extraordinary:	
Youth conservation and recreational projects	(500,000)
Environmental design programs	(200,000)
Board of New Jersey Pilot Commissioners	(40,400)
Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes (C58:21A–1 et seq., C58:21B–1 et seq. and PL 1971, c. 165)	(195,000)
Summer intern program	(100,000)
Clean air and water scholarships	(61,200)

Interest on Water Development Bonds (PL 1958, c. 35) ..... (	845,750)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46) ..... (	967,200)
Interest on Water Conservation Bonds (PL 1969, c. 127) ..... (	6,186,269)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165) ..... (	2,445,500)
Compensation awards ..... (	4,250)
Additions and Improvements ..... (	4,555)

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 hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975, of receipts and any additional receipts derived from the rental of property acquired pursuant to C58:21A–1 et seq., and C58:21B–1 et seq., and PL 1971, c. 165 are hereby appropriated for payments in lieu of taxes on such properties and for maintenance of such properties; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes account is hereby appropriated for the same purpose.

49200. *South Jersey Port Corporation*

49210-400. South Jersey Port Corporation	$1,419,600
Total Appropriation	$1,419,600

Extraordinary:
Debt Service Reserve Fund Requirement (C12:11A–14) ..... ($733,000)
Property Tax Reserve Fund Requirement (C12:11A–20) ..... (686,600)

49300. *Pinelands Environmental Council*

49310-400.	Pinelands Environmental Council	*
	Total Appropriation	*

Extraordinary:
Expenses of the Pinelands Environmental Council contingent upon an equal sum being provided by the municipalities and the boards of freeholders of the respective constituent counties ..... ($47,500)

Total Appropriation, Department of Environmental Protection	$36,290,346*

DEPARTMENT OF EDUCATION

General Assistance for Public and Non-Public Education

31100. *Financial Assistance to Local School Districts*

31140-500.	School Facility Program	$236,278
31150-500.	Pupil Transportation	19,753
31170-500.	Adult and Continuing Education	52,321
31190-500.	Other Grants-in-Aid	*
	Total Appropriation	$508,352

Salaries:
Officers and employees ..... ($282,359)
Materials and Supplies ..... (3,883)
Services Other Than Personal ..... (22,110)

Extraordinary:
Innovative educational grants ..... (200,000)

The unexpended balance as of June 30, 1975 in the Inspection of school construction account and the receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balance in excess of $113,000, as of June 30, 1975, in the General Education development test and other high school equivalency tests revolving fund and the receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1975 in the Adult Basic Education Film revolving fund account and the receipts derived therefrom are hereby appropriated for the same purpose.

31200. *General Assistance Programs for Public Schools*

31210-500.	Curriculum Services	$286,542*
31220-500.	Teacher Education and Certification	380,631
31240-500.	Educational Improvement Center	270,000
31250-500.	County Superintendents' Offices	*
31260-500.	Resolution of School Controversies and Disputes	343,087
31270-500.	Drug Control Programs	65,000
31280-500.	Equal Educational Opportunity Programs	91,611
31290-500.	Aid for Equipment	147,868
	Total Appropriation	$1,584,739*

Salaries:
County superintendents ..... ($597,837)
Officers and employees ..... (1,721,481)
New position ..... (20,030)
Position transferred from another subcategory ..... (40,929)
Materials and Supplies ..... (18,739)
Services Other Than Personal ..... (188,734)

Extraordinary:

Teacher certification performance evaluation	(90,000)
Regional Educational Improvement Center	(270,000)
Drug Control Programs—technical assistance	(65,000)
Community Relations	(37,273)
Minority Staffing	(23,280)
NDEA (State share)	(100,000)

The unexpended balance as of June 30, 1975 in the revolving fund (PL 1967, c. 63), for the purpose of printing and reprinting literature for sale, and for the purchase and sale of films, and receipts derived from such sales, are hereby appropriated for the same purpose.

Programs for Specific Groups and Limited Purposes

32100. *Programs for the Disadvantaged and Handicapped*

32110-500. Programs for the Disadvantaged and Handicapped	$557,972
32120-500. Urban Education	198,164
Total Appropriation	$756,136

Salaries:

Officers and employees	($547,401)
Position transferred from another subcategory	(21,844)
Materials and Supplies	(4,600)
Services Other Than Personal	(20,291)

Extraordinary:

Interest on Facilities for Handicapped Bonds (PL 1973, c. 149)	(162,000)

The unexpended balance as of June 30, 1975 in the Millburn Avenue School for the Deaf account, and the receipts derived from tuition charges, are hereby appropriated for the costs of such operation; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

32500. *Career Development*

32510-500.	General Vocational Education	*
32560-500.	Project COED	$1,370,058*
	Total Appropriation	$1,370,058*

Salaries:	
Officers and employees	($1,612,599)
Materials and Supplies	(281,000)
Services Other Than Personal	(105,572)
Maintenance of Property:	
Recurring	(14,700)

The unexpended balance as of June 30, 1975 in the Revolving fund—COED Cafeteria Account, and the receipts derived therefrom are hereby appropriated for the same purpose.

Direct Public Services

34100. *Programs for the Deaf*

34110-535.	Marie H. Katzenbach School for the Deaf	$3,443,062*
	Total Appropriation	$3,443,062*

Salaries:	
Officers and employees	($2,901,432)
Food in lieu of cash	(22,464)
Materials and Supplies	(317,050)
Services Other Than Personal	(67,216)
Maintenance of Property:	
Recurring	(36,400)
Non-recurring and replacements	(91,500)
Extraordinary:	
Transportation expenses for students (PL 1973, c. 311)	(193,140)
Compensation awards	(2,000)
Additions and Improvements	(5,000)

The unexpended balance as of June 30, 1975 in the revolving fund, vocational shops, and the receipts therefrom are hereby appropriated.

Programs for the State Library and Historical Commission

34210-520.	State Library and Historical Commission	$1,709,125*
	Total Appropriation	$1,709,125*

Salaries:	
Officers and employees	($1,116,982)
Materials and Supplies	(230,100)
Services Other Than Personal	(103,915)
Maintenance of Property:	
Recurring	(825)
Extraordinary:	
New Jersey Historical Commission	(250,000)
Supplementary support services	(17,303)
Senator James F. Murray, Jr., historian fund	(40,000)

The unexpended balance as of June 30, 1975 in the Record storage facility account is hereby appropriated for the same purpose.

The unexpended balances as of June 30, 1975 in the Microfilm program, New Jersey Archives Publication Fund and the New Jersey Historical Commission Publication Fund and any receipts derived therefrom, are hereby appropriated as revolving funds for the same purposes.

34300. *Programs for the State Museum*

34310-530.	State Museum	$1,049,080*
	Total Appropriation	$1,049,080*

Salaries:	
Officers and employees	($897,442)
Materials and Supplies	(62,300)
Services Other Than Personal	(90,755)
Maintenance of Property:	
Recurring	(9,600)
Non-recurring and replacements	(10,925)

Extraordinary:	
Magic Muse operation	(33,058)
Scientific research	(4,000)
Acquisition of art and historical objects	(25,000)
Additions and Improvements	(6,000)

The unexpended balance as of June 30, 1975 in the Revolving fund—Films, and the receipts from charges made for mailing and handling of films, are hereby appropriated to be used to replace damaged or lost films and for the maintenance and replacement of equipment and purchase of supplies needed for this operation.

The unexpended balance as of June 30, 1975 in the Revolving fund—Museum Auditorium Use and receipts derived therefrom are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1975 in the Revolving fund—Museum Shop and the receipts derived from such sales are hereby appropriated for the purpose of printing literature and maps for sale, for purchase of merchandise for sale, for other operating costs of the Shop and for the acquisition of art and historical objects.

Department Planning, Management and General Support

39100. *Department Planning and Management*

39110-500.	Commissioner's Office	$761,560*
39130-500.	Planning, Evaluation, Research and Program Development	589,904*
	Total Appropriation	$1,351,464*

Salaries:	
Commissioner	($43,000)
Officers and employees	(821,396)
Positions transferred from another subcategory	(46,994)
Materials and Supplies	(19,716)
Services Other Than Personal	(99,707)

Extraordinary:		
State Board of Education expenses	(8,000)	
Bi-lingual education pilot projects (PL 1974, c. 197)	(370,000)	
Statewide testing	(747,470)	
For payment to the City of Trenton in lieu of taxes on Commissioner's residence	(3,651)	
39200. *General Support*		
39210-500. Other General Support		$1,037,053*
Total Appropriation		$1,037,053*
Salaries:		
Officers and employees	($715,893)	
Positions transferred from another subcategory	(68,115)	
Materials and Supplies	(20,000)	
Services Other Than Personal	(327,845)	
Maintenance of Property:		
Recurring	(9,000)	
Non-recurring and replacements	(1,200)	

The unexpended balance as of June 30, 1975 in the revolving fund for printing and purchasing school law decision and other publications and printed materials, and the receipts derived from the sale of such items, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1975 in the Revolving fund—school election recount account, and the receipts derived therefrom, are hereby appropriated for the same purpose.

Total Appropriation, Department of Education	$12,609,069*

Of the amount hereinabove appropriated to the Department of Education, the sums hereinafter

set forth are hereby appropriated from the State Lottery Fund:

Center for Occupational Education, Experimentation and Demonstration (Project COED)	($1,370,058)*
Regional Educational Improvement Centers	(270,000)
Bi-lingual education pilot projects	(370,000)
Total Appropriation from State Lottery Fund	($2,010,058)*

DEPARTMENT OF HIGHER EDUCATION

39000. *Department Management and General Support*

39110-540.	Administration	$5,695,840*
39210-540.	Interest on Bonds	13,629,227
39910-540.	New Jersey Educational Opportunity Fund	16,218,659
39920-540.	Scholarships and Loans	13,026,335
	Total Appropriation	$48,570,061*

Salaries:	
Chancellor	($43,000)
Officers and employees	(1,878,764)
Materials and Supplies	(84,223)
Services Other Than Personal	(436,839)
Maintenance of Property:	
Recurring	(3,620)
Non-recurring and replacements	(3,400)
Extraordinary:	
Board of Higher Education Expenses	(5,000)
Computer network planning and implementation	(100,000)
Research and development program	(100,000)
Veterinary medicine education program	(130,000)

Central library computerized processing center	(50,000)
Aid to independent colleges and universities	(8,000,000)
Schools of professional nursing	(1,860,000)
South Jersey medical complex at Cooper Medical Center	(75,000)
Medical college faculty utilization study	(40,000)
Marine science consortium	(120,000)
State and county college councils	(6,000)
Integrated data base	(140,000)
College graduate program development fund	(140,000)
Interest on Higher Education Building Construction Bonds (PL 1971, c. 164)	(4,908,037)
Interest on State Higher Education Construction Bonds (PL 1964, c. 142)	(1,027,200)
Interest on Public Building Construction Bonds (PL 1968, c. 128)	(7,693,990)
Educational Opportunity Fund Board expenses	(1,654)
Opportunity grants	(12,604,000)
Supplementary education program grants	(3,332,131)
Scholarships and Student Loans:	
Scholarships	(7,000,000)
Incentive grants	(2,200,000)
Tuition aid grants	(2,800,000)
County college graduate scholarships	(265,500)
Additions and Improvements	(6,703)

The unexpended balance as of June 30, 1975 in the Veterinary medicine education program, Research and development program, New computer program development, Central library computerized processing center, College information system, Higher Education management system, Commission on financing post-secondary education, Extra-

New Jersey State Library

ordinary student aid, and Edwin Aldrin Scholarship Fund accounts are hereby appropriated for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of NJSA 52:34–6, the amounts hereinabove set forth for the Department of Higher Education may be expended for the purpose of contract services from the New Jersey Education Computing Network (NJECN), and from the Higher Education Central Library Processing Center (CAPTAIN Library Services Corporation), as if they were State government agencies, in accordance with the provisions of 52:34–10 (a).

An amount not to exceed $50,000 in the Aid to independent colleges and universities account is hereby available for administrative expenses; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Extraordinary student aid shall be allocated by the Board of Higher Education to appropriate components of the Student aid program to assist students who attend State Higher Education institutions in meeting all or part of the additional tuition costs resulting from the general tuition increase adopted by resolution of the Board of Higher Education on January 21, 1972; provided, that a plan for allocation of the funds shall first be approved by the Director of the Division of Budget and Accounting.

Of the sums appropriated to the Department of Higher Education for Department Management and the State Colleges, an amount not to exceed $40,000 shall be transferred for the purpose of supporting the Commission on financing post-secondary education; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Notwithstanding any other provision of law, the amount of $1 million shall be transferred from the unreserved balances of the Higher Education Assistance Authority Fund to the General State Fund.

33000. *Higher Education Institutional Programs*

545. *Thomas A. Edison College*

33970.	Institutional Support	$400,000
	Total Appropriation	$400,000

Extraordinary:
Thomas A. Edison College ..... ($400,000)

The unexpended balance as of June 30, 1975 and receipts from fees are hereby appropriated for operational expenses of the College.

550. *Glassboro State College*

33110.	Instruction	$7,643,214*
33130.	Extension and Public Service	836,400
33240.	Auxiliary Services	1,106,030
33950.	Academic Support	883,694
33960.	Student Services	1,378,726
33970.	Institutional Support	3,517,275*
	Total Appropriation	$15,365,339*

Salaries:
Officers and employees ..... ($12,703,233)
Student aides ..... (160,000)
Materials and Supplies ..... (1,223,862)
Services Other Than Personal ..... (1,198,721)
Maintenance of Property:
Recurring ..... (121,768)
Non-recurring and replacements .. (79,834)
Extraordinary:
Outdoor laboratory experiences ... (22,600)
Extension and public service ..... (836,400)
Auxiliary services ..... (1,106,030)

NDEA student loan program (State share)	(29,564)
College work-study program (State share)	(133,200)
Student center support	(82,650)
To provide an enrollment increase of 120 students	(169,000)
Additions and Improvements	(230,477)

551. *Jersey City State College*

33110.	Instruction	$6,079,625*
33130.	Extension and Public Service	361,140
33240.	Auxiliary Services	136,720
33950.	Academic Support	600,748
33960.	Student Services	960,571
33970.	Institutional Support	3,034,829*
	Total Appropriation	$11,173,633*

Salaries:	
Officers and employees	($9,868,698)
Student aides	(100,000)
Materials and Supplies	(979,451)
Services Other Than Personal	(651,317)
Maintenance of Property:	
Recurring	(114,886)
Non-recurring and replacements	(121,181)
Extraordinary:	
A. Harry Moore Laboratory School	(538,500)
Extension and public service	(361,140)
Auxiliary services	(136,720)
NDEA student loan fund (State share)	(20,000)
College work-study program (State share)	(80,000)
Student center support	(63,210)
Additions and Improvements	(233,530)

All tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College are hereby appropriated for

additional operating expenses of the School; provided, however, that the expenditure shall be subject to transfers approved as prescribed in section 3 of this act.

552. *Kean College of New Jersey*

33110.	Instruction	$7,219,522*
33130.	Extension and Public Service	498,210
33240.	Auxiliary Service	300,000
33950.	Academic Support	910,812
33960.	Student Services	1,395,346
33970	Institutional Support	4,166,482*
	Total Appropriation	$14,490,372*

Salaries:		
Officers and employees	($12,917,113)	
Student aides	(200,000)	
Materials and Supplies	(1,570,484)	
Services Other Than Personal	(1,010,305)	
Maintenance of Property:		
Recurring	(179,920)	
Non-recurring and replacements	(162,941)	
Extraordinary:		
Extension and public service	(498,210)	
Auxiliary services	(300,000)	
NDEA student loan fund (State share)	(24,000)	
College work-study program (State share)	(42,000)	
Student center support	(88,090)	
To provide an enrollment increase of 52 students	(92,000)	
Additions and Improvements	(324,809)	

553. *The William Paterson College of New Jersey*

33110.	Instruction	$7,980,181*
33130.	Extension and Public Service	390,000
33240.	Auxiliary Service	164,000
33950.	Academic Support	731,725

33960.	Student Services	1,228,650
33970.	Institutional Support	4,229,125*
	Total Appropriation	$14,723,681*

Salaries:		
	Officers and employees	($13,321,377)
	Student aides	(200,000)
Materials and Supplies		(1,232,531)
Services Other Than Personal		(853,957)
Maintenance of Property:		
	Recurring	(172,685)
	Non-recurring and replacements	(327,305)
Extraordinary:		
	Extension and public service	(390,000)
	Auxiliary services	(164,000)
	NDEA student loan fund (State share)	(30,000)
	College work-study program (State share)	(87,500)
	Student center support	(87,990)
	To provide an enrollment increase of 94 students	(124,000)
Additions and Improvements		(524,236)

554. *Montclair State College*

33110.	Instruction	$9,215,207*
33130.	Extension and Public Service	810,000
33240.	Auxiliary Service	553,972
33950.	Academic Support	1,053,474
33960.	Student Services	1,639,284
33970.	Institutional Support	4,077,338*
	Total Appropriation	$17,349,275*

Salaries:		
	Officers and employees	($14,686,263)
	Student aides	(321,300)
Materials and Supplies		(1,598,870)
Services Other Than Personal		(956,658)

Maintenance of Property:	
Recurring	(202,819)
Non-recurring and replacements	(187,939)
Extraordinary:	
New Jersey State School of Conservation	(412,500)
Extension and public service	(810,000)
Auxiliary services	(553,972)
NDEA student loan fund (State share)	(33,579)
College work-study program (State share)	(30,960)
Student center support	(99,450)
To provide an enrollment increase of 128 students	(200,000)
Additions and Improvements	(488,065)

Of the amount hereinabove in the New Jersey State School of Conservation account, the sum of $362,500 shall be payable out of receipts derived from the operation of the School, and receipts in excess of the amount hereinabove specifically set forth, and the unexpended balance of such receipts as of June 30, 1975, are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

555. *Trenton State College*

33110.	Instruction	$7,716,305*
33130.	Extension and Public Service	581,750
33240.	Auxiliary Service	1,397,185
33950.	Academic Support	875,540
33960.	Student Services	1,654,245
33970.	Institutional Support	3,509,415*
	Total Appropriation	$15,734,440*

Salaries:	
Officers and employees	($12,556,736)
Student aides	(258,828)

Materials and Supplies	(1,424,851)
Services Other Than Personal	(717,077)
Maintenance of Property:	
Recurring	(143,995)
Non-recurring and replacements	(203,133)
Extraordinary:	
Demonstration school service	(190,000)
Child study and demonstration center	(100,000)
Extension and public service	(581,750)
Auxiliary services	(1,397,185)
NDEA student loan fund (State share)	(50,000)
College work-study program (State share)	(7,500)
Nursing loan and scholarship program	(2,500)
Fire detection and alarm	(3,819)
Student center support	(81,510)
To provide an enrollment increase of 101 students	(135,000)
Additions and Improvements	(540,556)

556. *Ramapo College of New Jersey*

33110.	Instruction	$2,920,915*
33130.	Extension and Public Service	149,800
33240.	Auxiliary Service	346,140
33950.	Academic Support	588,516
33960.	Student Services	624,709
33970.	Institutional Support	2,254,620*
	Total Appropriation	$6,884,700*

Salaries:	
Officers and employees	($5,315,394)
New positions	(138,176)
Student aides	(130,000)
Materials and Supplies	(850,773)
Services Other Than Personal	(454,084)

Maintenance of Property:		
Recurring	(	87,775)
Non-recurring and replacements	(	28,100)
Extraordinary:		
Extension and public service	(	149,800)
Auxiliary services	(	346,140)
NDEA student loan fund (State share)	(	25,000)
College work-study program (State share)	(	28,500)
Student center support	(	34,000)
Additions and Improvements	(	360,958)

557. *Richard Stockton State College*

33110.	Instruction	$3,016,644*
33130.	Extension and Public Service	192,275
33240.	Auxiliary Services	459,249
33950.	Academic Support	662,418
33960.	Student Services	505,875
33970.	Institutional Support	1,898,577*
	Total Appropriation	$6,735,038*

Salaries:		
Officers and employees	(	$4,977,354)
New positions	(	235,422)
Student aides	(	138,734)
Materials and Supplies	(	887,133)
Services Other Than Personal	(	420,423)
Maintenance of Property:		
Recurring	(	79,825)
Non-recurring and replacements	(	33,300)
Extraordinary:		
Extension and public service	(	192,275)
Auxiliary services	(	459,249)
NDEA student loan fund (State share)	(	10,000)
College work-study program (State share)	(	25,000)
Student center support	(	35,000)
Additions and Improvements	(	360,323)

State Colleges Programs

The amounts appropriated to the various State colleges for Student aides shall constitute the appropriation to carry out the provisions of NJS 18A:64–17; provided, however, that payment for the value of work performed by students may be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

The unexpended balances as of June 30, 1975 in the Student service charges and Parking fees accounts, and the receipts derived therefrom, at all State Colleges are hereby appropriated.

Funds for the operation of the Extension and public service program are hereby appropriated out of the receipts derived therefrom, and the unexpended balances in these accounts as of June 30, 1975 and all receipts in excess of those anticipated, are hereby appropriated.

Receipts in excess of those anticipated from the operation of cafeterias and boarding halls are hereby appropriated.

So much of the Auxiliary services income realized from the several State colleges which is not pledged for the payment of principal and interest on bonds of this State and which is in excess of the sums required for the operation and maintenance of such Auxiliary service facilities and the unexpended balance as of June 30, 1975 are hereby appropriated as provided by NJS 18A:64–18, as amended.

With respect to the transfer of funds between items of appropriation as provided in C52:27B–28 and section 3 of the annual appropriations act, the program element accounts shall be deemed to be the primary expenditure accounts as provided in NJS 18A:64–6f.

Notwithstanding the provisions of NJS 18A:72A–26, 27 and 27.1, no Board of Trustees of a State College shall enter into an agreement with the Educational Facilities Authority for housing facilities for students without first securing written authorization for such agreement from the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from regular tuition are hereby appropriated subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

In the event that the actual full-time and part-time enrollment at each respective State College, exclusive of enrollments in the Extension and public service program, differs from the "Budget Estimate FY 1976", the Director of the Division of Budget and Accounting shall adjust (increase or decrease) the appropriation to each such State College by transfer to or from the Enrollment Adjustment Revolving Fund established within the appropriation for Department Management and General Support in the Department of Higher Education. All such adjustments shall be made in accordance within the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting, which procedure shall conform to and be consistent with the equivalent credit hour system as defined by the Board of Higher Education resolution dated December 15, 1972.

Rutgers, The State University

570. *General University*

33110.	Instruction	$56,644,429*
33120.	Sponsored Research and Other Sponsored Programs	2,070,222
33130.	Extension and Public Service	4,122,051

33240. Auxiliary Services		21,540,114
33950. Academic Support		5,631,194
33960. Student Services		9,845,483
33970. Institutional Support		28,280,239*
Sub-Total, General Operations		$128,133,732*
Special Funds expense		24,200,000
Total All Operations		$152,333,732*
Less:		
General Services income	*$40,072,000**	
Special Funds income	*24,200,000*	
Auxiliary Services income	*21,540,114*	
Total Income Deductions		*$85,812,114**
Appropriation, Exclusive of Land Grant Interest	$66,515,818*	
Land Grant Interest	5,800	
Sub-Total Appropriation, General University		$66,521,618*
Salaries:		
Officers and employees	($80,149,201)	
New positions	(3,162,266)	
Student assistants	(483,365)	
Materials and Supplies	(9,391,434)	
Services Other Than Personal	(7,321,710)	
Maintenance of Property:		
Recurring	(1,552,107)	
Non-recurring and replacements	(937,327)	
Extraordinary:		
Graduate school of applied and professional psychology	(100,000)	
Evening law school	(204,214)	
Research grants	(275,000)	
Guidance of public employees in employee-management relationships (C34:13A)	(50,000)	
Summer session	(1,317,000)	

Continuing professional and general education	(1,200,000)
Graduate and law school fellowships	(64,000)
Student aid	(1,980,000)
College work-study program (State share)	(250,000)
Student life center support	(365,000)
Major renovations	(100,000)
Interest	(26,500)
Contingent fund	(110,000)
Retirement allowances	(489,700)
Special projects	(1,250,000)
To maintain present tuition levels for nurses and social workers	(37,000)
Additions and Improvements	(990,394)
Special Funds expense	(24,200,000)
Auxiliary Funds expense	(21,540,114)

Less:

General Services income	*(31,444,000)*
Special Funds income	*(24,200,000)*
Auxiliary Services income	*(21,540,114)*

In the event that the actual full-time and part-time enrollment, exclusive of enrollments in the Extension and public service program, differs from the "Budget Estimate FY 1976," the Director of the Division of Budget and Accounting shall adjust (increase or decrease) the appropriation by transfer to or from the Enrollment Adjustment Revolving Fund established within the appropriation for Department Management and General Support in the Department of Higher Education. All such adjustments shall be made in accordance with the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting, which procedure shall conform to and be consistent with the equivalent credit hour system as defined by the Board of Higher Education resolution dated December 15, 1972.

Of the amount provided hereinabove for Rutgers, The State University, a sum shall be used for the adequate operation of Evening Law Schools at the Newark and Camden campuses, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

572. *Agricultural Experiment Station*

33120. Research		*
33130. Extension and Public Service		*
33950. Academic Support		*
33970. Institutional Support		*
Sub-Total, General Operations		*
Federal research and extension funds expense		*
Special Funds expense		*
Total All Operations		*
Less:		
General Services income	*	
Federal research and extension funds income	*	
Special Funds income	*	
Total Income Deductions		*
Sub-Total Appropriation, Agricultural Experiment Station		*
Salaries:		
Officers and employees	($5,917,218)	
Student wages	(39,590)	
Materials and Supplies	(681,902)	
Services Other Than Personal	(227,417)	
Maintenance of Property:		
Recurring	(208,002)	
Non-recurring and replacements	(127,907)	
Extraordinary:		
South Jersey Research Center	(31,500)	
Asparagus research	(36,000)	

Operation of Willowood Farm Arboretum and Bird Sanctuary	(13,500)	
Blackbird control	(13,500)	
Additions and Improvements	(41,990)	
Federal research and extension funds expense	(2,427,839)	
Special funds expense	(2,300,000)	
Less:		
General Services income	*(35,000)*	
Federal research and extension funds income	*(2,427,839)*	
Special Funds income	*(2,300,000)*	
Total Appropriation, Rutgers, The State University		$66,521,618*

573. *College of Medicine and Dentistry of New Jersey*

573-100. *Central Administration*

33120.	Organized Research		$189,751*
33970.	Institutional Support		1,107,527*
	Sub-Total Appropriation, All Operations		$1,297,278*
Less:			
	Special Services income	*$189,751*	
	Total Income Deductions		*$189,751*
	Sub-Total Appropriation, Central Administration		$1,107,527*

573-101. *New Jersey Medical School—Newark*

33110.	Instruction	$6,146,750*
33120.	Organized Research	7,689,810
33130.	Extension and Public Service—Newark Community Mental Health Center	2,239,572
33240.	Auxiliary Service	232,330
33950.	Academic Support	338,312
33960.	Student Services	112,771
33970.	Institutional Support	4,285,284
	Sub-Total Appropriation, All Operations	$21,044,829*

Less:		
General Services income	*$2,152,314**	
Special Services income	*7,603,185*	
Auxiliary Services income	*232,330*	
Newark Community Mental Health Center	*2,239,572*	
Total Income Deductions		*$12,227,401**
Sub-Total Appropriation, New Jersey Medical School—Newark		$8,817,428*

573-102. *Rutgers Medical School*

33110.	Instruction	$6,938,676*
33120.	Organized Research	1,993,339
33130.	Extension and Public Service—Rutgers Community Mental Health Center	4,418,957
33950.	Academic Support	104,432
33960.	Student Services	208,864
33970.	Institutional Support	2,924,092
	Sub-Total, All Operations	$16,588,360*

Less:		
General Services income	*$1,113,388**	
Special Services income	*1,993,339*	
Rutgers Community Mental Health Center	*4,418,957*	
Total Income Deductions		*$7,525,684**
Sub-Total Appropriation, Rutgers Medical School		$9,062,676*

573-103. *College-wide Programs*

33110.	Instruction	$543,243*
33960.	Student Services	122,625
33970.	Institutional Support	1,544,419
	Sub-Total Appropriation, All Operations	$2,210,287*

Less:		
General Services income	*$163,643**	
Total Income Deductions		*$163,643**
Sub-Total Appropriation, College-wide Programs		$2,046,644*

573-104. *New Jersey Dental School—Newark*

33110. Instruction		$4,249,682*
33120. Organized Research		747,190
33970. Institutional Support		1,209,507
Sub-Total Appropriation, All Operations		$6,206,379*
Less:		
General Services income	*$775,210**	
Special Services income	*747,190*	
Total Income Deductions		*$1,522,400**
Sub-Total Appropriation, New Jersey Dental School—Newark		$4,683,979*

573-105. *Martland Hospital—Newark*

33130. Extension and Public Service		
Nursing Service	$9,179,050	
Outpatient Service	1,266,076	
Other Professional Service	11,711,206	
General Service	5,697,341	
Administration	3,798,228	
Sub-Total Appropriation, All Operations		$31,651,901
Less:		
Hospital Services income	*$17,996,000*	
Total Income Deductions		*$17,996,000*
Sub-Total Appropriation, Martland Hospital—Newark		$13,655,901

573-106. *Raritan Valley Hospital*

33130.	Extension and Public Service		
	Nursing Service	$1,556,865	
	Outpatient Service	73,077	
	Other Professional Service	2,703,867	
	General Service	1,534,627	
	Administration	1,388,472	
	Sub-Total Appropriation, All Operations		$7,256,908
Less:			
	Hospital Services income	*$6,001,000*	
	Total Income Deductions		*$6,001,000*
	Sub-Total Appropriation, Raritan Valley Hospital		$1,255,908

573-107. *Graduate School of Bio-Medical Sciences*

33110.	Instruction		$227,903*
	Sub-Total Appropriation, All Operations		$227,903*
Less:			
	General Services income	*$56,879**	
	Total Income Deductions		*$56,879**
	Sub-Total Appropriation, Graduate School of Bio-Medical Sciences		$171,024*

573-108. *South Jersey Medical Program*

33970.	Institutional Support		$40,000*
	Sub-Total Appropriation, South Jersey Medical Program		$40,000*
	Total Appropriation, College of Medicine and Dentistry of New Jersey		$40,841,087*

Salaries:	
Officers and employees	($49,313,325)
New positions	(420,580)
Materials and Supplies	(10,322,331)
Services Other Than Personal	(7,275,234)
Maintenance of Property:	
Recurring	(642,719)
Non-recurring and replacements	(105,912)
Extraordinary:	
Central administration—	
Board of trustees planning fund	(10,000)
College-wide—	
Student aid	(143,000)
Research under contract with the Institute of Medical Research, Camden	(351,744)
South Jersey Medical Program—	
Development planning	(50,000)
New Jersey Medical School—	
Student aid	(88,691)
Faculty research	(86,625)
Martland Hospital—	
Pension and workmen's compensation	(513,835)
Rutgers Medical School—	
Student aid	(36,750)
Mortgage program	(201,000)
Raritan Valley Hospital—	
Mortgage program	(684,691)
Additions and Improvements	(480,684)
Special Funds expense	(10,533,465)
Auxiliary Fund expense	(232,330)
Rutgers Community Mental Health Center	(4,418,957)
Newark Community Mental Health Center	(2,239,572)
Less:	
General Services income	*(3,465,434)*
Special Services income	*(10,533,465)*
Auxiliary Services income	*(232,330)*
Hospital Services income	*(23,997,000)*

Rutgers Community Mental Health Center ..... *(4,418,957)*
Newark Community Mental Health Center ..... *(2,239,572)*

All general services income or hospital services income in excess of the amounts shown hereinabove as income deductions shall be credited to the General State Fund and such excess income is hereby appropriated therefrom for service improvements in the several component units of the College 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.

With respect to the portion of such excess income arising from participation in the Demonstration Project approved under the provisions of Section 1115 of Title XIX of the Federal Social Security Act for the City of Newark, so much of such sum as represents the State share of medical assistance payments is hereby appropriated to the Division of Medical Assistance and Health Services in the Department of Institutions and Agencies for the purpose of making further payments (C30:4D–1 et seq.).

The College of Medicine and Dentistry of New Jersey, is hereby authorized to operate its Continuing Medical-Dental Education Program as a revolving fund and the revenue collected therefrom and any unexpended balance therein shall be retained for such fund.

574. *New Jersey Institute of Technology*

33110.	Instruction	$7,707,848*
33120.	Sponsored Research and Other Sponsored Programs	134,650
33130.	Extension and Public Services	108,361
33240.	Auxiliary Services	1,075,131
33950.	Academic Support	387,211

33960. Student Services		827,708
33970. Institutional Support		3,979,681*
Sub-Total, All Operations		$14,220,590*
Less:		
General Services income	*$4,025,680**	
Auxiliary Services income	*1,075,131*	
Total Income Deductions		*$5,100,811**
Total Appropriation, New Jersey Institute of Technology		$9,119,779*
Salaries:		
Officers and employees	($8,752,146)	
Student wages	(85,000)	
Materials and Supplies	(1,169,569)	
Services Other Than Personal	(1,561,640)	
Maintenance of Property:		
Recurring	(119,067)	
Non-recurring and replacements	(333,872)	
Extraordinary:		
School of Architecture Start Up Costs	(100,000)	
Organized activities	(35,000)	
Scholarships, grants, fellowships	(120,000)	
Retirement allowances	(371,307)	
Miscellaneous administrative	(5,950)	
Mortgage interest and amortization	(28,975)	
Social security tax	(250,000)	
Group life, major medical and hospitalization	(290,000)	
Staff development	(27,475)	
Student center support	(36,940)	
To provide an enrollment increase of 146 undergraduate and 20 graduate students	(280,000)	
Additions and Improvements	(328,518)	
Auxiliary Fund expenses	(1,075,131)	
Less:		
General Services income	*(3,220,680)*	
Auxiliary Services income	*(1,075,131)*	

In the event that the actual full-time and part-time enrollment differs from the "Budget Estimate FY 1976," the Director of the Division of Budget and Accounting shall adjust (increase or decrease) the appropriation by transfer to or from the Enrollment Adjustment Revolving Fund established within the appropriation for Department Management and General Support in the Department of Higher Education. All such adjustments shall be made in accordance within the provisions of a formal procedure to be established jointly by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting which procedure shall conform to and be consistent with the equivalent credit hour system as defined by the Board of Higher Education resolution dated December 15, 1972.

Total Appropriation, Department of Higher Education $267,909,023*

Notwithstanding the provisions of NJSA 52:34-6, the amounts hereinabove set forth for the Department of Higher Education may be expended for the purchase of contract services from the New Jersey Education Computing Network (NJECN), and from the Higher Education Central Library Processing Center (CAPTAIN Library Services Corporation), as if they were State government agencies, in accordance with the provisions of NJSA 52:34–10 (a).

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computing Network (NJECN) shall be subject to approval by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated to the Department of Higher Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Veterinary medicine education program	($80,000)*
Aid to independent colleges and universities	($4,000,000)*
Schools of professional nursing	( )*
Thomas A. Edison College of New Jersey	(400,000)
Total Appropriation from State Lottery Fund	($4,480,000)*

DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61400. *Debt Service*

61410-600.	Interest on Highway Improvement Bonds (PL 1930, c. 228)	$141,110
61420-600.	Interest on State Transportation Bonds (PL 1968, c. 126)	26,186,888
	Total Appropriation	$26,327,998

Improvements to Transportation Facilities

62100. *State Highway Facilities*

62110-600.	Electrical and Traffic Improvements	$1,285,982
62120-600.	Roadway and Bridge Improvements	3,751,295*
62130-600.	Equipment Acquisition	2,798,351
	Total Appropriation	$7,835,628*

Salaries:	
Officers and employees	($1,344,393)
Materials and Supplies	(1,250)
Services Other Than Personal	(39,985)
Maintenance of Property:	
Non-recurring and replacements	(2,000,000)

Extraordinary:

Traffic signals, signs, lighting and safety improvements	(850,000)
Construction, reconstruction, improvement or rebuilding of State highways including resurfacing and major bridge repairs or rehabilitation	(6,000,000)
Additions and Improvements	(700,000)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

Operation and Maintenance of Transportation Facilities

63100. *State Highway Facilities**

63110-600.	Roadway and Bridge Maintenance	$23,009,948*
63120-600.	Electrical and Traffic Operations	8,112,457*
63130-600.	Physical Plant Maintenance	2,201,085
63140-600.	Equipment Maintenance	6,645,650*
	Total Appropriation	$39,969,140*

Salaries:

Officers and employees	($24,160,085)
New positions	(759,989)
Positions transferred from other subcategories	(1,009,648)
Materials and Supplies	(4,354,200)
Services Other Than Personal	(863,807)

Maintenance of Property:

Recurring	(6,622,900)
Non-recurring and replacements	(3,172,500)
Additions and Improvements	(86,000)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

63200. *Public Transportation Facilities**

63210-600.	Railroad and Bus Operations	$24,947,789*
63220-600.	Aeronautics	240,277
	Total Appropriation	$25,188,066*

Salaries:

Officers and employees	($865,813)
New positions	(288,602)
Positions transferred from another subcategory	(31,294)
Materials and Supplies	(16,200)
Services Other Than Personal	(1,269,759)

Extraordinary:

Passenger service subsidies	(30,000,000)
Bus subsidies	(30,000,000)
Subsidies for motor bus transportation services to senior citizens	(4,000,000)
Additions and Improvements	(5,000)

The unexpended balance as of June 30, 1975 in the Extraordinary category is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

The amount provided herein for Passenger service subsidies and Bus subsidies may be reduced, as the Director of the Division of Budget and Accounting shall determine, by the amount of Federal funds made available for such purposes.

Department Management and General Support

69100. *Department Management and General Support*

69110-600.	Department Administration	$840,123*
69120-600.	Employee and Management Services	2,544,601
69130-600.	Fiscal Management	2,386,048*
	Total Appropriation	$5,770,772*

Salaries:	
Commissioner	($43,000)
Officers and employees	(3,803,523)
New positions	(173,915)
Materials and Supplies	(109,485)
Services Other Than Personal	(1,473,254)
Maintenance of Property:	
Recurring	(60,360)
Non-recurring and replacements	(3,900)
Extraordinary:	
Compensation awards	(350,000)
Additions and Improvements	(1,250)

The unexpended balance as of June 30, 1975, and the reimbursements, in the Department Stock Purchase revolving fund for the purchase of materials and supplies required for the operation of the Department are hereby appropriated.

There are hereby appropriated, as a revolving fund, receipts derived from services rendered by the Department of Transportation Data Processing Center for the purpose of operating the Data Processing Center, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided, however, that the expenditures thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Department of Transportation Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

69300. *Planning and Research**

69310-600.	Planning	$3,739,944
69320-600.	Research	1,253,438*
	Sub-Total	$4,993,382*

Less: Portion of Federal aid receivable which is applicable to highway planning	*1,654,700*
Less: Federal aid receivable which is applicable to Metropolitan planning studies	*1,271,120*
Less: Portion of Federal aid receivable which is applicable to highway research	*500,000*
Total Appropriation	$1,567,562*

Salaries:	
Officers and employees	($2,645,065)
Position transferred from another subcategory	(6,928)
Materials and Supplies	(93,875)
Services Other Than Personal	(493,014)
Maintenance of Property:	
Recurring	(3,600)
Non-recurring and replacements	(7,000)
Extraordinary:	
Comprehensive highway transportation planning studies	(140,000)
Comprehensive aviation planning studies	(10,000)
Metropolitan planning studies	(1,588,900)
Additions and Improvements	(7,000)
Less: Portion of Federal aid receivable which is applicable to highway planning	*(1,654,700)*
Less: Federal aid receivable which is applicable to Metropolitan planning studies	*(1,271,120)*
Less: Portion of Federal aid receivable which is applicable to highway research	*(500,000)*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

Sums allocated by the Commissioner for planning and research in the annual construction program may be transferred to this account for expenditure; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

There shall be allocated from sums previously appropriated from the State Transportation Fund the sum of $155,000 for comprehensive public transportation planning.

Total Appropriation, Department of Transportation	$106,659,166*

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefit Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Custody, Care and Rehabilitation

12100. *Institutional Services*

731. *State Prison, Trenton*

12110.	Institutional Control and Supervision	$4,426,793*
12120.	Institutional Care Program	2,392,467
12130.	Institutional Treatment Program	645,329
12170.	Education Program—Garden State School District	329,000*
12190.	Institutional Administration	629,849
	Total Appropriation	$8,423,438*

Salaries:	
Officers and employees	($6,095,412)
Food in lieu of cash	(52,408)
New positions	(199,520)
Materials and Supplies	(1,276,748)
Services Other Than Personal	(372,647)
Maintenance of Property :	
Recurring	(51,700)
Non-recurring and replacements	(75,851)
Extraordinary:	
Compensation awards	(35,000)
Relocation of inmates	(350,000)
Additions and Improvements	(24,152)

732. *State Prison, Rahway*

12110.	Institutional Control and Supervision	$2,988,709*
12120.	Institutional Care Program	2,102,319
12130.	Institutional Treatment Program	430,436
12170.	Education Program—Garden State School District	273,434*
12190.	Institutional Administration	325,862
	Total Appropriation	$6,120,760*

Salaries:	
Officers and employees	($4,056,746)
Food in lieu of cash	(37,862)
New positions	(183,393)
Materials and Supplies	(1,166,432)
Services Other Than Personal	(535,908)
Maintenance of Property:	
Recurring	(52,850)
Non-recurring and replacements	(113,109)
Extraordinary:	
Compensation awards	(50,000)
Additions and Improvements	(34,460)

12190-732-300. *Regional Laundry*

The unexpended balance as of June 30, 1975 in the Regional Laundry account, and the receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation and maintenance of the Regional Laundry; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

12190-732-301. *Dental Laboratory*

The unexpended balance as of June 30, 1975 in the Dental Laboratory account, and the receipts derived from dental services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Dental Laboratory; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

733. *State Prison, Leesburg*

12110.	Institutional Control and Supervision	$1,969,908*
12120.	Institutional Care Program	1,890,689
12130.	Institutional Treatment Program	324,431
12170.	Education Program—Garden State School District	193,633*
12190.	Institutional Administration	198,014
	Total Appropriation	$4,576,675*

Salaries:		
Officers and employees	(	$2,951,030)
Food in lieu of cash	(	29,583)
New positions	(	143,591)
Materials and Supplies	(	1,166,534)
Services Other Than Personal	(	298,526)
Maintenance of Property:		
Recurring	(	36,800)
Non-recurring and replacements	(	27,153)

Extraordinary:	
Compensation awards	(7,000)
Additions and Improvements	(26,458)

12190-733-300. *Regional Bakery*

The unexpended balance as of June 30, 1975 in the Regional Bakery account, and the receipts derived from the sale of bakery products to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Regional Bakery; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

734. *Youth Correctional Institution, Bordentown*

12110.	Institutional Control and Supervision	$2,000,364*
12120.	Institutional Care Program	1,720,033
12130.	Institutional Treatment Program	519,174
12170.	Education Program—Garden State School District	166,868*
12190.	Institutional Administration	258,356
	Total Appropriation	$4,664,795*

Salaries:		
Officers and employees	($3,200,659)	
Food in lieu of cash	(30,234)	
New positions	(95,553)	
Materials and Supplies	(938,677)	
Services Other Than Personal	(225,452)	
Maintenance of Property:		
Recurring	(49,900)	
Non-recurring and replacements	(90,395)	
Extraordinary:		
Treatment and rehabilitation of drug dependent inmates	(100,000)	
Compensation awards	(10,000)	
Additions and Improvements	(23,925)	

735. *Youth Reception and Correction Center, Yardville*

12110.	Institutional Control and Supervision	$2,385,742*
12120.	Institutional Care Program	1,744,812
12130.	Institutional Treatment Program	769,411
12170.	Education Program—Garden State School District	346,352*
12190.	Institutional Administration	294,390
	Total Appropriation	$5,540,707*

Salaries:		
Officers and employees	(	$4,047,503)
Food in lieu of cash	(	32,922)
New positions	(	101,676)
Materials and Supplies	(	1,004,133)
Services Other Than Personal	(	228,894)
Maintenance of Property:		
Recurring	(	42,050)
Non-recurring and replacements	(	36,375)
Extraordinary:		
Wharton Tract narcotic treatment program	(	86,904)
Compensation awards	(	30,000)
Additions and Improvements	(	30,250)

737. *Correctional Institution for Women, Clinton*

12110.	Institutional Control and Supervision	$1,280,595*
12120.	Institutional Care Program	1,252,513
12130.	Institutional Treatment Program	182,879
12170.	Education Program—Garden State School District	112,315*
12190.	Institutional Administration	242,413
	Total Appropriation	$3,070,715*

Salaries:		
Officers and employees	(	$2,365,048)
Food in lieu of cash	(	7,583)
New positions	(	64,677)
Materials and Supplies	(	426,274)
Services Other Than Personal	(	218,296)

Maintenance of Property:		
Recurring	(	37,250)
Non-recurring and replacements	(	29,819)
Extraordinary:		
Compensation awards	(	10,000)
Additions and Improvements	(	11,768)

738. *Youth Correctional Institution, Annandale*

12110.	Institutional Control and Supervision	$1,737,848*
12120.	Institutional Care Program	1,536,241
12130.	Institutional Treatment Program	369,136
12170.	Education Program—Garden State School District	161,593*
12190.	Institutional Administration	241,191
	Total Appropriation	$4,046,009*

Salaries:		
Officers and employees	(	$2,933,070)
Food in lieu of cash	(	28,107)
New positions	(	98,428)
Materials and Supplies	(	772,810)
Services Other Than Personal	(	198,165)
Maintenance of Property:		
Recurring	(	33,500)
Non-recurring and replacements	(	64,159)
Extraordinary:		
Compensation awards	(	10,000)
Additions and Improvements	(	7,770)

739. *Training School for Boys, Skillman*

12110.	Institutional Control and Supervision	$652,394*
12120.	Institutional Care Program	591,033
12130.	Institutional Treatment Program	193,903
12170.	Education Program—Garden State School District	111,864*
12190.	Institutional Administration	199,029
	Total Appropriation	$1,748,223*

Salaries:		
Officers and employees	($1,503,530)	
Materials and Supplies	(240,002)	
Services Other Than Personal	(53,090)	
Maintenance of Property:		
Recurring	(19,900)	
Non-recurring and replacements	(6,201)	
Extraordinary:		
Compensation awards	(5,000)	
Additions and Improvements	(500)	

740. *Training School for Boys, Jamesburg*

12110.	Institutional Control and Supervision	$1,249,474*
12120.	Institutional Care Program	1,296,620
12130.	Institutional Treatment Program	299,247
12170.	Education Program—Garden State School District	378,216*
12190.	Institutional Administration	208,806
	Total Appropriation	$3,432,363*

Salaries:		
Officers and employees	($2,763,767)	
Food in lieu of cash	(4,206)	
Materials and Supplies	(540,322)	
Services Other Than Personal	(82,763)	
Maintenance of Property:		
Recurring	(37,100)	
Non-recurring and replacements	(37,740)	
Extraordinary:		
Compensation awards	(5,000)	
Distributive education	(20,000)	
Additions and Improvements	(21,465)	

12200. *Operation of Residential Group Centers*

12210-743.	Highfields	$93,444
12220-745.	Warren	103,695
12230-746.	Ocean	109,574
12240-747.	Turrell	103,317
	Total Appropriation	$410,030

Salaries:		
Officers and employees	(	$284,299)
Food in lieu of cash	(	1,834)
Materials and Supplies	(	78,246)
Services Other Than Personal	(	21,558)
Maintenance of Property:		
Recurring	(	7,768)
Non-recurring and replacements	(	13,950)
Extraordinary:		
Compensation awards	(	2,100)
Additions and Improvements	(	275)

12300. *Parole and Community Programs*

720. *State Parole Board*

12330. State Parole Board	$304,919
Total Appropriation	$304,919

Salaries:		
Officers and employees	(	$279,243)
Materials and Supplies	(	1,750)
Services Other Than Personal	(	23,166)
Maintenance of Property:		
Recurring	(	360)
Additions and Improvements	(	400)

730. *Division of Correction and Parole*

12310. Parole	$3,637,605*
12320. Community Programs	464,025*
Total Appropriation	$4,101,630*

Salaries:		
Officers and employees	(	$3,338,238)
Materials and Supplies	(	11,100)
Services Other Than Personal	(	389,935)
Maintenance of Property:		
Recurring	(	6,650)

Extraordinary:		
Community residence center I	(	78,355)
Community residence center II	(	65,000)
Correctional community service centers	(	332,000)
Camden treatment center	(	143,752)
Volunteers in parole	(	41,300)
Additions and Improvements	(	300)

12900. *Division Management and General Support*

12910-730.	Planning, Program Development and Support Services	$271,042
12920-730.	Training and Staff Development	263,697*
12930-730.	Administration	1,516,900*
	Total Appropriation	$2,051,639*

Salaries:		
Officers and employees	(	$456,207)
Materials and Supplies	(	2,650)
Services Other Than Personal	(	92,382)
Maintenance of Property:		
Recurring	(	400)
Extraordinary:		
Officers' training school	(	325,000)
To supplement inmate wage payments	(	545,000)
Interstate corrections compact	(	25,000)
Vehicles to coordinate court trips	(	35,000)
Vocational rehabilitation	(	55,000)
For allotment to the various State correctional institutions for overtime on State holidays	(	900,000)

12410-725-300. *Bureau of State Use Industries*

The unexpended balance as of June 30, 1975 in the State Use Working Capital Fund, and all receipts derived from sales, are hereby appropriated to the Bureau of State Use Industries; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Personal Health

22400. *Treatment of Communicable Diseases*

794. *New Jersey Hospital for Chest Diseases*

22490.	Administration and Support	$1,450,000*
	Total Appropriation	$1,450,000*

Extraordinary:

For costs involved in phasing out operations at the New Jersey Hospital for Chest Diseases, including costs for maintenance and security services to keep the facility in good repair ..... ($1,700,000)

Mental Retardation

25100. *Residential Functional Services*

762. *Vineland State School*

25110.	Resident Care and Habilitation	$6,805,211
25130.	Health Services	2,201,465
25190.	Institutional Administration and Support Services	4,440,267
	Total Appropriation	$13,446,943

Salaries:

Officers and employees	($11,031,087)
Food in lieu of cash	(34,012)
Materials and Supplies	(2,021,856)
Services Other Than Personal	(114,438)

Maintenance of Property:

Recurring	(65,050)
Non-recurring and replacements	(111,500)

Extraordinary:

Compensation awards	(47,000)
Additions and Improvements	(22,000)

763. *North Jersey Training School at Totowa*

25110.	Resident Care and Habilitation	$3,114,388
25130.	Health Services	1,184,215
25190.	Institutional Administration and Support Services	2,672,333
	Total Appropriation	$6,970,936

Salaries:		
Officers and employees	($5,558,875)	
Food in lieu of cash	(10,535)	
Materials and Supplies	(1,060,010)	
Services Other Than Personal	(174,929)	
Maintenance of Property:		
Recurring	(50,800)	
Non-recurring and replacements	(63,019)	
Extraordinary:		
Compensation awards	(37,000)	
Additions and Improvements	(15,768)	

764. *Woodbine State School*

25110.	Resident Care and Habilitation	$4,138,994
25130.	Health Services	1,163,301
25190.	Institutional Administration and Support Services	2,543,346
	Total Appropriation	$7,845,641

Salaries:		
Officers and employees	($6,563,300)	
Food in lieu of cash	(18,534)	
Materials and Supplies	(1,097,400)	
Services Other Than Personal	(62,497)	
Maintenance of Property:		
Recurring	(50,225)	
Non-recurring and replacements	(28,310)	
Extraordinary:		
Compensation awards	(12,000)	
Additions and Improvements	(13,375)	

765. *New Lisbon State School*

25110.	Resident Care and Habilitation	$3,789,615
25130.	Health Services	640,262
25190.	Institutional Administration and Support Services	2,688,962
	Total Appropriation	$7,118,839

Salaries:		
Officers and employees	(	$5,513,415)
Food in lieu of cash	(	11,255)
Materials and Supplies	(	1,302,020)
Services Other Than Personal	(	94,029)
Maintenance of Property:		
Recurring	(	51,425)
Non-recurring and replacements	(	87,990)
Extraordinary:		
Compensation awards	(	15,000)
Additions and Improvements	(	43,705)

766. *Woodbridge State School*

25110.	Resident Care and Habilitation	$4,415,305
25130.	Health Services	1,674,174
25190.	Institutional Administration and Support Services	2,707,530
	Total Appropriation	$8,797,009

Salaries:		
Officers and employees	(	$7,052,594)
Food in lieu of cash	(	5,076)
Materials and Supplies	(	1,289,533)
Services Other Than Personal	(	212,677)
Maintenance of Property:		
Recurring	(	45,665)
Non-recurring and replacements	(	103,075)
Extraordinary:		
Compensation awards	(	30,000)
Additions and Improvements	(	58,389)

767. *Hunterdon State School*

25110.	Resident Care and Habilitation	$2,526,465*
25130.	Health Services	2,040,072
25190.	Institutional Administration and Support Services	2,476,620*
	Total Appropriation	$7,043,157*

Salaries:		
Officers and employees	($6,475,776)	
Food in lieu of cash	(1,836)	
Materials and Supplies	(1,182,180)	
Services Other Than Personal	(327,028)	
Maintenance of Property:		
Recurring	(57,685)	
Non-recurring and replacements	(43,550)	
Extraordinary:		
Compensation awards	(25,000)	
Additions and Improvements	(30,102)	

768. *Edward R. Johnstone Training and Research Center*

25110.	Resident Care and Habilitation	$1,950,470*
25130.	Health Services	288,614
25150.	Research	159,274
25190.	Institutional Administration and Support Services	1,529,077
	Total Appropriation	$3,927,435*

Salaries:		
Officers and employees	($3,317,570)	
Food in lieu of cash	(5,569)	
Materials and Supplies	(473,062)	
Services Other Than Personal	(78,885)	
Maintenance of Property:		
Recurring	(41,395)	
Non-recurring and replacements	(57,275)	
Extraordinary:		
Compensation awards	(10,000)	
Additions and Improvements	(33,679)	

25200. *Other Agency Services*

25210-760.	Purchased Residential Care	$4,850,000
25220-760.	Social Supervision and Consultation	994,927
25230-760.	Day Training and Adult Activities	5,109,459
25290-760.	Management and General Support	1,835,451*
	Total Appropriation	$12,789,837*

Salaries:	
Officers and employees	($1,113,318)
Positions established from lump sum appropriations	(1,551,482)
Materials and Supplies	(355,550)
Services Other Than Personal	(1,212,796)
Maintenance of Property:	
Recurring	(46,400)
Non-recurring and replacements	(7,500)
Extraordinary:	
Purchase of residential care, including related administrative costs	(4,550,000)
Foster grandparents program	(95,000)
Developmental disabilities services	(200,000)
Patient relocation	(75,000)
Expansion of social services (State share)	(175,000)
For allotment to the various State institutions for the mentally retarded for overtime on State holidays	(1,111,292)
Patient employees	(1,400,000)
Compensation awards	(11,800)
Family care	(300,000)
Purchase of day training services	(1,080,191)
Adult activities	(870,508)
Additions and Improvements	(34,000)

The sum hereinabove appropriated for Purchase of residential care shall be available for the payment of obligations applicable to prior fiscal years.

None of the funds for Developmental disability services shall be expended without non-State matching funds.

Mental Health

26100. *Institutional Services*

777. *Greystone Park Psychiatric Hospital*

26110.	Outpatient and Community Services	$226,051
26120.	Inpatient Care and Health Services	15,540,840*
26190.	Administration and Support	6,348,453*
	Total Appropriation	$22,115,344*

Salaries:	
Officers and employees	($18,331,575)
Food in lieu of cash	(150,539)
Materials and Supplies	(3,103,060)
Services Other Than Personal	(434,170)
Maintenance of Property:	
Recurring	(226,400)
Non-recurring and replacements	(181,100)
Extraordinary:	
Compensation awards	(110,000)
Family care	(90,500)
Additions and Improvements	(8,000)

779. *Trenton Psychiatric Hospital*

26110.	Outpatient and Community Services	$361,548
26120.	Inpatient Care and Health Services	13,953,493
26190.	Administration and Support	5,030,497
	Total Appropriation	$19,345,538

Salaries:	
Officers and employees	($15,833,991)
Food in lieu of cash	(50,086)
Materials and Supplies	(2,527,330)
Services Other Than Personal	(271,598)
Maintenance of Property:	
Recurring	(111,970)
Non-recurring and replacements	(119,183)
Extraordinary:	
Compensation awards	(85,000)
Family care	(307,280)
Additions and Improvements	(39,100)

781. *Marlboro Psychiatric Hospital*

26110.	Outpatient and Community Services	$519,360
26120.	Inpatient Care and Health Services	9,181,924*
26190.	Administration and Support	4,841,765*
	Total Appropriation	$14,543,049*

Salaries:		
Officers and employees	($12,325,273)	
Food in lieu of cash	(66,298)	
Materials and Supplies	(1,701,646)	
Services Other Than Personal	(428,605)	
Maintenance of Property:		
Recurring	(119,500)	
Non-recurring and replacements	(121,550)	
Extraordinary:		
Compensation awards	(130,000)	
Family care	(347,360)	
Additions and Improvements	(22,817)	

783. *Ancora Psychiatric Hospital*

26110.	Outpatient and Community Services	$533,086
26120.	Inpatient Care and Health Services	8,610,884
26190.	Administration and Support	3,835,910
	Total Appropriation	$12,979,880

Salaries:		
Officers and employees	($10,233,856)	
Food in lieu of cash	(123,469)	
Materials and Supplies	(1,747,170)	
Services Other Than Personal	(192,430)	
Maintenance of Property:		
Recurring	(113,600)	
Non-recurring and replacements	(116,600)	
Extraordinary:		
Compensation awards	(60,000)	
Family care	(320,640)	
Additions and Improvements	(72,115)	

785. *New Jersey Neuropsychiatric Institute*

26110.	Outpatient and Community Services	$217,576
26120.	Inpatient Care and Health Services	5,457,393
26190.	Administration and Support	3,012,353
	Total Appropriation	$8,687,322

Salaries:		
Officers and employees	(	$7,174,594)
Food in lieu of cash	(	28,687)
Materials and Supplies	(	1,080,573)
Services Other Than Personal	(	156,228)
Maintenance of Property:		
Recurring	(	71,700)
Non-recurring and replacements	(	67,692)
Extraordinary:		
Compensation awards	(	38,500)
Family care	(	26,720)
Additions and Improvements	(	42,628)

The Commissioner of Institutions and Agencies is hereby authorized to reallocate the funds appropriated hereinabove in accordance with any redesignation of the purpose of this institution consistent with the provisions of RS 30:1–12, and subject to approval of an alternative plan by the Director of the Division of Budget and Accounting.

790. *Arthur Brisbane Child Center at Allaire*

26120.	Inpatient Care and Health Services	$287,451*
26190.	Administration and Support	54,311*
	Total Appropriation	$341,762*

Salaries:		
Officers and employees	(	$925,246)
Food in lieu of cash	(	4,639)
Materials and Supplies	(	119,616)
Services Other Than Personal	(	27,311)

Maintenance of Property:		
Recurring	(	13,450)
Non-recurring and replacements	(	500)
Extraordinary:		
Compensation awards	(	1,000)

792. *Diagnostic Center at Menlo Park*

26110.	Outpatient and Community Services	$76,523*
26120.	Inpatient Care and Health Services	413,606*
26130.	Special Diagnostic Services	274,807*
26190.	Administration and Support	167,869*
	Total Appropriation	$932,805*

Salaries:		
Officers and employees	(	$2,394,861)
Food in lieu of cash	(	5,826)
Materials and Supplies	(	314,698)
Services Other Than Personal	(	92,784)
Maintenance of Property:		
Recurring	(	29,850)
Non-recurring and replacements	(	13,536)
Extraordinary:		
Compensation awards	(	3,000)
Additions and Improvements	(	78,250)

26900. *Management and General Support*

26910-770.	Community Services	$4,180,898*
26920-770.	Management and General Support	2,300,643
	Total Appropriation	$6,481,541*

Salaries:		
Officers and employees	(	$537,530)
Materials and Supplies	(	7,421)
Services Other Than Personal	(	199,728)
Maintenance of Property:		
Recurring	(	340)
Non-recurring and replacements	(	1,150)

Extraordinary:	
Community Mental Health Center, College of Medicine and Dentistry —Newark	(870,900)
Community Mental Health Center, College of Medicine and Dentistry —Rutgers	(2,978,172)
Social service initiatives	(410,000)
Institutional humanization	(250,000)
For allotment to the various State psychiatric institutions for overtime on State holidays	(1,500,000)
Compensation awards	(300)
Additions and Improvements	(1,000)

Federal and other Funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the College of Medicine and Dentistry for the operation of the centers.

None of the $250,000 in the Institutional humanization account shall be expended until a plan and fund allocation schedule are developed by the Commissioner and approved by the Director of the Division of Budget and Accounting.

Income Security and Human Resource Development

52400. *Services to the Blind and Visually Impaired*

52410-716.	Habilitation and Rehabilitation	$3,349,229
52420-716.	Instruction and Community Programs	1,435,537*
52490-716.	Administration	363,664
	Total Appropriation	$5,148,430*

Salaries:	
Officers and employees	($2,481,766)
Materials and Supplies	(78,845)
Services Other Than Personal	(2,594,769)
Maintenance of Property:	
Recurring	(4,250)
Non-recurring and replacements	(1,500)

Extraordinary:
Compensation awards ..... (3,000)
Additions and improvements ..... (14,300)

In addition to the appropriation hereinabove, recoveries of the State share of expenditures made in the year ending June 30, 1976, and those made in prior fiscal years, are hereby appropriated.

The portion of the appropriation made to or on behalf of this Commission, which represents general State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The balance to the credit of the Revolving Industrial Fund as of June 30, 1975 is hereby appropriated in a sum not to exceed $11,000 for the same purpose.

52500. *Provision of Income Maintenance to Public Indigents*

52510-715.	Fiscal Control	$1,589,727
52520-715.	Quality Control	1,132,859
52530-715.	Income Maintenance	1,983,408*
52590-715.	Administration	896,447
	Total Appropriation	$5,602,441*

Salaries:
Officers and employees ..... ($4,484,436)
New positions ..... (142,189)
Materials and Supplies ..... (48,900)
Services Other Than Personal ..... (1,079,966)
Maintenance of Property:
Recurring ..... (13,000)
Non-recurring and replacements .. (3,950)

The portion of the appropriation made to or on behalf of this Division, which represents General State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

52600. *Social Services for Youth and Families*

52610-717.	Day Care	$4,268,248
52620-717.	Residential Services	2,352,631
52630-717.	Social Services	12,873,320*
52640-717.	Resource Development	1,267,229*
52690-717.	Administration	1,454,222
	Total Appropriation	$22,215,650*

Salaries:		
Officers and employees	($12,133,705)	
New positions	(2,000,000)	
Materials and Supplies	(50,100)	
Services Other Than Personal	(1,398,901)	
Maintenance of Property:		
Recurring	(25,000)	
Non-recurring and replacements	(15,000)	
Extraordinary:		
Community day care (State share)	(2,967,194)	
Early childhood and development program	(113,000)	
Group foster home administration	(80,000)	
Units for hard-to-place children	(1,728,000)	
Emergency reception and child care facilities	(500,000)	
Implementation of juvenile reform legislation (PL 1973, c. 306)	(300,000)	
Utilization of para-professional personnel	(146,750)	
Children in crisis	(1,000,000)	
Social service initiative	(517,000)	
Intensification of adoption services and foster home finding	(460,000)	
Research and evaluation of social service programs	(193,000)	
Child care licensing	(200,000)	
Work incentive program and day care (State share)	(1,000,000)	
Additions and Improvements	(160,000)	

The funds provided hereinabove for Community Day Care (State share) shall be made available on the basis of up to 100% funding of the non-Federal share to those centers in which either the State financed the non-Federal share or were State operated in fiscal year 1975 and on the basis of up to 30% of the non-Federal share for other centers providing community day care services under contract with the Department of Institutions and Agencies.

The portion of the appropriation made to or on behalf of this Division, which represents General State funds, shall be expended on the several respective matching bases in proportion to anticipated Federal funds which are received or receivable.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

52700. *Services to Veterans*

700. *Administration—General*

52710. Field Services	$563,064
Total Appropriation	$563,064

Salaries:	
Officers and employees	($207,224)
Materials and Supplies	(3,300)
Services Other Than Personal	(17,090)
Maintenance of Property:	
Recurring	(450)
Extraordinary:	
Veterans' Orphans Fund—Education Grants	(125,000)
Blind veterans' allowances	(60,000)
Paraplegic and hemiplegic veterans' allowances	(150,000)

710. *New Jersey Memorial Home for Disabled Soldiers at Menlo Park*

52720.	Domiciliary and Treatment Services	$1,489,071*
52730.	Administration and Support Services	838,291
	Total Appropriation	$2,327,362*

Salaries:		
Officers and employees	($1,978,730)	
Food in lieu of cash	(11,500)	
New position	(13,935)	
Materials and Supplies	(354,578)	
Services Other Than Personal	(57,259)	
Maintenance of Property:		
Recurring	(13,600)	
Non-recurring and replacements	(2,760)	
Extraordinary:		
Compensation awards	(10,000)	

711. *New Jersey Memorial Home for Disabled Soldiers at Vineland*

52720.	Domiciliary and Treatment Services	$1,927,161*
52730.	Administration and Support Services	877,463
	Total Appropriation	$2,804,624*

Salaries:		
Officers and employees	($2,303,789)	
Food in lieu of cash	(8,000)	
New positions	(54,267)	
Materials and Supplies	(462,301)	
Services Other Than Personal	(55,767)	
Maintenance of Property:		
Recurring	(18,800)	
Non-Recurring and replacements	(14,200)	
Extraordinary:		
Compensation awards	(2,500)	
Additions and Improvements	(10,000)	

53100. *Medical Assistance and Health Services*

Assistance to the Economically Disadvantaged

53110-714.	Long-term Care	$2,077,311*
53120-714.	General Medical Services	215,403,422
53130-714.	Newark Comprehensive Health Service Plan	5,000,000
53190-714.	Administration and General Support	5,137,983
	Total Appropriation	$227,618,716*

Salaries:	
Officers and employees	($4,167,081)
Positions established from lump sum appropriation	(1,119,014)
Materials and Supplies	(55,000)
Services Other Than Personal	(1,533,331)
Maintenance of Property:	
Recurring	(10,500)
Non-recurring and replacements	(2,500)
Extraordinary:	
Payments to fiscal agents	(9,170,000)
Payments to medical assistance recipients (State share)	(202,400,000)
Pharmaceutical assistance to the aged, subject to the enactment of S. 755 or similar legislation	(2,500,000)
Compensation awards	(12,000)
Newark comprehensive health service plan administration (State share)	(1,000,000)
Newark comprehensive health service plan medical assistance (State share)	(4,000,000)
Eligibility determination	(1,574,000)
To provide a medical fraud investigation unit	(145,000)
Additions and Improvements	(10,290)

The portion of the appropriation made to or on behalf of this Division, which represents General State funds, shall be expended on the several re-

spective matching bases in proportion to anticipated Federal funds which are received or receivable.

All funds recovered under C30:4D–1 et seq. during the fiscal year ending June 30, 1976 are hereby appropriated.

The sum hereinabove for Payments to medical assistance recipients shall be available for the payment of obligations applicable to prior fiscal years.

So much of the sums received by the various State institutions from payments made pursuant to PL 1968, c. 413 et seq., that represents the State share of medical assistance, not otherwise anticipated, is hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements which represent the State share of medical assistance are hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

Management and General Support

79100. *Department Management and General Support*

79130-700.	Education Program—Garden State School District	$596,374*
79140-700.	Debt Service—Interest on Bonds	6,502,513
79190-700.	Department Management	3,814,024*
	Total Appropriation	$10,912,911*

Salaries:

Commissioner	($43,000)
Officers and employees	(2,051,965)

Positions established from lump sum appropriation	(175,168)
Positions transferred from other programs	(400,000)
Materials and Supplies	(47,450)
Services Other Than Personl	(929,165)
Maintenance of Property:	
Recurring	(7,600)
Non-recurring and replacements	(2,050)
Extraordinary:	
For allotment to an applicant State department or agency for the State share of the cost of expanding State social services	(270,000)
Nursing scholarship program	(500,000)
Information systems development	(200,000)
Improvement of institutional education programs	(50,000)
Maintenance and security services at the former Training School for Girls, Trenton	(100,000)
Compensation awards	(8,500)
Interest on Institution Construction Bonds (PL 1960, c. 156)	(625,850)
Interest on Institution Construction Bonds (PL 1964, c. 144)	(1,225,600)
Interest on Institution Construction Bonds (PL 1968, c. 128)	(4,651,063)
Additions and Improvements	(3,500)

The unexpended balance as of June 30, 1975, in the Control—Garden State School District account is hereby appropriated for the same purpose; provided, however, that the expenditure shall be subject to transfers approved as prescribed in section 3 of this act.

There shall be appropriated as a revolving fund the receipts derived from services rendered by the Data Processing Center, and the unexpended balance of such receipts as of June 30, 1975, for

the purpose of operating the Data Processing Center, including the replacement of data processing equipment and the purchase of additional data processing equipment; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center of this department from the various appropriations made to any department for data processing costs which are appropriated or allocated to such departments for their share of such costs.

No funds in the Expanding State social services (State share) account shall be expended until a plan and fund allocation schedule are developed by the Commissioner and approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Institutions and Agencies $480,502,139*

In addition to the amounts hereinabove specifically recommended for the various institutions, all funds derived from the sale of farm products to any State agency or political subdivision of the State are hereby appropriated.

Balances on hand as of June 30, 1975 of funds held for the benefit of patients and inmates in the several institutions, and such funds as may be received, are hereby appropriated for the use of such patients and inmates.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are hereby appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

The unexpended balances as of June 30, 1975 of funds received by the several institutions representing rental of garages, and such funds as may be received during fiscal year 1975-76 are hereby appropriated for the repair and maintenance of existing garages and for the construction of additional garages by such institutions.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are hereby appropriated for the purposes provided therein. (C30:4–91.1 et seq.)

So much of the sums received by the various State institutions from payments which represents the State share of medical assistance, not otherwise anticipated, are hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance. (C30:4D–1 et seq.)

Of the amount hereinabove appropriated to the Department of Institutions and Agencies, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Operation of Institutions for Children:	
Training School for Boys, Skillman	($1,828,223)
Training School for Boys, Jamesburg	(3,512,363)
Residential Group Centers	(410,030)
Four group foster homes	(80,000)
Three units for hard-to-place children	(1,728,000)
Emergency Reception and Child Care Facilities, Woodbridge	(500,000)
Operation of Homes for Disabled Veterans:	
Memorial Home for Disabled Soldiers, Menlo Park	(2,367,362)*
Memorial Home for Disabled Soldiers, Vineland	(2,854,624)*

To provide food for patients and inmates in State institutions	(9,035,851)
To provide educational services to patients, inmates and residents through the Garden State School District	(2,079,569)*
Total Appropriation from the State Lottery Fund	($24,396,022)*

DEPARTMENT OF COMMUNITY AFFAIRS

Development of Community Programs

42100. *Community Development Management*

42120-800.	Housing	$3,240,277
42130-800.	Local Government Services	880,142*
42140-800.	State and Regional Planning	988,113
	Total Appropriation	$5,108,532*

Salaries:	
Board Members (3 @ $6,000)	($18,000)
New positions—Board Members (2 @ $6,000)	(12,000)
Officers and employees	(1,548,257)
Materials and Supplies	(43,075)
Services Other Than Personal	(230,465)
Maintenance of Property:	
Recurring	(3,450)
Non-recurring and replacements	(1,500)
Extraordinary:	
Code enforcement and housing inspection	(800,000)
Relocation assistance	(570,000)
Cooperative housing inspection	(1,398,585)
Hackensack Meadowlands Development Commission	(250,000)
Delaware Valley Regional Planning Commission	(50,000)
Tri-State Regional Planning Commission	(229,200)
Cooperative governmental planning	(154,000)

The amount hereinabove for Code enforcement and housing inspection and the amount for Cooperative Housing inspection shall be payable from fees and fines derived therefrom and receipts in excess of those anticipated from such fees and fines are hereby appropriated for additional operating costs; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Funds available for Code Enforcement and Housing Inspection shall be used for inspection of Migrant labor camps to the extent that such inspections are not performed by local building inspectors.

The funds hereinabove for Relocation assistance shall be applicable to the fiscal year 1975-76 only; provided, however, that the Commissioner of the Department of Community Affairs, be empowered to continue existing contracts for rent supplements in accordance with the provisions of C52:27D–66.

The unexpended balance as of June 30, 1975 in the Hackensack Meadowlands Development Commission account is hereby appropriated for the same purpose.

The sum of $250,000 hereinabove appropriated and any reappropriated funds for the Hackensack Meadowlands Development Commission shall be refunded to the General State Fund from the proceeds of any obligations issued by the Commission; provided, however, that the said Commission pay interest at the rate of 8% per annum on the sum appropriated hereinabove and at a rate of 6% per annum on any outstanding loans.

The amount hereinabove appropriated for the Delaware Valley Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Philadelphia-Camden Urban Area by such Commission, contingent upon

Federal participation of no less than 66⅔%; provided, however, that the expenditure of such funds by the Delaware Valley Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

The amount hereinabove appropriated for the Tri-State Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Northeastern New Jersey-New York Urban Area by such Commission, contingent upon Federal participation of no less than 66⅔%; provided, however, that the expenditure of such funds by the Tri-State Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

Income Security and Human Resource Development

52300. *Human Resource Development*

52310-800.	Human Resources	$1,294,163*
52320-800.	Programs for Aging	277,366
	Total Appropriation	$1,571,529*

Salaries:	
Officers and employees	($286,491)
Materials and Supplies	(13,500)
Services Other Than Personal	(35,450)
Maintenance of Property:	
Recurring	(900)
Non-recurring and replacements	(550)
Extraordinary:	
For operation of a Division of Women	(110,000)
Older Americans' Act (State share)	(150,000)
Urban Loan Authority	(1,072,138)
State Commission on Aging	(2,500)

The funds hereinabove in the Older Americans' Act (State share) account shall only be expended in an amount not to exceed 50% of the non-Federal share of Federally approved projects.

The unexpended balance as of June 30, 1975 in the Urban Loan Authority account is hereby appropriated for the same purpose.

Management and General Support

79100. *Department Management and General Support*

79190-800.	Department Management	$611,935*
	Total Appropriation	$611,935*

Salaries:		
Commissioner	($43,000)	
Officers and employees	(528,817)	
Materials and Supplies	(7,100)	
Services Other Than Personal	(90,698)	
Maintenance of Property:		
Recurring	(3,500)	
Non-recurring and replacements	(2,000)	
Extraordinary:		
Compensation awards	(6,820)	

The unexpended balance as of June 30, 1975 in the revolving fund for printing and reprinting literature for sale, and the receipts derived from such sales are hereby appropriated.

Total Appropriation, Department of Community Affairs	$7,291,996*

DEPARTMENT OF THE PUBLIC ADVOCATE

Law Enforcement

11500. *Protection of Citizens' Rights*

11510-850.	Division of Mental Health Advocacy	$562,243
11520-850.	Division of Public Interest Advocacy	359,869
11530-850.	Citizens Complaints and Dispute Settlement	375,324
	Total Appropriation	$1,297,436

Salaries:
Positions established from lump sum appropriations ..... ($906,239)
Materials and Supplies ..... (54,505)
Services Other Than Personal ..... (250,863)
Extraordinary:
Office of Dispute Settlement (State share) ..... (85,829)

The unexpended balance as of June 30, 1975 in the Rate Counsel account and receipts in excess of those anticipated are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Rate Counsel activity and 20% of the administrative costs of the Commissioner's office; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

*Assistance to the Economically Disadvantaged**

53200. *Criminal Defense of Indigents*

53210-850.	Trial	$7,750,672
53220-850.	Appellate	1,447,860
53230-850.	Inmate Advocacy	243,540
53290-850.	Administration	527,165
	Total Appropriation	$9,969,237

Salaries:
Officers and employees ..... ($5,740,325)
New positions ..... (1,193,296)
Positions established from lump sum appropriations ..... (482,614)
Materials and Supplies ..... (171,856)
Services Other Than Personal ..... (2,148,738)
Maintenance of Property:
Recurring ..... (3,621)
Extraordinary:
Compensation awards ..... (8,000)
Representation in child abuse proceedings (State share) ..... (214,927)
Additions and Improvements ..... (5,860)

The unexpended balance as of June 30, 1975 and any receipts collected in the receipt accounts are hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Management and General Support

79100. *Department Management and General Support*

79110.	Management Services	$367,662
79190.	Department Management	228,902
	Total Appropriation	$596,564

Salaries:		
New position (Commissioner)	($43,000)	
Positions established from lump sum appropriations	(256,363)	
Positions transferred from another subcategory	(188,710)	
Materials and Supplies	(15,400)	
Services Other Than Personal	(92,247)	
Maintenance of Property:		
Recurring	(844)	
Total Appropriation, Department of the Public Advocate		$11,863,237

MISCELLANEOUS EXECUTIVE COMMISSIONS

Direct Public Services

34200. *Programs for the State Library and Historical Commission*

34250-917. *New Jersey American Revolution Bicentennial Celebration Commission*

Extraordinary:	
Expenses of Commission	$340,000*
Grants for historic restoration and promotion of visitor interest in the Capitol City	60,000
Total Appropriation	$400,000*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Environmental Management

41300. *Resource Management*

41310-914. *Delaware River Basin Commission*

Extraordinary:	
Expenses of Commission	$297,190
Total Appropriation	$297,190

41400. *Pollution Control*

913. *Interstate Sanitation Commission*

41410. Air Pollution	$81,000
41440. Water Quality	137,900
Total Appropriation	$218,900

Extraordinary:	
New Jersey share of Air Pollution costs (45%)	($81,000)
New Jersey share of Water Quality costs (45%)	(137,900)

Recreational Management

46100. *Recreational Opportunities*

911. *Palisades Interstate Park Commission*

46110.	Parks Management	$808,452*
46180.	Patrol Activities and Crime Control	492,841*
	Total Appropriation	$1,301,293*

Salaries:	
Officers and employees	($1,038,935)
New positions	(39,537)
Materials and Supplies	(89,930)
Services Other Than Personal	(46,326)
Maintenance of Property:	
Recurring	(54,160)
Non-recurring and replacements	(58,380)
Additions and Improvements	(4,025)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balance as of June 30, 1975 from such revenues, are hereby appropriated for maintenance of such stations, for non-recurring or emergency Parkway maintenance, and for capital projects and plans.

The unexpended balances as of June 30, 1975 from the police court, stands, concessions and self-sustaining activities operated or supervised by this Commission, and receipts from such activities are hereby appropriated.

Operation and Maintenance of Transportation Facilities

63100. *State Highway Facilities*

912. *Delaware River Joint Toll Bridge Commission*

63150.	Delaware River Joint Toll Bridge Commission	$847,775
	Total Appropriation	$847,775

Salaries:		
Officers and employees	(	$656,175)
Materials and Supplies	(	36,900)
Services Other Than Personal	(	57,500)
Maintenance of Property:		
Recurring	(	17,500)
Non-recurring and replacements	(	79,700)

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act), shall first be charged to the Transportation Benefit Fund established in such act.

Total Appropriation, Miscellaneous Executive Commissions	$3,065,158*

INTER-DEPARTMENTAL ACCOUNTS

Centrally Financed Facilities and Services

78200. *Inter-Departmental Service Appropriations*

78210-940. *Property Rentals—Buildings and Grounds*

Services Other Than Personal	$27,455,179*
Less: Direct charges and charges to Non-State Fund Sources	*9,517,858*
Total Appropriation	$17,937,321*

The Director of the Division of Budget and Accounting is hereby 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 State Fund; and, to the extent that such charges may exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General State Fund, the required additional appropriation shall be made out of such other fund.

With respect to the equitable charges allocated to agencies occupying the Department of Labor and Industry Office Building, such amounts which may be attributable to the amortization of the portion of the building, the construction cost of which was provided from funds made available from the Unemployment Trust Fund, shall be credited to that Fund.

Receipts derived from direct charges and charges to non-State fund sources are hereby appropriated for the rental of property including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed without the prior written approval 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.

The sum appropriated above shall be available for the payment of obligations applicable to prior fiscal years.

The amount provided hereinabove for property rentals—buildings and grounds may be used for offices, rent, telephone, furniture and office equipment for district offices of members of the Legislature at a cost not to exceed $3,000 per legislator for rent; provided, however, that the rental of office space for a district office shall not be in any facility in which the legislator has any proprietary interest; provided further, however, that the sum shall not be used to provide renumeration to any members of the Legislature; and provided further, however, that the expenditure shall be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

78220-941. *Employee Benefits*

Extraordinary:	
Heath Act	$106,000
Veterans Act	140,000
Miscellaneous special acts	13,000
Governors' widows annuity	12,000
Judicial Retirement System	3,940,637
Prison officers' pensions	980,000
Public Employees' Retirement System	30,046,192
Premiums for non-contributory insurance	4,900,357
Social security tax	42,300,000
State Police Retirement System	5,805,806
Premiums for non-contributory insurance—State Police	372,400
State employees' health benefits	32,700,000
Pension Increase Act	3,300,000
Employer contributions, alternate benefit program	12,900,000
Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher education and State employee members	1,964,783
Unemployment insurance benefit costs for employees of State hospitals and State institutions of higher education	820,000
Police and Firemen's Retirement System (C43:16A–1)	2,400,000
Accelerated CPI adjustment—Pension Increase Act	338,783
Total Appropriation	$143,039,958

Out of the sum hereinabove, 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 this 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 pen-

sion granted under RS 43:8–2, and continued by RS 43:7–1 et seq., RS 43:8–1 et seq. and RS 43:8–8 et seq.

Any adjustment which may be required for the payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the Public Employees' Retirement System.

Any adjustment which may be required for the payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the State Police Retirement System.

Notwithstanding the provisions of any other law, the sum appropriated for the Public Employees' Retirement System may be paid to the System as follows: ½ of such sum may be paid not later than December 31, 1975 and ½ of such sum may be paid not later than June 30, 1976, and with any earnings received from the investment or deposit of such sums during the period July 1, 1975 through the date of such payment.

Of the sum appropriated for Employer contributions, alternate benefit program, $3,067,109 shall be available to continue employer pension contributions at the same rate as was contributed in fiscal year 1970-71, notwithstanding the provisions of NJS 18A:66–74b.

Effective with the benefit payments for the month of January 1976, the Pension Increase Program shall make its disbursements on the basis of the most current Consumer Price Index available before December 1, 1975, for the calendar year September 1974 to August 1975, when the Director of the Division of Pensions is required, in accordance with the provisions of NJSA 43:3B–4, to send billings to local employers for the coming fiscal year.

Such additional sums which may be required for Social security tax may be allotted from the various departmental operating appropriations to account 78220-941, Employee benefits, as the Director of the Division of Budget and Accounting shall determine.

78230-942. *State Emergency Fund*

Extraordinary:	
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. Allotments from this appropriation shall be made only upon authorization of the Governor	$400,000
For allotment, as required, to meet contingencies which may result from increases in the price of fuel and food, and other commodities and services beyond those anticipated, as the Director of the Division of Budget and Accounting shall determine	2,000,000
For allotment to the various departments or agencies to pay compensation awards allowed State employees, upon approval of the Director of the Division of Budget and Accounting	150,000
Total Appropriation	$2,550,000

78240-943. *Salary and Other Benefits**

Extraordinary:	
To the Director of the Division of Budget and Accounting for allotment to the various agencies for lump sum payments to eligible retired employees for earned and unused accumulated sick leave (PL 1973, c. 130)	$2,000,000

To the Director of the Division of Budget and Accounting for allotment to the various agencies for normal merit salary increments—	*
Total Appropriation	$2,000,000*

The salary appropriations shall be subject to rules and regulations to be established by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; provided that the salary rate which may be paid to any employee, including cash salary and the value of maintenance received shall not be increased to a salary rate as high as the cash salary rate provided by law for the respective department head, including employees of the College of Medicine and Dentistry of New Jersey; Rutgers, The State University; the New Jersey Institute of Technology and the State Colleges; except that the rates of pay of medical faculty at the College of Medicine and Dentistry of New Jersey and of medical doctors in other State agencies may be increased above the department head's salary rate with the approval of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting; and provided further that any salary adjustment which may be authorized may be made effective at the beginning of the biweekly pay period nearest July 1, 1975, or thereafter, as the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall determine.

No salary range or rate of pay shall be increased or salary adjustment paid in any State department, agency, commission or higher education institution without the approval of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting. A copy of any such proposed salary increase or adjustment shall be transmitted to

the Executive Director, Office of Fiscal Affairs, upon the effective date of such proposal. Any sums appropriated to the several departments for salaries may be made available for salary adjustments therein, arising from various exigencies of the State service as the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall determine. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

The Classification, Compensation, Promotion and Salary Administration Program Plans of Rutgers, The State University; the New Jersey Institute of Technology; and the College of Medicine and Dentistry of New Jersey shall be maintained and amended as required in accordance with standards and guidelines established by the President of the Civil Service Commission and approved by the State Treasurer and the Director of the Division of Budget and Accounting and shall be subject to audit by the Department of Civil Service. Information copies of such Program Plans as hereinabove described shall be forwarded to the Executive Director, Office of Fiscal Affairs, upon promulgation of such plans.

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 College 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.

Each person holding such State office, position or employment, whose compensation from State funds is derived in whole or in part from Federal or non-State fund sources, shall be entitled to such salary payments which may be authorized which he would receive if his compensation were paid wholly from State funds; provided, however, that the Federal government or non-State fund sources consents thereto and pays the cost thereof.

Insofar as practicable, the Director of the Division of Budget and Accounting shall allot to the sick leave benefits account from each of the various departmental operating appropriations sufficient sums to meet the cost of supplemental compensation payments to eligible retired employees of the respective departments for accumulated unused sick days.

The Director of the Division of Budget and Accounting is hereby empowered to authorize the payment, out of any appropriation recommended herein, of a uniform allowance payable to employees resulting from a collective bargaining agreement properly executed and ratified, applicable to the fiscal year 1975-76.

The unexpended balance as of June 30, 1975 in the account to provide for the costs of additional salary and fringe benefits resulting from negotiated contractual agreements with various employee organizations is hereby appropriated.

78250-944. *Overtime Compensation*

Extraordinary:

To the Director of the Division of Budget and Accounting for allotment, as required, to the various agencies to compensate employees for authorized overtime at a rate of 1½ times the employees' applicable rate of pay, for those employees in class titles eligible for such payment, under the regulations promulgated by the President of the Civil Service Commission, the

State Treasurer and the Director of the Division of Budget and Accounting; provided, however, that, subject to the provisions of the aforesaid regulations, compensation may be in the form of time off	$2,000,000
Total Appropriation	$2,000,000
Total Appropriation, Inter-Departmental Accounts	$167,527,279*

THE JUDICIARY

Judicial Affairs

73100. *Court Operations*

73110-970.	Supreme Court	$938,884
73120-970.	Superior Court	8,321,919*
	Total Appropriation	$9,260,803*

Salaries:	
Chief Justice	($50,500)
Associate Justices (6 @ $48,000)	(288,000)
Judges (120)	(4,906,000)
Officers and employees	(3,372,216)
New positions	(122,785)
Materials and Supplies	(253,250)
Services Other Than Personal	(282,452)
Maintenance of Property:	
Recurring	(30,100)
Non-recurring and replacements	(24,000)
Additions and Improvements	(21,500)

One-half of the unexpended balance as of June 30, 1975 in this account is hereby appropriated.

73200. *Court Support Services*

73210-970.	Official Court Reporters	$3,140,981*
73290-970.	General Support	1,303,480*
	Total Appropriation	$4,444,461*

Salaries:		
Officers and employees	($4,028,955)	
Positions established from lump sum appropriation	(70,606)	
Materials and Supplies	(101,000)	
Services Other Than Personal	(365,300)	
Maintenance of Property:		
Recurring	(12,000)	
Non-recurring and replacements	(55,000)	
Extraordinary:		
Compensation awards	(10,000)	
Additions and Improvements	(1,600)	

One-half of the unexpended balance as of June 30, 1975 in this account is hereby appropriated.

73300. *Court Administration*

73310-970.	Legal Services	$561,799
73320-970.	Probation Services	77,661
73390-970.	Management Services	534,604
	Total Appropriation	$1,174,064

Salaries:		
Officers and employees	($961,114)	
Positions transferred from another subcategory	(38,642)	
Materials and Supplies	(49,200)	
Services Other Than Personal	(110,808)	
Maintenance of Property:		
Recurring	(11,600)	
Non-recurring and replacements	(1,200)	
Additions and Improvements	(1,500)	

One-half of the unexpended balance as of June 30, 1975 in this account is hereby appropriated.

Total Appropriation, The Judiciary	$14,879,328*
Total Appropriation, General State Operations	$1,316,469,996*

STATE AID

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11400. *Protection of Individual Rights—State Aid*

11410-160. Consumer Affairs—General	$2,800
Total Appropriation	$2,800

Grants-in-Aid:

For payment of fees to counties and municipalities from the sale of solid fuel licenses (RS 51:8–13), approximating	($2,500)
For payment of fees to counties and municipalities from the sale of poultry licenses (RS 4:11–48), approximating	(300)

In addition to the amounts hereinabove there are hereby appropriated, subject to allotment by the Director of the Division of Budget and Accounting, such additional sums, not in excess of 50% of the revenues received, as may be required to make payments pursuant to RS 51:8–13 and RS 4:11–48.

11600. *Miscellaneous Law Enforcement and Related Agencies—State Aid*

11620-190. Law Enforcement Planning	$696,300
Total Appropriation	$696,300

Grant-in-Aid:

For 50% of the non-Federal share of Law Enforcement Assistance Act projects undertaken by local governments, in compliance with the Federal Omnibus Crime Control and Safe Streets Act	($696,300)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, Department of Law and Public Safety	$699,100

DEPARTMENT OF THE TREASURY

*Financial Aid to Counties and Municipalities**

77100. *Shared and State-Collected Local Taxes—State Aid*

77110-240.	Inheritance Tax Collections (County Share)	*
77120-240.	Railroad Property Taxes	8,086,331
	Total Appropriation	$8,086,331*

Extraordinary:

Payments to counties (5% of inheritance taxes)	($3,500,000)
Payments to municipalities in lieu of railroad property tax	(8,086,331)

In addition to the amount hereinabove, there are hereby appropriated such additional sums as may be required for the payment of State aid to certain municipalities in which railroad property is located (C54:29A–2 et seq.).

There are hereby appropriated so much of the proceeds of taxes derived from the fire insurance premiums as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association (RS 54:17–4).

There are hereby 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 and counties (C54:10B–24).

There are hereby appropriated so much of the proceeds derived from the imposition of the Unincorporated Business Tax, Business Personal Property Tax, Retail Gross Receipts Tax, and the Corporation Business Tax as may be required for payment to the local taxing districts (C54:11D–1 et seq.).

77200. *State Subsidies and Services—State Aid*

77230-240.	Reimbursements—Senior Citizens' Tax Deductions	$7,000,000*
77240-240.	County Boards of Taxation	433,125
77250-295.	Consolidated Police and Firemen's Pension Fund	4,459,627
	Total Appropriation	$11,892,752*

Salaries:
County tax board members (69) ($433,125)
Extraordinary:
State reimbursement to municipalities for one-half of the senior citizens' tax deduction (14,000,000)
State contribution to Consolidated Police and Firemen's Pension Fund (4,459,627)
Total Appropriation, Department of the Treasury $19,979,083*

DEPARTMENT OF HEALTH

Community Health Programs

23200. *Local Health Services—State Aid*

23210-360.	Local Health Services	*
	Total Appropriation	*

Salaries:
Officers and employees ($159,536)
Materials and Supplies (960)
Services Other Than Personal (15,960)

Extraordinary:		
Basic health services	(525,000)	
Special projects and development	(200,000)	
Equalization aid	(3,428,000)	
Total Appropriation, Department of Health		*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300. *Resource Management—State Aid*

41330-400. Marine Lands Management		$279,788*
Total Appropriation		$279,788*
Salaries:		
Officers and employees	($236,138)	
Materials and Supplies	(13,400)	
Services Other Than Personal	(13,950)	
Maintenance of Property:		
Recurring	(9,050)	
Non-recurring and replacements	(7,250)	
Extraordinary:		
Shore protection projects, contingent upon no less than 50% participation by local governments (State share) (C12:6A–1 et seq.)	(1,000,000)	
To the town of Keansburg for repayment to the State for costs incurred on their behalf due to contract overruns on hurricane protection projects	(283,225)	

The unexpended balances as of June 30, 1975 in this account, excluding the Passaic River basin flood control projects account, is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

From the amount provided herein for Shore protection projects (C12:6A–1 et seq.), a sum not to exceed $300,000 shall be made available, without matching, for exploratory work to locate borrow material for beachfill, for shore protection demonstration projects, to protect the beach and property at State-owned parks and to maintain and repair existing shore protection jetties and groins heretofore constructed with State aid.

41400. *Pollution Control*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

Management and General Support

49100. *Department Management—State Aid**

49110-400. Department Management and Administrative Services		*
Total Appropriation		*

Extraordinary:

For transfer to the Agricultural Experiment Station for aerial spraying in counties bordering on the Atlantic Ocean and Delaware Bay and in such other counties as the State Mosquito Control Commission may designate	($150,000)	
For transfer to the Agricultural Experiment Station for mosquito control and extermination (C26:9–12.6)	(350,000)	
For transfer to the Agricultural Experiment Station for mosquito control on State-owned land	(25,000)	
Aid to local environmental agencies (C13:1H–7)	(100,000)	
Total Appropriation, Department of Environmental Protection		$279,788*

DEPARTMENT OF EDUCATION

General Assistance for Public and Non-Public Education

31100. *Financial Assistance to Local School Districts—State Aid*

31110-500.	State School Incentive Equalization Aid	$320,408,284*
31120-500.	Special Education	51,930,070*
31130-500.	Teachers' Pension and Annuity Fund	196,388,340
31140-500.	School Facility Program	34,708,516*
31150-500.	Pupil Transportation	37,276,792*
31160-500.	Aid for Non-Public Education	3,037,500*
31170-500.	Adult and Continuing Education	2,984,384*
31190-500.	Other Grants-in-Aid	3,775,518*
	Sub-Total Appropriation	$650,509,404*

Salaries:		
Officers and employees	($771,093)	
New positions	(14,947)	
Materials and Supplies	(1,000)	
Services Other Than Personal	(56,120)	
Extraordinary:		
School facility survey (PL 1973, c. 2)	(245,000)	
Computerized bus scheduling	(200,000)	
Grants-in-Aid:		
Equalization and incentive aid (NJS 18A:58–1 et seq.)	(459,108,284)	
Special education program	(63,702,930)	
Equalization and incentive building aid (NJS 18A:58–1 et seq.)	(32,282,558)	
Pupil transportation	(45,646,067)	
Normal contribution	(71,597,527)	
Accrued liability	(25,435,494)	
Payment on behalf of local employee veterans appointed after January 1, 1955	(186,810)	
Premium for non-contributory insurance	(8,054,692)	
Social Security Tax	(77,200,000)	
Pension Increase Act	(12,600,000)	

Accelerated CPI adjustment—	
Pension Increase Act	(1,313,817)
School building aid debt service	(11,702,205)
Aid to non-public education	(3,750,000)
High school equivalency	(1,300,000)
Adult education	(1,071,000)
Adult literacy	(889,000)
Evening schools for foreign-born residents	(189,540)
Emergency fund	(200,000)
Children resident in institutions	(1,365,808)
Children resident on State-owned property	(505,935)
Public school safety act	(2,557,788)
County audio-visual aid centers	(30,000)

The unexpended balance as of June 30, 1975 in the School building aid debt service account is hereby appropriated for the same purpose.

Of the amount hereinabove included in the Equalization and incentive aid account (NJS 18A:58–1 et seq.), not more than $200,000 may be used for administrative expenses.

The provisions of NJS 18A:39–15, 18A:46–23, 18A:58–6, and 18A:58–7 notwithstanding, each school district shall be apportioned for State transportation aid the amount found by multiplying the State transportation aid for each district for the 1975-76 school year calculated in accordance with the aforementioned sections by the quotient obtained by dividing the total appropriated State transportation aid for the school year 1974-75 by the total State transportation aid for the school year 1975-76 calculated in accordance with the aforementioned sections.

The provisions of NJS 18A:58–6 notwithstanding, each school district shall be apportioned for State atypical pupil aid the amount found by multiplying the State atypical pupil aid for each district for the 1975-76 school year calculated in accordance with NJS 18A:58–6 by the quotient

obtained by dividing the total appropriated State atypical pupil aid for the school year 1974-75 by the total State atypical pupil aid for the school year 1975-76 calculated in accordance with NJS 18A:58–6.

The sum appropriated for the Social Security Tax shall be available for the payment of such tax applicable to the prior fiscal year.

Any adjustment in the Premium for non-contributory insurance shall be reflected in the appropriation for Normal contribution.

Notwithstanding the provisions of any other law, the sum appropriated for the State Contribution to Teachers' Pension and Annuity Fund may be paid to the Fund as follows: ½ of such sum may be paid not later than December 31, 1975 and ½ of such sum may be paid not later than June 30, 1976 and with any earnings received from the investment or deposit of such sum during the period July 1, 1975 through the date of such payment.

The sum in the Pension Increase Act account shall be available for the payment of such increase applicable to the prior fiscal year.

Effective with the benefit payments for the month of January 1976, the Pension Increase Program shall make its disbursements on the basis of the most current Consumer Price Index available before December 1, 1975 for the calendar year September 1974 to August 1975, when the Director of the Division of Pensions is required, in accordance with the provisions of NJSA 43:3B–4, to send billings to local employers for the coming fiscal year.

31200. *General Assistance Programs for Public Schools—State Aid*

31210-500. Curriculum Services	$389,413
Sub-Total Appropriation	$389,413

Salaries:		
Officers and employees	($373,663)	
Services Other Than Personal	(15,750)	

Programs for Specific Groups and Limited Purposes

32100. *Programs for the Disadvantaged and Handicapped—State Aid*

32110-500. Programs for the Disadvantaged and Handicapped		*
Sub-Total Appropriation		*
Pilot project for pre-school education for the handicapped	($1,000,000)	

32400. *Programs for School Nutrition—State Aid*

32410-500. School and Non-School Nutrition Programs		$9,428,804
Sub-Total Appropriation		$9,428,804
Salaries:		
Officers and employees	($57,190)	
New positions	(57,341)	
Materials and Supplies	(2,000)	
Services Other Than Personal	(12,273)	
Grants-in-Aid:		
State school lunch aid	(9,300,000)	

32500. *Career Development—State Aid*

32510-500. General Vocational Education		$1,360,649*
32520-500. Aid for Part-time County Vocational Schools		*
Sub-Total Appropriation		$1,360,649*
Extraordinary:		
Interest on Public Building Construction Bonds (PL 1968, c. 128)	($1,360,649)	
Career development	(1,839,975)	

Grants-in-Aid:		
Vocational education	(4,000,000)	
District and regional vocational schools	(1,705,950)	
Work-study program	(450,000)	
Schools for industrial education (PL 1971, c. 430)	(90,000)	

Direct Public Services

34200. *Programs for the State Library and Historical Commission —State Aid*

34210-520. State Library and Historical Commission	$7,574,444*
Sub-Total Appropriation	$7,574,444*

Salaries:		
Officers and employees	($113,413)	
Materials and Supplies	(4,850)	
Services Other Than Personal	(9,650)	
Maintenance of Property:		
Recurring	(600)	
Extraordinary:		
Workshops	(10,000)	
Research library contracts	(346,617)	
Grants-in-Aid:		
State aid for certain libraries	(7,435,931)	

The unexpended balance as of June 30, 1975 in the New Jersey library construction incentive aid account is hereby appropriated.

34300. *Programs for the State Museum—State Aid*

34310-530. State Museum	$240,000
Sub-Total Appropriation	$240,000

Extraordinary:	
Newark Museum Association	($240,000)

Department Management and General Support

39200. *General Support—State Aid*

39210-500. Other General Support		$154,000
Sub-Total Appropriation		$154,000
Materials and Supplies	($118,500)	
Services Other Than Personal	(35,500)	
Total Appropriation, Department of Education		$669,656,714*

Nothing herein contained shall be deemed to appropriate any funds received in the State Treasury under the State and Local Fiscal Assistance Act of 1972 for any program of State Aid to local school districts, nor for any payment by the State on behalf of local school districts.

The unexpended balance as of June 30, 1975 in the remaining Grants-in-Aid accounts, not to exceed $250,000 is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Of the amount hereinabove appropriated to the Department of Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Adult and Continuing Education:	
High school equivalency	($1,300,000)
Adult education	(370,957)*
Evening schools for foreign-born residents	(189,540)
Total Appropriation from State Lottery Fund	($1,860,497)*

DEPARTMENT OF HIGHER EDUCATION

Department Management and General Support

39200. *General Support—State Aid*

39210-540.	Support Services	$28,479,642*
	Total Appropriation	$28,479,642*

Debt Service (NJSA 18A:64A–22) ... ($2,000,000)

Grants-in-Aid for County Colleges:
Operational Costs ..... (31,575,000)
Interest on Public Buildings Construction Bonds (PL 1968, c. 128) ..... (2,325,529)
Interest on Higher Education Construction Bonds (PL 1971, c. 164) .. (1,379,113)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

In computing the State support for operational costs for any county college or any county-assisted junior college, there shall be excluded from the total operational costs of such college that portion of salary costs which may result from any salary schedule adopted by the college which is higher than the salary schedule in effect during the same fiscal-academic year for the New Jersey State colleges.

The sum provided hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

It is the intent of this appropriation to fund a total enrollment during the 1975-76 fiscal year of 53,129 equated full-time students and no adjustment shall be payable in future fiscal years to compensate any county college for enrollment in excess of its proportionate share of the said total.

Total Appropriation, Department of Higher Education	$28,479,642*

DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61200. *Public Transportation Facilities—State Aid**

61250-600.	Grade Crossing Projects	*
	Total Appropriation	*

Extraordinary:

Public share of the cost to eliminate grade crossings and for other projects (C48:12–49.1 et seq.) ... ($2,000,000)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

61500. *Local Highway Facilities—State Aid*

61530-620.	Federal Aid Urban System Projects	$11,967,319
61560-620.	County and Municipal Aid	625,000
61580-620.	State Aid Road System Projects	8,000,000*
61590-620.	Construction Engineering	1,530,745
	Sub-Total Appropriation	$22,123,064*
	Less: Portion of Federal Aid receivable which is applicable to State Aid programs	*11,967,319*
	Total Appropriation	$10,155,745*

Salaries:

Officers and employees	($1,288,516)
Positions transferred from other subcategories	(157,141)
Materials and Supplies	(20,280)
Services Other Than Personal	(64,808)

Extraordinary:

Federal Aid Urban System Projects	(11,967,319)
County and municipal aid for lighting	(625,000)

Extraordinary State aid for county highways (PL 1966, c. 33)		
Extraordinary State aid for municipal highways (PL 1966, c. 33)	(8,000,000)	
State aid for county and municipal highways (C27:13A–1 et seq.)		
Franklin Viaduct in Sussex County	(65,000)	
Less: Portion of Federal Aid receivable which is applicable to State Aid programs	*(11,967,319)*	

The unexpended balances as of June 30, 1975 in these accounts are hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, Department of Transportation $10,155,745*

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefit Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Personal Health

22400-700. *Treatment of Communicable Diseases—State Aid*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

The sums hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Mental Health

26900. *Management and General Support—State Aid*

26910-770.	Community Services	$25,650,000*
	Total Appropriation	$25,650,000*

Extraordinary:

Support of patients in County Mental Hospitals (RS 30:4–78)	($18,650,000)
Establishment, development, improvement and expansion of community mental health services	(7,500,000)
Community mental health services, Morris County	(150,000)

The unexpended balance as of June 30, 1975 in this account is hereby appropriated.

The funds provided shall be available for training stipends, training programs and the support of demonstration projects in mental health to the extent that the appropriation exceeds the funds required for the aid programs; provided, however, that the expenditure thereof shall be subject to transfers as prescribed in section 3 of this act.

The sums hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Income Security and Human Resource Development

52500. *Provision of Income Maintenance to Public Indigents—State Aid*

52530-715.	Income Maintenance	$216,473,000*
	Total Appropriation	$216,473,000*

Extraordinary:

Payments to municipalities for cost of General Assistance (State share) (C44:8–134)	($25,744,000)

Payments for Dependent Children Assistance (State share) (C44:10–4 et seq.) ..... (157,783,000)
Payments for Families of the Working Poor Assistance (State share) (C44:13–1 et seq.) ..... (14,505,000)
Payments for Supplementary Security Income (State share) ..... (20,841,000)

The State net share of reimbursements and the net balances remaining after full payment of sums due the Federal government of all funds recovered under RS 44:7–14, C44:10–4 et seq., C30:4B–1 et seq. and C44:13–1 et seq. during the fiscal year ending June 30, 1976 are hereby appropriated.

Receipts from State administered towns during fiscal year ending June 30, 1976 are hereby appropriated.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

52600. *Social Services for Youth and Families—State Aid*

52620-717. Residential Services	$18,091,699*
Total Appropriation	$18,091,699*

Extraordinary:
Payment of Child Care costs (State share) (C30:4C–1 et seq.) ..... ($19,591,699)
Payments for implementation costs of the Juvenile Reform legislation (State share) (PL 1973, c. 306) .. (500,000)

The unexpended balance as of June 30, 1975 in this account, including the State net share of reimbursement and the net balance remaining after full payment of sums due the Federal government of all funds recovered under C30:4C–1 et seq. during the fiscal year ending June 30, 1975 and in addition thereto, all such funds recovered under

C30:4C–1 et seq. during the fiscal year ending June 30, 1976 are hereby appropriated.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Management and General Support

79100-700. *Department Management and General Support—State Aid*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, Department of Institutions and Agencies $260,214,699*

DEPARTMENT OF COMMUNITY AFFAIRS

Development of Community Programs

42100. *Community Development Management—State Aid**

42120-800.	Housing	$1,328,300
42130-800.	Local Government Services	37,353,906*
	Total Appropriation	$38,682,206*

Extraordinary:

Interest on State Housing Assistance Bonds (PL 1968, c. 127) ...	($628,300)
Urban renewal assistance, not to exceed 50% of local share	(200,000)
Revolving Housing Development and Demonstration Grant Fund .	(500,000)
Interlocal Services	(500,000)
For planning local effectiveness program	(100,000)
Municipalities' franchise tax replacement	(313,000)
Safe and clean neighborhoods	(12,000,000)

Municipal aid, subject to enactment of enabling legislation	(36,693,906)
To the capitol district for municipal services and in lieu of taxes:	
Trenton	(560,000)
Ewing Township	(300,000)
For aid to depressed rural areas subject to the enactment of enabling legislation	(400,000)
Municipal aid, victory gardens	(25,000)

The unexpended balance as of June 30, 1975 in the Revolving Housing Development and Demonstration Grant Fund account, and receipts are hereby appropriated for the same purpose, as the Director of the Division of Budget and Accounting shall determine.

Income Security and Human Resource Development

52300. *Human Resource Development—State Aid*

52310-800. Human Resources	$5,002,700*
Total Appropriation	$5,002,700*

Extraordinary:	
Economic opportunity programs	($977,700)
Program development	(375,000)
County offices on aging	(355,000)
Community development	(2,600,000)
Youth employment program	(1,995,000)

From the amount provided hereinabove for Program Development, an amount of $250,000 shall be used for special assistance projects for Spanish speaking organizations and shall be allocated to and administered by the Office of Hispanic Affairs.

Management and General Support

79100. *Department Management and General Support —State Aid*

79190-800. Department Management		$554,360
Total Appropriation		$554,360
Salaries:		
Officers and employees	($507,760)	
Materials and Supplies	(8,050)	
Services Other Than Personal	(38,050)	
Maintenance of Property:		
Non-recurring and replacements	(500)	
Total Appropriation, Department of Community Affairs		$44,239,266*

THE JUDICIARY

Judicial Affairs

73100. *Court Operations—State Aid*

73130-970. County courts		$1,552,000
Total Appropriation		$1,552,000
Extraordinary:		
Amounts to be paid to various counties representing 40% of the salaries of county court judges (NJS 2A:3-19)	($1,552,000)	
The unexpended balance as of June 30, 1975 in this account is hereby appropriated.		
The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal year.		
Total Appropriation, The Judiciary		$1,552,000
Total Appropriation, State Aid		$1,035,256,037*

CAPITAL CONSTRUCTION

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11100-140. *Regulation of Motor Vehicles*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Sums received from the sale or exchange of the Wilson Avenue site in the City of Newark are hereby appropriated for the cost of an inspection station in the City of Newark; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

11200-120. *State Police*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Funds derived from the sale of any lands or buildings held by the Division of State Police are hereby appropriated for the acquisition of land, for rehabilitation or improvement of existing facilities and for the construction of new buildings for use by the Division of State Police; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

11400-160. *Protection of Individual Rights*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

DEPARTMENT OF THE TREASURY

Centrally Financed Facilities and Services

78100-230. *Central Support Services*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

79100-210. *Department Management*

Capital Construction:

For transfer to an applicant State department for advance planning, engineering design and architectural services for public works projects undertaken in connection with matching Federal funds ..... *

Total Appropriation, Department of the Treasury ..... *

DEPARTMENT OF DEFENSE

Protection Against Natural and Man-Made Hazards

13100-340. *National Guard and Civil Defense*

Funds derived from the sale of any buildings or lands held by the Department of Defense are hereby appropriated for the acquisition of lands, for rehabilitation or improvement of existing facilities and for the construction of new buildings for use by the State military or naval services; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine, and any additional Federal aid made available by the Congress for capital construction purposes is hereby appropriated for use by the Department of Defense.

DEPARTMENT OF PUBLIC UTILITIES

Direct Public Services

34500-352. *Public Broadcasting*

Capital Construction:	
Redemption of Public Building Construction Bonds (PL 1968, c. 128)	$228,866
Total Appropriation, Department of Public Utilities	$228,866

Such sums as may be received or receivable from the Federal government or received from private donations are hereby appropriated for capital projects as the Authority may recommend and shall not be expended or contracted for without the approval of the Governor.

DEPARTMENT OF HEALTH

Community Health Programs

23300-360. *Narcotic and Drug Abuse Control*

Capital Construction:	
Redemption of Public Building Construction Bonds (PL 1968, c. 128)	$183,134
Total Appropriation, Department of Health	$183,134

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300-400. *Resource Management*

Capital Construction:	
Protection and maintenance, Delaware and Raritan Canal	*
Miscellaneous culvert replacements, Delaware and Raritan Canal	*
Total Appropriation	*

The proceeds derived from the sale or exchange of State-owned land, and/or buildings heretofore acquired under RS 13:13–1 et seq. are hereby appropriated for the acquisition of and/or easement over adjacent lands for the purpose of protecting Delaware and Raritan Canal waterways, the rehabilitation of existing flood guard and towpath embankments and related appurtenances thereto, and for replacing Delaware and Raritan Canal maintenance service centers; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Recreation Management

46100-400. *Recreation Opportunities*

The unexpended balance in excess of $6 million as of June 30, 1975 in the Parks Management program element is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Proceeds derived from the sale or exchange of State-owned land and proceeds from the sale of all fill material, heretofore acquired under Title 13 are hereby appropriated for the purpose described in Title 13 and particularly as set forth in RS 13:1–18; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balance as of June 30, 1975 in the Recreational Boating program element is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

The proceeds derived from the sale or exchange of State-owned land and marinas is hereby appropriated for the acquisition of land or for the con-

struction of new buildings to be used by the Division of Marine Services; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Management and General Support

49100-400. *Department Management*

Capital Construction:	
Redemption of Water Development Bonds (PL 1958, c. 35)	$2,500,000
Redemption of Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	2,600,000
Redemption of Water Conservation Bonds (PL 1969, c. 127)	3,925,000
Redemption of Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	1,200,000
Total Appropriation	$10,225,000
Total Appropriation, Department of Environmental Protection	$10,225,000*

DEPARTMENT OF EDUCATION

Programs for Specific Groups and Limited Purposes

32500-500. *Career Development*

Capital Construction:	
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	$839,244
Total Appropriation	$839,244

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Direct Public Services

34100-535. *Programs for the Deaf*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

34300-530. *Programs for the State Museum*

Capital Construction:	
Temperature and humidity controls	$73,000
Total Appropriation	$73,000

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, Department of Education	$912,244

DEPARTMENT OF HIGHER EDUCATION

Higher Education—Institutional Programs

33900. *Support Services*

570. *Rutgers, The State University*

Capital Construction:	
Mortgage redemption	$250,000
Total Appropriation	$250,000

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

572. *Agricultural Experiment Station*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

573. *College of Medicine and Dentistry of New Jersey*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

594. *State College Construction*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Department Management and General Support

39200-540. *General Support*

Capital Construction:	
Redemption of State Higher Education Construction Bonds (PL 1964, c. 142)	$1,600,000
Redemption of Public Building Construction Bonds (PL 1968, c. 128)	6,180,103
Redemption of State Higher Education Bonds (PL 1971, c. 164)	2,700,000
Total Appropriation	$10,480,103

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of of the Division of Budget and Accounting shall determine.

Total Appropriation, Department of Higher Education	**$10,730,103**

DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61100. *State Highway Facilities—State Highway Construction**

61110-612.	Federal Aid Interstate Highway Projects	
61120-612.	Federal Aid Primary—Urban Extensions—Highway Projects	
61130-612.	Federal Aid Urban System Highway Projects	
61140-612.	Federal Aid Primary—Rural Highway Projects	
61150-612.	Federal Aid Priority Primary Highway Projects	$21,000,000*
61160-612.	Non-Federal Highway Projects	
61170-612.	Federal Aid Bridge Replacement and Safety Projects	
61180-612.	Physical Plant Construction Projects	
	Sub-Total Appropriation	$21,000,000*
61190-612.	Transportation Construction Engineering	$9,955,736*

Salaries:		
Officers and employees	($22,240,309)	
Materials and Supplies	(255,500)	
Services Other Than Personal	(2,274,927)	
Maintenance of Property:		
Recurring	(10,000)	
Non-recurring and replacements	(20,000)	
Additions and Improvements	(25,000)	
Less: Portion of Federal aid receivable which is applicable to highway construction engineering costs	*(9,000,000)*	
Less: Portion of construction program to be allocated for the cost of State employees in lieu of personal services by contract for engineering design, construction and right-of-way acquisition	*(5,370,000)*	
Total Appropriation		$30,955,736*

The unexpended balance as of June 30, 1975 in this subcategory is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amounts hereinabove appropriated for State Highway Construction, there are hereby appropriated such sums as may be received or receivable from, or authorized or allocated by the Federal government, the New Jersey Turnpike Authority, the New Jersey Highway Authority, the Delaware River Joint Toll Bridge Commission, the Delaware River Port Authority, the Port Authority of New York and New Jersey, the Atlantic City Expressway Authority, the Delaware River and Bay Authority, the New Jersey Sports and Exposition Authority and local government jurisdictions, for construction purposes.

The sums provided herein for State Highway Construction shall be set forth in a construction program, by route number within the Program Elements of the appropriation, by the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting and shall not be expended or contracted for without the approval of the Governor.

From the amount provided herein for State Highway Construction and the purchase of right-of-way, there may be allocated such amounts as the Commissioner of Transportation may determine for personal services by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Of the sums provided herein not more than $3,000,000 may be used for non-participating portions of Federal aid projects; provided, however,

that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Of the appropriation herein made $5,000,000 shall be used for projects within the purview of C54:8A–58 et seq., (Transportation Benefits Tax Act) and shall be charged to the Transportation Benefits Fund established in said act.

Funds provided herein may be allocated by the Commissioner of Transportation to provide the non-Federal share of construction of Local Highway Facilities; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Of the funds provided herein for State Highway construction, not more than $5,000,000 may be used for public transportation capital purposes; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

Funds from the sale or exchange of any buildings or land held by the Division of Central Service are hereby appropriated for the acquisition of land, for rehabilitation or improvement of existing installations and for the construction of new buildings; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

61200-612. *Public Transportation Facilities*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to other reallocations herein, the balances remaining of funds appropriated from the public transportation portion of the State Transportation Fund (bond issue authorized by PL 1968, c. 424) shall be reallocated to the following projects:

For general facility improvements to the Erie Lackawanna Railroad ..... ($48,000,000)
For general facility improvement on the New York and Long Branch Railway ..... (26,500,000)
For the purchase of new buses and the rehabilitation of other buses (11,000,000)

Any remaining unexpended balances in the public transportation portion of the State Transportation Fund after the reallocation hereinabove shall be allocated to a control account; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

61400. *Redemption of Bonds*

Capital Construction:		
61430-612.	Redemption of Highway Improvement Bonds (PL 1930, c. 228)	640,000
61440-612.	Redemption of State Transportation Bonds (PL 1968, c. 126)	14,450,000
	Total Appropriation	$15,090,000
	Total Appropriation, Department of Transportation	$46,045,736*

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq. (Emergency Transportation Tax Act) shall first be charged to the Transportation Fund established in such act.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act) shall first be charged to the Transportation Benefit Fund established in such act.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Management and General Support

79100-700. *Department Management and General Support*

Capital Construction:	
Renovation of and improvements to facilities—Miscellaneous Capital	$3,000,000
Redemption of Institution construction bonds (PL 1960, c. 156)	1,800,000
Redemption of Institution construction bonds (PL 1964, c. 144)	2,000,000
Redemption of Public Building construction bonds (PL 1968, c. 128)	2,868,653
Total Appropriation, Department of Institutions and Agencies	$9,668,653

Funds derived from the sale of any lands or buildings held by the Department of Institutions and Agencies are hereby appropriated for the acquisition of land, for rehabilitation or improvement of existing facilities and for the construction of new facilities for use by the Department of Institutions and Agencies; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act.

The unexpended balances as of June 30, 1975 in all capital construction accounts of the Department of Institutions and Agencies are hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

DEPARTMENT OF COMMUNITY AFFAIRS

Development of Community Programs

42100-800. *Community Development Management*

Capital Construction:	
Redemption of State Housing Assistance Bonds (PL 1968, c. 127)	$600,000
Total Appropriation, Department of Community Affairs	$600,000

MISCELLANEOUS EXECUTIVE COMMISSIONS

Environmental Management

41300. *Resource Management*

914. *Delaware River Basin Commission*

The unexpended balance as of June 30, 1975 in this account is hereby appropriated, as the Director of the Division of Budget and Accounting shall determine.

Recreation Management

46100. *Recreation Opportunities*

911. *Palisades Interstate Park Commission*

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway and the unexpended balances from such revenues as of June 30, 1975 are hereby appropriated for maintenance of such stations, for non-recurring or emergency Parkway maintenance and for capital projects and plans.

In addition to the amounts hereinabove for capital construction at the New Jersey portion of the Palisades Interstate Park, there are hereby appropriated such sums as may be received or receivable from the Federal government for capital construction purposes.

Total Appropriation, Capital Construction	$78,593,736*
Grand Total Appropriation	$2,430,319,769*

2. In addition to the amounts hereinabove specifically appropriated, 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 revenues; Federal, other non-State, revolving and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated and the unexpended balance as of June 30, 1975 of such sums; sums received

representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1975 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; private funds contributed to the State and the unexpended balance as of June 30, 1975 of such sums; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

3. In order that there be flexibility in the handling of appropriations, any department or agency, except the Legislature, receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation. Such application shall be made only during the current year for which the appropriation was made, and if the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount so transferred to the credit of the item so designated and so notify the Executive Director, Office of Fiscal Affairs upon the effective date thereof; provided, however, that cumulative transfers in excess of $200,000 in any account, other than transfers from lump sum accounts and of non-State funds, shall be transmitted to the Executive Director, Office of Fiscal Affairs, for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within five working days; provided further, however, that no sum appropriated for any capital improvement, except as otherwise provided, shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary highway maintenance; and provided further, that any item for capital improvement may be transferred to any other item of capital improvement. Regarding appropriations made to the Legislature, upon request of the spending authority, the Executive Director, Office of Fiscal Affairs, shall transfer part of any item to any other item within an appropriation and so notify the Director of the Division of Budget and Accounting upon the effective date thereof.

4. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, except for the Legislature and any of its agencies, the duties or responsibilities of which are or may

hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering the functions of such department or branch so transferred. The Director of the Division of Budget and Accounting shall also 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 Executive Director, Office of Fiscal Affairs, upon the effective date of such transfers. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Executive Director, Office of Fiscal Affairs, 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.

5. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds for payment of pensions, contributions to pension funds, social security tax, unemployment compensation contributions, health benefits, debt service, charges for rent, telephone, insurance and postage to credit or transfer to the Department of the Treasury, or to the General State 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. Any receipts in any non-State fund are hereby appropriated for the purpose of such transfer.

6. 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 details the facts thereof, and the reasons therefor, attested by the signature of said 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 disbursements 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 Executive Director, Office of Fiscal Affairs, upon the effective date of such ruling.

7. The Director of the Division of Budget and Accounting is hereby empowered, notwithstanding any other provision of law, to transfer or credit from the various appropriations for construction, reconstruction, additions to and betterments of State buildings and appurtenances thereto, herein contained, to the appropriation for the Division of Building and Construction of the Department of the Treasury a sufficient sum to pay the cost of all architectural work, superintendance and other expert services in connection with such work.

8. The Director of the Division of Budget and Accounting is empowered to establish revolving funds as required. Notice of the establishment of such revolving funds shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon the effective date thereof.

9. The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center from any appropriation made to any department for data processing costs which had been appropriated or allocated to such departments for their share of costs of such data processing center.

10. 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.

11. 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 said Director. The 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 said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said Director shall

likewise make regulations governing disbursement from petty cash funds.

12. The Director of the Division of Budget and Accounting may settle any claim not exceeding $25 due and owing to the State.

13. Notwithstanding the provisions of section 1 of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $250 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. Any claimant who has presented a claim not exceeding $250 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. Notice and description of such claim payment as hereinabove described shall be transmitted to the Executive Director, Office of Fiscal Affairs, at the time such payment is made.

14. There are hereby appropriated the unexpended balances as of June 30, 1975 in the accounts of the several departments and agencies heretofore appropriated or established in the categories of Maintenance of Property: Non-recurring and replacements, and Additions and Improvements where such unexpended balances exceed $100, as the Director of the Division of Budget and Accounting shall determine.

15. The unexpended balances as of June 30, 1975 in the accounts of the several departments and agencies which represent the State's share of State Law Enforcement Planning Agency projects for which Federal funds are approved and the State's share of highway safety projects for which Federal funds are approved are hereby appropriated.

16. Out of the appropriations recommended herein, the Director of the Division of Budget and Accounting shall be empowered to authorize payments to liquidate any unrecorded liabilities for materials delivered and/or services rendered in prior fiscal years upon the written recommendation of any department head.

17. There shall be constituted a Subcommittee on Transfers of the Joint Appropriations Committee, appointed by its Chairman, which shall consist of two members of the Assembly Committee on Appropriations, one of each political party; two members of the Senate Committee on Revenue, Finance, and Appropriations, one of each political party; and the Chairman of the Joint Committee.

If pursuant to section 3 of this act, the Executive Director, Office of Fiscal Affairs, should withhold his approval from any transfer, the Subcommittee herein established is empowered to review such transfer and may direct that said Executive Director approve it.

18. Wherever provisions in this act authorize the Director of the Division of Budget and Accounting to determine the amount of an unexpended balance as of June 30, 1975 which shall be appropriated, he shall notify the Subcommittee on Transfers of the Joint Appropriations Committee of such determination.

19. Any change by the Department of Institutions and Agencies in the standards upon which or from which grants of categorical public assistance are determined, shall first be approved by the Director of the Division of Budget and Accounting. Notice and description of such changes as hereinabove described shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon approval of such changes by the Director of the Division of Budget and Accounting.

20. 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 State Fund. 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.

21. Unless otherwise provided, balances remaining as of June 30, 1975 in accounts of appropriations enacted subsequent to April 1, 1975 are hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

22. This act shall take effect July 1, 1975.

Approved June 27, 1975.

STATEMENT ON SENATE BILL No. 3175

I am returning herewith this statement appended to Senate Bill No. 3175 describing the items, or parts thereof, which must be revised so that each item, or part thereof, so objected to shall not take effect. Pursuant to Article VIII, Section 2, Paragraph 2 of the Constitution, I hereby certify that the anticipated total revenue

and resources available to meet the appropriations indicated in this bill, with my revisions, are as shown in Senate Bill No. 3175 on Page 7, line 35 as modified by this statement and equal $2,441,239,089.

The Senate has been unable to fund this budget. My discussions with Assembly leaders and other legislators gives me little hope that funding will be available prior to July 1. Therefore, to comply with the constitutional mandate, I have employed Article V, Section 1, Paragraph 15 of the Constitution to line-item veto to an extent necessary to achieve a lawful appropriations act.

Though lawful, it is not adequate. I have documented publicly at length those inadequacies. They cry out as loudly today for remedy as when I first mentioned them.

Nothing would be of greater service to the people of New Jersey than for the Legislature to override the line-item vetoes I have made, and provide revenue to meet both the budget and school funding. To do this, painful decisions must be made—more pain than the Senate has yet been able to endure.

I have not given up. We cannot afford to give up. New Jersey is entitled to better.

"Anticipated Resources for the Fiscal Year 1975-76"
"Surplus"

On Page 1:
Line 1 "Estimated balance, July 1, 1975 ..... $25,716,243"
This item is increased to $40,664,685.

"Major Taxes"

On Page 1:
Lines 1-2 "Sales tax ..... $825,000,000"
This item is increased to $832,000,000.

To the Senate:

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3175 at the time of signing it, this 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.

"Legislative Branch—Legislature"

On Page 8:
Line 1 "72110-001. Senate ..... $2,056,661"
This item is reduced to $1,829,994.

On Page 8:
Line 2 "Sub-Total Appropriation ..... $2,056,661"
This item is reduced to $1,829,994.

On Page 8:
Line 1 "72120-002. General Assembly ..... $3,253,115"
This item is reduced to $2,816,748.

On Page 8:
Line 2 "Sub-Total Appropriation ..... $3,253,115"
This item is reduced to $2,816,748.

On Page 8:
Line 16 "Total Appropriation, Legislature ..... $5,309,776"
This item is reduced to $4,646,742.

"Legislative Services"

On Page 9:
Line 1 "72210-003. Legislative Services Agency $1,484,689"
This item is reduced to $1,424,689.

On Page 9:
Lines 2-3 "Total Appropriation, Legislative Services Agency ..... $1,484,689"
This item is reduced to $1,424,689.

"Office of Fiscal Affairs"

On Page 9:
Lines 1-2 "72310-004. Administrative Office of the Executive Director ..... $301,428"
This item is reduced to $231,428.

On Page 9:
Line 4 "72330-004. Division of Budget Review .. $305,056"
This item is reduced to $240,056.

On Page 9:
Line 5 "Division of Program Analysis ..... $315,774"
This item is reduced to $250,774.

On Page 9:
Line 6 "Total Appropriation, Office of Fiscal Affairs ..... $2,006,409"
This item is reduced to $1,806,409.

"Legislative Commissions"

On Page 10:
Lines 1-2 "72410-010. Intergovernmental Relations Commission ..... $157,450"
This item is deleted in its entirety.

On Page 10:
Line 3 "Sub-Total Appropriation ..... $157,450"
This item is deleted in its entirety.

On Page 11:
Lines 6-9 "Total Appropriation, Legislative Commissions ..... $867,450"
This item is reduced to $710,000.

On Page 11:
Line 10 "Total Appropriation, Legislative Affairs ..... $9,668,324"
This item is reduced to $8,587,840.

EXECUTIVE BRANCH

"Chief Executive's Office"

On Page 12:
Line 1 "71110-080. Executive Management .... $843,998"
This item is reduced to $793,998.

On Page 12:
Lines 2-3 "Total Appropriation, Chief Executive's Office ..... $843,998"
This item is reduced to $793,998.

"Department of Law and Public Safety"

On Page 12:
Line 1 "11110-140. Licensing and Registration .. $7,553,478"
This item is reduced to $7,453,478.

On Page 12:
Line 2 "11120-140. Vehicle Control ..... $9,344,622"
This item is reduced to $9,034,622.

On Page 12:
Line 8 "Total Appropriation ..... $26,524,343"
This item is reduced to $26,114,343.

On Page 14:
Lines 59-63 "Notwithstanding any other provision of C39:6–61 et seq., the amount of $3,395,610 shall be transferred from the Unrestricted Reserve of the Unsatisfied Claim and Judgment Fund to the General State Fund."
This item is deleted in its entirety.

On Page 14:
Lines 64-68 "Notwithstanding any other provision of C39:6–92 et seq. and P. L. 1974, c. 17, the amount of $4.2 million shall be transferred from balances remaining in the Motor Vehicle Security Fund to the General State Fund."
This item is deleted in its entirety.

On Page 14:

Line 1 "11210-120. Patrol Activities and Crime Control ..... $24,702,080"

This item is reduced to $24,392,080.

On Page 14:

Line 2 "11220-120. Police Services and Public Order ..... $8,584,318"

This item is reduced to $8,434,318.

On Page 14:

Line 3 "11290-120. Administration and Support $1,942,068"

This item is reduced to $1,922,068.

On Page 14:

Line 4 "Total Appropriation ..... $35,228,466"

This item is reduced to $34,748,466.

On Page 15:

Line 1 "11310-110. Legal Services ..... $2,906,280"

This item is reduced to $2,860,280.

On Page 15:

Line 2 "11320-105. Criminal Justice ..... $3,062,672"

This item is reduced to $2,932,672.

On Page 15:

Line 3 "11330-105. Police Training Commission $434,785"

This item is reduced to $384,785.

On Page 15:

Line 5 "11390-100. Department Planning and Management ..... $324,870"

This item is reduced to $304,870.

On Page 15:

Line 5A "Total Appropriation ..... $7,160,271"

This item is reduced to $6,914,271.

On Page 16:
Line 1 "11410-160. Consumer Affairs—General $2,252,921"
This item is reduced to $2,222,921.

On Page 16:
Line 5 "Total Appropriation ..... $5,383,539"
This item is reduced to $5,353,539.

On Page 19:
Line 1 "Alcoholic Beverage Control ..... $1,990,368"
This item is reduced to $1,960,368.

On Page 19:
Line 3 "Total Appropriation ..... $2,795,125"
This item is reduced to $2,765,125.

On Page 20:
Lines 18-19 "Total Appropriation, Department of Law and Public Safety ..... $80,387,679"
This item is reduced to $79,191,679.

"Department of the Treasury"

On Page 20:
Line 1 "71210-220. Budget Planning and Control $1,544,900"
This item is reduced to $1,434,900.

On Page 20:
Line 7 "71250-211. Economic Planning and Research ..... $91,213"
This item is reduced to $70,213.

On Page 20:
Lines 9-10 "Management of Employee Benefit Programs ..... $3,354,208"
This item is reduced to $3,334,208.

On Page 20:
Line 11 "Total Appropriation ..... $10,102,019"
This item is reduced to $9,951,019.

On Page 22:
Lines 1-2 "71310-240. Tax Collection and Enforcement Services ..... $7,983,961"
This item is reduced to $7,883,961.

On Page 22:
Line 3 "71320-240. Tax Audit Services ..... $5,482,957"
This item is reduced to $5,347,957.

On Page 22:
Line 6 "71390-240. Administration and General Support ..... $5,080,445"
This item is reduced to $4,947,545.

On Page 22:
Line 7 "Total Appropriation ..... $22,750,629"
This item is reduced to $22,382,729.

On Page 23:
Lines 2-3 "78120-230. Physical Plant Operation and Maintenance ..... $4,206,958"
This item is reduced to $4,076,958.

On Page 23:
Line 5 "78170-235. Construction Management Services ..... $2,216,076"
This item is reduced to $2,166,076.

On Page 23:
Line 6 "Total Appropriation ..... $8,668,772"
This item is reduced to $8,488,772.

On Page 25:
Line 1 "79110-210. Management Services ..... $766,873"
This item is reduced to $736,873.

On Page 25:
Line 2 "Total Appropriation ..... $766,873"
This item is reduced to $736,873.

On Page 26:
Lines 45-46 "Total Appropriation, Department of the Treasury ..... $42,288,293"
This item is reduced to $41,559,393.

"Department of State"

On Page 27:
Line 1 "34610-300. Development Support ..... $807,464"
This item is reduced to $671,464.

On Page 27:
Line 2 "Total Appropriation ..... 807,464"
This item is reduced to $671,464.

On Page 27:
Line 1 "71610-300. Recording and Filing of Documents ..... $1,447,982"
This item is reduced to $1,427,982.

On Page 27:
Lines 2-3 "71620-300. Classification and Publication of Administrative Procedures ..... $288,237"
This item is reduced to $245,237.

On Page 27:
Line 4 "Total Appropriation ..... $1,736,219"
This item is reduced to $1,673,219.

On Page 28:
Line 27 "Total Appropriation, Department of State ..... $2,543,683"
This item is reduced to $2,344,683.

"Department of Civil Service"

On Page 28:
Line 3 "75520-310. Recruitment and Selection .. $1,976,852"
This item is reduced to $1,919,852.

On Page 28:
Lines 4-5 "75530-310. Organization Management and Employee Development ..... $2,292,852"
This item is reduced to $2,242,852.

On Page 28:
Line 6 "Total Appropriation ..... $5,510,626"
This item is reduced to $5,403,626.

On Page 28:
Lines 22-23 "Total Appropriation, Department of Civil Service ..... $5,510,626"
This item is reduced to $5,403,626.

"Department of Agriculture"

On Page 31:
Line 3 "41130-330. Resource Development Services ..... $547,896"
This item is reduced to $346,896.

On Page 31:
Line 4 "Total Appropriation ..... $1,934,136"
This item is reduced to $1,733,136.

On Page 31:
Line 1 "51310-330. Meat and Poultry Regulation .....($325,000)"
This item is deleted in its entirety.

On Page 31:
Line 1A "51320-330. Dairy Industry Regulation . $379,747"
This item is reduced to $359,747.

On Page 31:
Line 3 "51340-330. Marketing Services ..... $394,563"
This item is reduced to $331,788.

On Page 31:
Line 5 "Sub-Total ..... $2,605,663"
This item is reduced to $2,197,888.

On Page 31:
Line 7 "Total Appropriation ..... $1,625,109"
This item is reduced to $1,217,334.

On Page 32:
Line 1 "79110-330. Management Services ..... $665,800"
This item is reduced to $635,800.

On Page 32:
Lines 2-3 "Total Appropriation ..... $665,800"
This item is reduced to $635,800.

On Page 33:
Lines 13-14: "Total Appropriation, Department of Agriculture ..... $4,225,045"
This item is reduced to $3,586,270.

"Department of Defense"

On Page 33:
Lines 3-4 "13120-340. Management of National Guard Installations ..... $3,131,421"
This item is reduced to $3,071,421.

On Page 33:
Lines 5-6 "13130-340. Civil Defense Operations and Administration ..... $744,981"
This item is reduced to $734,981.

On Page 33:
Line 7 "Total Appropriation ..... $5,296,940"
This item is reduced to $5,226,940.

On Page 35:
Line 77 "Total Appropriation, Department of Defense ..... $5,296,940"
This item is reduced to $5,226,940.

"Department of Public Utilities"

On Page 35:
Line 3 "14330-350. Management and General Support ..... $2,487,176"
This item is reduced to $1,786,176.

On Page 35:
Line 4 "Total Appropriation ..... $4,422,838"
This item is reduced to $3,721,838.

On Page 36:
Line 1 "34510-352. New Jersey Public Broadcasting Authority ..... $3,405,625"
This item is reduced to $3,200,625.

On Page 36:
Line 4 "Total Appropriation ..... $3,776,682"
This item is reduced to $3,571,682.

On Page 37:
Lines 42-43 "Total Appropriation, Department of Public Utilities ..... $8,199,520"
This item is reduced to $7,293,520.

"Department of Health"

On Page 42:
Line 1 "24110-360. Laboratory Services ..... $1,154,579"
This item is reduced to $1,034,579.

On Page 42:
Line 2 "Total Appropriation ..... $1,154,579"
This item is reduced to $1,034,579.

On Page 43:
Line 3 "29130-360. General Administration ... $1,973,070"
This item is reduced to $1,673,070.

On Page 43:
Line 4 "Total Appropriation ..... $2,617,131"
This item is reduced to $2,317,131.

On Page 43:
Line 7 "Total Appropriation, Department of Health ..... $18,099,908"
This item is reduced to $17,679,908.

"Department of Labor and Industry"

On Page 44:
Line 3 "52140-380. Workmen's Compensation .. $2,372,273"
This item is reduced to $2,081,273.

On Page 44:
Line 6 "Total Appropriation ..... $8,704,168"
This item is reduced to $8,413,168.

On Page 45:
Line 2 "52240-380. Vocational Rehabilitation Services ..... $17,466,392"
This item is reduced to $17,360,392.

On Page 45:
Line 3 "Total Appropriation ..... $18,116,392"
This item is reduced to $18,010,392.

On Page 47:
Lines 3-4 "54220-380. Protection of Workers' Earnings and Working Conditions ..... $1,134,024"
This item is reduced to $984,024.

On Page 47:
Line 5 "Total Appropriation ..... $1,429,117"
This item is reduced to $1,279,117.

On Page 48:
Line 1 "59110-380. Department Management .. $478,650"
This item is reduced to $371,650.

On Page 48:
Line 8 "Total Appropriation ..... $780,068"
This item is reduced to $673,063.

On Page 49:
Lines 1-2 "59210-380. Expansion and Growth of Commerce and Industry ..... $1,163,985"
This item is reduced to $1,063,935.

On Page 49:
Line 3 "Total Appropriation ..... $1,163,935"
This item is reduced to $1,063,935.

On Page 49:
Lines 29-30 "Total Appropriation, Department of Labor and Industry ..... $31,695,772"
This item is reduced to $30,941,772.

"Department of Environmental Protection"

On Page 50:
Lines 1-2 "41310-400. Water Supply and Flood Plain Management ..... **$1,502,950"**
This item is reduced to $1,002,950.

On Page 50:
Line 5 "41340-400. Solid Waste Management ... $383,432"
This item is reduced to $333,432.

On Page 50:
Lines 7-8 "41360-400. Water Resources—Planning and Management ..... $1,347,169"
This item is reduced to $1,327,169.

On Page 50:
Lines 13-14 "41370-400. Protection of Endangered and Non-Game Wildlife Species ..... $70,000"
This item is reduced to $35,000.

On Page 50:
Line 15 "Total Appropriation ..... $8,931,432"
This item is reduced to $8,326,432.

On Page 53:
Line 1 "41410-400. Air Pollution ..... $3,018,678"
This item is reduced to $2,805,678.

On Page 53:
Lines 4-5 "41440-400. Water Pollution Control—Operations and Enforcement ..... $1,502,271"
This item is reduced to $1,482,271.

On Page 53:
Line 8 "Total Appropriation ..... $5,226,013"
This item is reduced to $4,993,013.

On Page 54:
Line 1 "46110-400. Parks Management ..... **$5,926,430"**
This item is reduced to $5,796,430.

On Page 54:
Line 2 "46120-400. Recreational Boating ..... $975,529"
This item is reduced to $725,529.

On Page 54:
Line 5 "Total Appropriation ..... $8,047,153"
This item is reduced to $7,667,153.

On Page 55:
Line 1 "49110-400. Department Management and Administrative Services ..... $2,592,360"
This item is reduced to $2,228,360.

On Page 55:
Line 3 "49120-400. Program Management ..... $1,317,569"
This item is reduced to $1,211,069.

On Page 55:
Line 5 "Total Appropriation ..... $14,354,648"
This item is reduced to $13,884,148.

On Page 57:
Line 1 "49310-400. Pinelands Environmental Council ..... ($47,500)"
This item is deleted in its entirety.

On Page 57:
Line 2 "Total Appropriation ..... ($47,500)"
This item is deleted in its entirety.

On Page 57:
Lines 10-11 "Total Appropriation, Department of Environmental Protection ..... $38,026,346"
This item is reduced to $36,290,346.

"Department of Education"

On Page 58:
Line 4 "31190-500. Other Grants-in-Aid ..... ($200,000)"
This item is deleted in its entirety.

On Page 58:
Line 5 "Total Appropriation ..... $508,352"
This item is reduced to $308,352.

On Page 58:
Line 1 "31210-500. Curriculum Services ..... $336,542"
This item is reduced to $286,542.

On Page 58:
Line 4 "31250-500. County Superintendent's Offices ..... ($1,538,564)"
This item is deleted in its entirety.

On Page 59:
Line 11 "Total Appropriation ..... $3,173,303"
This item is reduced to $1,584,739.

On Page 60:
Line 1 "32510-500. General Vocational Education ($553,813)"
This item is deleted in its entirety.

On Page 60:
Line 2 "32560-500. Project COED ..... $1,460,058"
This item is reduced to $1,370,058.

On Page 60:
Line 3 "Total Appropriation ..... $2,013,871"
This item is reduced to $1,370,058.

On Page 60:
Lines 1-2 "34110-535. Marie H. Katzenbach School for the Deaf ..... $3,636,202"
This item is reduced to $3,443,062.

On Page 60:
Line 3 "Total Appropriation ..... $3,636,202"
This item is reduced to $3,443,062.

On Page 61:
Lines 1-2 "34210-520. State Library and Historical Commission ..... $1,759,125"
This item is reduced to $1,709,125.

On Page 61:
Line 3 "Total Appropriation ..... $1,759,125"
This item is reduced to $1,709,125.

On Page 61:
Line 1 "34310-530. State Museum ..... $1,139,080"
This item is reduced to $1,049,080.

On Page 61:
Line 2 "Total Appropriation ..... $1,139,080"
This item is reduced to $1,049,080.

On Page 62:
Line 1 "39110-500. Commissioner's Office ..... $772,560"
This item is reduced to $761,560.

On Page 62:
Lines 2-3 "39130-500. Planning, Evaluation, Research and Program Development ..... $1,387,374"
This item is reduced to $589,904.

On Page 62:
Line 4 "Total Appropriation ..... $2,159,934"
This item is reduced to $1,351,464.

On Page 63:
Line 1 "39210-500. Other General Support ..... $1,142,053"
This item is reduced to $1,037,053.

On Page 63:
Line 2 "Total Appropriation ..... $1,142,053"
This item is reduced to $1,037,053.

On Page 63:
Lines 22-23 "Total Appropriation, Department of Education ..... $16,288,056"
This item is reduced to $12,609,069.

On Page 64:
Lines 28-30 "Center for Occupational Education, Experimentation and Demonstration (Project COED) ..... $1,460,058"
This item is reduced to $1,370,058.

On Page 64:
Lines 34-35 "Total Appropriation from State Lottery Fund ..... $2,100,058"
This item is reduced to $2,010,058.

"Department of Higher Education"

On Page 64:
Line 1 "39110-540. Administration ..... $12,180,840"
This item is reduced to $5,695,840.

On Page 64:
Line 6 "Total Appropriation ..... $55,055,061"
This item is reduced to $48,570,061.

On Page 67:
Line 1 "33110-550. Instruction ..... $9,849,214"
This item is reduced to $7,643,214.

On Page 67:
Line 6 "33970-550. Institutional Support ..... $4,043,275"
This item is reduced to $3,517,275.

On Page 67:
Line 7 "Total Appropriation ..... $18,097,339"
This item is reduced to $15,365,339.

On Page 68:
Line 1 "33110-551. Instruction ..... $7,756,625"
This item is reduced to $6,079,625.

On Page 68:
Line 6 "33970-551. Institutional Support ..... $3,452,829"
This item is reduced to $3,034,829.

On Page 68:
Line 7 "Total Appropriation ..... $13,268,633"
This item is reduced to $11,173,633.

On Page 68:
Line 1 "33110-552. Instruction ..... $9,558,522"
This item is reduced to $7,219,522.

On Page 68:
Line 6 "33970-552. Institutional Support ..... $4,746,982"
This item is reduced to $4,166,482.

On Page 68:
Line 7 "Total Appropriation ..... $17,409,872"
This item is reduced to $14,490,372.

On Page 69:
Line 1 "33110-553. Instruction ..... $10,211,181"
This item is reduced to $7,980,181.

On Page 69:
Line 6 "33970-553. Institutional Support ..... $4,790,025"
This item is reduced to $4,229,125.

On Page 69:
Line 7 "Total Appropriation ..... $17,515,581"
This item is reduced to $14,723,681.

On Page 70:
Line 1 "33110-554. Instruction ..... $11,815,307"
This item is reduced to $9,215,207.

On Page 70:
Line 6 "33970-554. Institutional Support ..... $4,710,338"
This item is reduced to $4,077,338.

On Page 70:
Line 7 "Total Appropriation ..... $20,582,375"
This item is reduced to $17,349,275.

On Page 71:
Line 1 "33110-555. Instruction ..... $9,812,305"
This item is reduced to $7,716,305.

On Page 71:
Line 6 "33970-555. Institutional Support ..... $4,073,415"
This item is reduced to $3,509,415.

On Page 71:
Line 7 "Total Appropriation ..... $18,394,440"
This item is reduced to $15,734,440.

On Page 72:
Line 1 "33110-556. Instruction ..... $3,701,915"
This item is reduced to $2,920,915.

On Page 72:
Line 6 "33970-556. Institutional Support ..... $2,537,620"
This item is reduced to $2,254,620.

On Page 72:
Line 7 "Total Appropriation ..... $7,948,700"
This item is reduced to $6,884,700.

On Page 72:
Line 1 "33110-557. Instruction ..... $3,852,644"
This item is reduced to $3,016,644.

On Page 72:
Line 6 "33970-557. Institutional Support ..... $2,181,577"
This item is reduced to $1,898,577.

On Page 72:
Line 7 "Total Appropriation ..... $7,854,038"
This item is reduced to $6,735,038.

On Page 75:
Line 1 "33110-570. Instruction ..... $57,999,429"
This item is reduced to $56,644,429.

On Page 75:
Line 8 "33970-570. Institutional Support ..... $32,137,839"
This item is reduced to $28,280,239.

On Page 75:
Line 9 "Sub-Total, General Operations ..... $133,346,332"
This item is reduced to $128,133,732.

On Page 75:
Line 11 "Total All Operations ..... $157,546,332"
This item is reduced to $152,333,732.

On Page 75:
Line 13 "General Services Income ..... $31,444,000"
This item is increased to $40,072,000.

On Page 75:
Line 16 "Total Income Deductions ..... $77,184,114"
This item is increased to $85,812,114.

On Page 75:
Lines 17-18 "Appropriation, Exclusive of Land Grant Interest ..... $80,356,418"
This item is reduced to $66,515,818.

On Page 75:
Line 20 "Sub-Total Appropriation, General University ..... $80,362,218"
This item is reduced to $66,521,618.

On Page 77:
Line 1 "33120-572. Research ..... ($4,303,220)"
This item is deleted in its entirety.

On Page 77:
Line 2 "33130-572. Extension and Public Service ($2,134,917)"
This item is deleted in its entirety.

On Page 77:
Line 3 "33950-572. Academic Support ..... ($31,473)"
This item is deleted in its entirety.

On Page 77:
Line 4 "33970-572. Institutional Support ..... ($868,916)"
This item is deleted in its entirety.

On Page 77:
Line 5 "Sub-Total, General Operations ..... ($7,338,526)"
This item is deleted in its entirety.

On Page 77:
Line 6 "Federal research and extension funds expense ..... ($2,427,839)"
This item is deleted in its entirety.

On Page 77:
Line 7 "Special Funds expense ..... ($2,300,000)"
This item is deleted in its entirety.

On Page 77:
Line 8 "Total All Operations ..... ($12,066,365)"
This item is deleted in its entirety.

On Page 77:
Line 10 "General Services income ..... ($35,000)"
This item is deleted in its entirety.

On Page 77:
Lines 11-12 "Federal research and extension funds income ..... ($2,427,839)"
This item is deleted in its entirety.

On Page 77:
Line 13 "Special Funds income ..... ($2,300,000)"
This item is deleted in its entirety.

On Page 77:
Line 14 "Total Income Deductions ..... ($4,762,839)"
This item is deleted in its entirety.

On Page 77:
Lines 15-16 "Sub-Total Appropriation, Agricultural Experiment Station ..... ($7,303,526)"
This item is deleted in its entirety.

On Page 78:
Lines 39-40 "Total Appropriation, Rutgers, The State University ..... $87,665,744"
This item is reduced to $66,521,618.

"Central Administration"

On Page 78:
Line 1 "33120. Organized Research ..... $541,495"
This item is reduced to $189,751.

On Page 78:
Line 2 "33970. Institutional Support ..... $1,162,783"
This item is reduced to $1,107,527.

On Page 78:
Line 3 "Sub-Total Appropriation, All Operations $1,704,278"
This item is reduced to $1,297,278.

On Page 78:
Lines 7-8 "Sub-Total Appropriation, Central Administration ..... $1,514,527"
This item is reduced to $1,107,527.

"New Jersey Medical School—Newark"

On Page 78:
Line 1 "33110. Instruction ..... $6,540,695"
This item is reduced to $6,146,750.

On Page 79:
Line 9 "Sub-Total Appropriation, All Operations $21,438,774"
This item is reduced to $21,044,829.

On Page 79:
Line 11 "General Services income ..... $1,750,254"
This item is increased to $2,152,314.

On Page 79:
Line 16 "Total Income Deductions ..... $11,825,341"
This item is increased to $12,227,401.

On Page 79:
Lines 17-18 "Sub-Total Appropriation, New Jersey Medical School—Newark ..... $9,613,433"
This item is reduced to $8,817,428.

"Rutgers Medical School"

On Page 79:
Line 1 "33110. Instruction ..... $7,205,799"
This item is reduced to $6,938,676.

On Page 79:
Line 8 "Sub-Total, All Operations ..... $16,855,483"
This item is reduced to $16,588,360.

On Page 79:
Line 10 "General Services income ..... $923,380"
This item is increased to $1,113,388.

On Page 79:
Line 14 "Total Income Deductions ..... $7,335,676"
This item is increased to $7,525,684.

On Page 79:
Lines 15-16 "Sub-Total Appropriation, Rutgers Medical School ..... $9,519,807"
This item is reduced to $9,062,676.

"College-wide Programs"

On Page 79:
Line 1 "33110. Instruction ..... $735,448"
This item is reduced to $543,243.

On Page 79:
Line 4 "Sub-Total Appropriation, All Operations $2,402,492"
This item is reduced to $2,210,287.

On Page 80:
Line 6 "General Services income ..... $122,000"
This item is increased to $163,643.

On Page 80:
Line 7 "Total Income Deductions ..... $122,000"
This item is increased to $163,643.

On Page 80:
Lines 8-9 "Sub-Total Appropriation, College-wide Programs ..... $2,280,492"
This item is reduced to $2,046,644.

"New Jersey Dental School—Newark"

On Page 80:
Line 1 "33110. Instruction ..... $4,550,051"
This item is reduced to $4,249,682.

On Page 80:
Line 4 "Sub-Total Appropriation, All Operations $6,506,748"
This item is reduced to $6,206,379.

On Page 80:
Line 6 "General Services income ..... $625,000"
This item is increased to $775,210.

On Page 80:
Line 8 "Total Income Deductions ..... $1,372,190"
This item is increased to $1,522,400.

On Page 80:
Lines 9-10 "Sub-Total Appropriation, New Jersey Dental School—Newark ..... $5,134,558"
This item is reduced to $4,683,979.

"Graduate School of Bio-Medical Sciences"

On Page 81:
Line 1 "33110. Instruction ..... $284,861"
This item is reduced to $227,903.

On Page 81:
Line 2 "Sub-Total Appropriation, All Operations $284,861"
This item is reduced to $227,903.

On Page 81:
Line 4 "General Services income ..... $44,800"
This item is increased to $56,879.

On Page 81:
Line 5 "Total Income Deductions ..... $44,800"
This item is increased to $56,879.

On Page 81:
Lines 6-7 "Sub-Total Appropriation, Graduate School of Bio-Medical Sciences ..... $240,061"
This item is reduced to $171,024.

On Page 81:
Line 1 "33970. Institutional Support ..... $50,000"
This item is reduced to $40,000.

On Page 81:
Lines 2-3 "Sub-Total Appropriation, South Jersey Medical Program ..... $50,000"
This item is reduced to $40,000.

On Page 81:
Lines 4-5 "Total Appropriation, College of Medicine and Dentistry of New Jersey ..... $43,264,687"
This item is reduced to $40,841,087.

"New Jersey Institute of Technology"

On Page 83:
Line 1 "33110. Instruction ..... $7,959,848"
This item is reduced to $7,707,848.

On Page 83:
Line 8 "33970. Institutional Support ..... $4,477,681"
This item is reduced to $3,979,681.

On Page 83:
Line 9 "Sub-Total, All Operations ..... $14,970,590"
This item is reduced to $14,220,590.

On Page 83:
Line 11 "General Services income ..... $3,220,680"
This item is increased to $4,025,680.

On Page 83:
Line 13 "Total Income Deductions ..... $4,295,811"
This item is increased to $5,100,811.

On Page 83:
Lines 14-15 "Total Appropriation, New Jersey Institute of Technology ..... $10,674,779"
This item is reduced to $9,119,779.

On Page 85:
Lines 59-60 "Total Appropriation, Department of Higher Education ..... $318,131,249"
This item is reduced to $267,909,023.

On Page 85:
Lines 81-82 "Veterinary Medicine Education Program ..... ($130,000)"
This item is reduced to ($80,000).

On Page 85:
Lines 83-84 "Aid to Independent Colleges and Universities ..... ($8,000,000)"
This item is reduced to ($4,000,000).

On Page 85:
Line 85 "Schools of Professional Nursing ..... ($1,860,000)"
This item is deleted in its entirety.

On Page 85:
Lines 88-89 "Total Appropriation from State Lottery Fund ..... ($10,390,000)"
This item is reduced to ($4,480,000).

"Department of Transportation"

On Page 86:
Line 2 "62120-600. Roadway and Bridge Improvements ..... $6,851,295"
This item is reduced to $3,751,295.

On Page 86:
Line 4 "Total Appropriation ..... $10,935,628"
This item is reduced to $7,835,628.

On Page 86:
Line 1 "63110-600. Roadway and Bridge Maintenance ..... $23,864,076"
This item is reduced to $23,009,948.

On Page 86:
Line 2 "63120-600. Electric and Traffic Operations ..... $8,166,130"
This item is reduced to $8,112,457.

On Page 87:
Line 4 "63140-600. Equipment Maintenance ..... $6,797,838"
This item is reduced to $6,645,650.

On Page 87:
Line 5 "Total Appropriation ..... $41,029,129"
This item is reduced to $39,969,140.

On Page 87:
Lines 16A,-16E "Of the amount provided hereinabove for roadway and bridge maintenance, a sum not to exceed $25,000 shall be used for curb replacement on State Highway 27 in the Borough of Highland Park."
This item is deleted in its entirety.

On Page 87:
Line 1 "63210-600. Railroad and Bus Operations $66,236,391"
This item is reduced to $24,947,789.

On Page 87:
Line 3 "Total Appropriation ..... $66,476,668"
This item is reduced to $25,188,066.

On Page 88:
Lines 26-29 "Of the amount provided hereinabove for bus subsidies, a sum not to exceed $100,000 shall be used for Transport of New Jersey, Gloucester County Commuter Services."
This item is deleted in its entirety.

On Page 88:
Line 1 "69110-600. Department Administration $914,123"
This item is reduced to $840,123.

On Page 88:
Line 3 "69130-600. Fiscal Management ..... $2,559,963"
This item is reduced to $2,386,048.

On Page 88:
Line 4 "Total Appropriation ..... $6,018,687"
This item is reduced to $5,770,772.

On Page 89:
Line 2 "69320-600. Research ..... $1,255,438"
This item is reduced to $1,253,438.

On Page 89:
Line 3 "Sub-Total ..... $4,995,382"
This item is reduced to $4,993,382.

On Page 89:
Line 10 "Total Appropriation ..... $1,569,562"
This item is reduced to $1,567,562.

On Page 90:
Lines 51, 51A, 51B "... including $30,000 for a feasibility study on activation of the West Shore Railroad."
The foregoing part of this item is deleted.

On Page 90:
Lines 51C-51D "Total Appropriation, Department of Transportation ..... $152,357,672"
This item is reduced to $106,659,166.

"Department of Institutions and Agencies"

On Page 91:
Line 1 "12110-731. Institutional Control and Supervision ..... $4,486,793"
This item is reduced to $4,426,793.

On Page 91:
Lines 4-5 "12170-731. Education Program—Garden State School District ..... $379,000"
This item is reduced to $329,000.

On Page 91:
Line 7 "Total Appropriation ..... $8,533,438"
This item is reduced to $8,423,438.

On Page 91:
Line 1 "12110-732. Institutional Control and Supervision ..... $3,048,709"
This item is reduced to $2,988,709.

On Page 91:
Lines 4-5 "12170-732. Education Program—Garden State School District ..... $323,434"
This item is reduced to $273,434.

On Page 91:
Line 7 "Total Appropriation ..... $6,230,760"
This item is reduced to $6,120,760.

On Page 92:
Line 1 "12110-733. Institutional Control and Supervision ..... $2,029,908"
This item is reduced to $1,969,908.

On Page 92:
Lines 4-5 "12170-733. Education Program—Garden State School District ..... $243,633"
This item is reduced to $193,633.

On Page 92:
Line 7 "Total Appropriation ..... $4,686,675"
This item is reduced to $4,576,675.

On Page 93:
Line 1 "12110-734. Institutional Control and Supervision ..... $2,050,364"
This item is reduced to $2,000,364.

On Page 93:
Lines 4-5 "12170-734. Education Program—Garden State School District ..... $216,868"
This item is reduced to $166,868.

On Page 93:
Line 7 "Total Appropriation ..... $4,764,795"
This item is reduced to $4,664,795.

On Page 94:
Line 1 "12110-735. Institutional Control and Supervision ..... $2,435,742"
This item is reduced to $2,385,742.

On Page 94:
Lines 4-5 "12170-735. Education Program—Garden State School District ..... $396,352"
This item is reduced to $346,352.

On Page 94:
Line 7 "Total Appropriation ..... $5,640,707"
This item is reduced to $5,540,707.

On Page 94:
Line 1 "12110-737. Institutional Control and Supervision ..... $1,330,595"
This item is reduced to $1,280,595.

On Page 94:
Lines 4-5 "12170-737. Education Program—Garden State School District ..... $162,315"
This item is reduced to $112,315.

On Page 94:
Line 7 "Total Appropriation ..... $3,170,715"
This item is reduced to $3,070,715.

On Page 95:
Line 1 "12110-738. Institutional Control and Supervision ..... $1,787,848"
This item is reduced to $1,737,848.

On Page 95:
Lines 4-5 "12170-738. Education Program—Garden State School District ..... $211,593"
This item is reduced to $161,593.

On Page 95:
Line 7 "Total Appropriation ..... $4,146,009"
This item is reduced to $4,046,009.

On Page 95:
Line 1 "12110-739. Institutional Control and Supervision ..... $682,394"
This item is reduced to $652,394.

On Page 95:
Lines 4-5 "12170-739. Education Program—Garden State School District ..... $161,864"
This item is reduced to $111,864.

On Page 95:
Line 7 "Total Appropriation ..... $1,828,223"
This item is reduced to $1,748,223.

On Page 96:
Line 1 "12110-740. Institutional Control and Supervision ..... $1,279,474"
This item is reduced to $1,249,474.

On Page 96:
Lines 4-5 "12170-740. Education Program—Garden State School District ..... $428,216"
This item is reduced to $378,216.

On Page 96:
Line 7 "Total Appropriation ..... $3,512,363"
This item is reduced to $3,432,363.

On Page 97:
Line 1 "12310-730. Parole ..... $3,767,605"
This item is reduced to $3,637,605.

On Page 97:
Line 2 "12320-730. Community Programs ..... $639,025"
This item is reduced to $464,025.

On Page 97:
Line 3 "Total Appropriation ..... $4,406,630"
This item is reduced to $4,101,630.

On Page 98:
Line 3 "12920-730. Training and Staff Development ..... $388,697"
This item is reduced to $263,697.

On Page 98:
Line 4 "12930-730. Administration ..... $1,776,900"
This item is reduced to $1,516,900.

On Page 98:
Line 5 "Total Appropriation ..... $2,436,639"
This item is reduced to $2,051,639.

On Page 98:
Line 1 "22490-794. Administration and Support $1,700,000"
This item is reduced to $1,450,000.

On Page 98:
Line 2 "Total Appropriation ..... $1,700,000"
This item is reduced to $1,450,000.

On Page 101:
Line 1 "25110-767. Resident Care and Habilitation ..... $3,326,465"
This item is reduced to $2,526,465.

On Page 101:
Lines 3-4 "25190-767. Institutional Administration and Support Services ..... $2,776,620"
This item is reduced to $2,476,620.

On Page 101:
Line 5 "Total Appropriation ..... $8,143,157"
This item is reduced to $7,043,157.

On Page 102:
Line 1 "25110-768. Resident Care and Habilitation ..... $2,040,470"
This item is reduced to $1,950,470.

On Page 102:
Line 6 "Total Appropriation ..... $4,017,435"
This item is reduced to $3,927,435.

On Page 102:
Line 4 "25290-760. Management and General Support ..... $3,235,451"
This item is reduced to $1,835,451.

On Page 102:
Line 5 "Total Appropriation ..... $14,189,837"
This item is reduced to $12,789,837.

On Page 103:
Line 2 "26120-777. "Inpatient Care and Health Services ..... $16,000,840"
This item is reduced to $15,540,840.

On Page 103:
Line 3 "26190-777. Administration and Support $6,408,453"
This item is reduced to $6,348,453.

On Page 103:
Line 4 "Total Appropriation ..... $22,635,344"
This item is reduced to $22,115,344.

On Page 104:
Line 2 "26120-781. Inpatient Care and Health Services ..... $9,781,924"
This item is reduced to $9,181,924.

On Page 104:
Line 3 "26190-781. Administration and Support $4,961,765"
This item is reduced to $4,841,765.

On Page 104:
Line 4 "Total Appropriation ..... $15,263,049"
This item is reduced to $14,543,049.

On Page 106:
Line 1 "26120-790. Inpatient Care and Health Services ..... $787,451"
This item is reduced to $287,451.

On Page 106:
Line 2 "26190-790. Administration and Support $304,311"
This item is reduced to $54,311.

On Page 106:
Line 3 "Total Appropriation ..... $1,091,762"
This item is reduced to $341,762.

On Page 106:
Line 1 "26110-792. Outpatient and Community Services ..... $176,523"
This item is reduced to $76,523.

On Page 106:
Line 2 "26120-792. Inpatient Care and Health Services ..... $1,213,606"
This item is reduced to $413,606.

On Page 106:
Line 3 "26130-792. Special Diagnostic Services .. $1,074,807"
This item is reduced to $274,807.

On Page 106:
Line 4 "26190-792. Administration and Support $467,869"
This item is reduced to $167,869.

On Page 106:
Line 5 "Total Appropriation ..... $2,932,805"
This item is reduced to $932,805.

On Page 107:
Line 1 "26910-770. Community Services ..... $4,455,898"
This item is reduced to $4,180,898.

On Page 107:
Line 3 "Total Appropriation ..... $6,756,541"
This item is reduced to $6,481,541.

On Page 108:
Line 2 "52420-716. Instruction and Community Programs ..... $1,465,537"
This item is reduced to $1,435,537.

On Page 108:
Line 4 "Total Appropriation ..... $5,178,430"
This item is reduced to $5,148,430.

On Page 108:
Line 3 "52530-715. Income Maintenance ..... $2,153,408"
This item is reduced to $1,983,408.

On Page 108:
Line 5 "Total Appropriation ..... $5,772,441"
This item is reduced to $5,602,441.

On Page 109:
Line 3 "52630-717. Social Services ..... $15,452,320"
This item is reduced to $12,873,320.

On Page 109:
Line 4 "52640-717. Resource Development ..... $1,460,229"
This item is reduced to $1,267,229.

On Page 109:
Line 6 "Total Appropriation ..... $24,987,650"
This item is reduced to $22,215,650.

On Page 111:
Line 1 "52720-710. Domiciliary and Treatment Services ..... $1,604,071"
This item is reduced to $1,489,071.

On Page 111:
Line 3 "Total Appropriation ..... $2,442,362"
This item is reduced to $2,327,362.

On Page 111:
Line 1 "52720-711. Domiciliary and Treatment Services ..... $2,052,161"
This item is reduced to $1,927,161.

On Page 111:
Line 3 "Total Appropriation ..... $2,929,624"
This item is reduced to $2,804,624.

On Page 112:
Line 1 "53110-714. Long-Term Care ..... $2,157,311"
This item is reduced to $2,077,311.

On Page 112:
Line 6 "Total Appropriation ..... $227,698,716"
This item is reduced to $227,618,716.

On Page 113:
Lines 1-2 "79130-700. Education Program—Garden State School District ..... $646,374"
This item is reduced to $596,374.

On Page 113:
Line 4 "79190-700. Department Management ... $4,142,024"
This item is reduced to $3,814,024.

On Page 113:
Line 5 "Total Appropriation ..... $11,290,911"
This item is reduced to $10,912,911.

On Page 115:
Lines 66-67 "Total Appropriation Department of Institutions and Agencies ..... $492,857,139"
This item is reduced to $480,502,139.

On Page 116:
Lines 120-121 "Memorial Home for Disabled Soldiers, Menlo Park ..... ($2,442,362)"
This item is reduced to ($2,367,362).

On Page 116:
Lines 122-123 "Memorial Home for Disabled Soldiers, Vineland ..... ($2,929,624)"
This item is reduced to ($2,854,624).

On Page 116:
Lines 126-129 "To Provide Educational Services to Patients, Inmates and residents through the Garden State School District ..... ($2,579,569)"
This item is reduced to ($2,079,569).

On Page 116:
Lines 130-131 "Total Appropriation from the State Lottery Fund ..... ($25,046,022)"
This item is reduced to ($24,396,022).

"Department of Community Affairs"

On Page 117:
Line 2 "42130-800. Local Government Services .. $1,080,142"
This item is reduced to $880,142.

On Page 117:
Line 4 "Total Appropriation ..... $5,808,538"
This item is reduced to $5,108,532.

On Page 119:
Line 1 "52310-800. Human Resources ..... $1,894,163"
This item is reduced to $1,294,163.

On Page 119:
Line 3 "Total Appropriation ..... $1,671,529"
This item is reduced to $1,571,529.

On Page 119:
Line 1 "79190-800. Department Management ... $681,935"
This item is reduced to $611,935.

On Page 119:
Line 2 "Total Appropriation ..... $681,935"
This item is reduced to $611,935.

On Page 120:
Lines 17-18 "Total Appropriation, Department of Community Affairs ..... $7,664,996"
This item is reduced to $7,291,996.

"Department of Public Advocate"

On Page 121:
Lines 26-29 "No officer or employee, unless he is receiving his entire salary from the sums provided hereinabove for Inmate Advocacy, shall undertake any duties of the program."
This item is deleted in its entirety.

On Page 121:
Lines 30-33 "No funds may be transferred into the Inmate Advocacy account without the approval of the Sub-committee on transfers of the Joint Appropriations Committee."
This item is deleted in its entirety.

"MISCELLANEOUS EXECUTIVE COMMISSIONS"

"New Jersey American Revolution Bicentennial Celebration Commission"

On Page 122:
Line 2 "Expenses of Commission ..... $390,000"
This item is reduced to $340,000.

On Page 122:
Line 3 "Total Appropriation ..... $450,000"
This item is reduced to $400,000.

"Palisades Interstate Park Commission"

On Page 123:
Line 1 "46110. Parks Management ..... $828,452"
This item is reduced to $808,452.

On Page 123:
Line 2 "46180. Patrol Activities and Crime Control ..... $502,841"
This item is reduced to $492,841.

On Page 123:
Line 3 "Total Appropriation ..... $1,331,293"
This item is reduced to $1,301,293.

On Page 124:
Lines 16-17 "Total Appropriation, Miscellaneous Executive Commissions ..... $3,145,158"
This item is reduced to $3,065,158.

"INTERDEPARTMENTAL ACCOUNTS"

"Property Rentals—Buildings and Grounds"

On Page 124:
Line 1 "Services Other Than Personal ..... $27,955,179"
This item is reduced to $27,455,179.

On Page 124:
Line 4 "Total Appropriation ..... $18,437,321"
This item is reduced to $17,937,321.

"Salary and Other Benefits"

On Page 129:
Lines 6A-6C "To the Director of the Division of Budget and Accounting for allotment to the various agencies for normal merit salary increments ..... ($12,113,287)"
This item is deleted in its entirety.

On Page 129:
Line 7 "Total Appropriation ..... $14,113,287"
This item is reduced to $2,000,000.

On Page 130:
Lines 42G-42H "...and for normal merit salary increments."
The foregoing portion of this item is deleted.

On Page 130:
Lines 43-47 "...provided, however, that the first normal merit salary increment anniversary date shall be effective at the beginning of the bi-weekly pay period nearest to July 1, 1955."
The foregoing portion of this item is deleted.

On Page 132:
Lines 16-17 "Total Appropriation, Inter-Departmental Accounts ..... $180,140,566"
This item is reduced to $167,527,279.

"The Judiciary"

On Page 132:
Line 2 "73210-970. Superior Court ..... $8,411,919"
This item is reduced to $8,321,919.

On Page 132:
Line 3 "Total Appropriation ..... $9,350,803"
This item is reduced to $9,260,803.

On Page 133:
Line 1 "73210-970. Official Court Reporters .... $3,290,981"
This item is reduced to $3,140,981.

On Page 133:
Line 2 "73290-970. General Support ..... $1,353,480"
This item is reduced to $1,303,480.

On Page 133:
Line 3 "Total Appropriation ..... $4,644,461"
This item is reduced to $4,444,461.

On Page 133:
Line 17 "Total Appropriation, The Judiciary ... $15,169,328"
This item is reduced to $14,879,328.

On Page 133:
Lines 18-19 "Total Appropriation, General State Operations ..... $1,449,664,161"
This item is reduced to $1,316,469,996.

"STATE AID"

"Department of the Treasury"

On Page 135:
Lines 1-2 "77110-240. Inheritance Tax Collections (County Share) ..... ($3,500,000)"
This item is deleted in its entirety.

On Page 135:
Line 4 "Total Appropriation ..... $11,586,331"
This item is reduced to $8,086,331.

On Page 135:
Lines 10-12 "There are hereby appropriated such additional sums as may be required for Inheritance Tax collections (County Share) (R. S. 54:33-10)."
This item is deleted in its entirety.

On Page 136:
Lines 1-2 "77230-240. Reimbursements—Senior Citizens' Tax Deductions ..... $14,000,000"
This item is reduced to $7,000,000.

On Page 136:
Line 6 "Total Appropriation ..... $18,892,752"
This item is reduced to $11,892,752.

On Page 136:
Lines 16-9 "There are hereby appropriated such additional sums as may be required for State reimbursement to municipalities for one-half of the Senior Citizens' Tax Deduction."
This item is deleted in its entirety.

On Page 136:
Lines 20-21 "Total Appropriation, Department of the Treasury ..... $30,479,083"
This item is reduced to $19,979,083.

"Department of Health"

On Page 136:
Line 1 "23210-360. Local Health Services ..... ($4,329,456)"
This item is deleted in its entirety.

On Page 136:
Line 2 "Total Appropriation ..... ($4,329,456)"
This item is deleted in its entirety.

On Page 136:
Lines 11-13 "The unexpended balance as of June 30, 1975 in this account, not to exceed $250,000, is hereby appropriated."
This item is deleted in its entirety.

On Page 137:
Lines 14-16 "The capitation is hereby set at $2.00 for the calendar year 1976 for the purpose prescribed (C. 26:2F–1 et seq.)."
This item is deleted in its entirety.

On Page 137:
Line 17 "Total Appropriation, Department of Health ..... ($4,329,456)"
This item is deleted in its entirety.

"Department of Environmental Protection"

On Page 137:
Line 1 "41330-400. Marine Lands Management $1,563,013"
This item is reduced to $279,788.

On Page 137:
Line 2 "Total Appropriation ..... $1,563,013"
This item is reduced to $279,788.

On Page 138:
Lines 1-2 "49110-400. Department of Management and Administrative Services ..... ($625,000)"
This item is deleted in its entirety.

On Page 138:
Line 3 "Total Appropriation ..... ($625,000)"
This item is deleted in its entirety.

On Page 138:
Lines 22-23 "The unexpended balance as of June 30, 1975 in this account is hereby appropriated."
This item is deleted in its entirety.

On Page 138:
Lines 24-27 "The amounts hereinabove recommended for Mosquito control purposes shall not be contracted for or expended without the approval of the Commissioner, Department of Environmental Protection."
This item is deleted in its entirety.

On Page 138:
Lines 28-29 "Total Appropriation, Department of Environmental Protection ..... $2,188,013"
This item is reduced to $279,788.

"Department of Education"

On Page 139:
Lines 1-2 "31110-500. State School Incentive Equalization Aid ..... $459,108,284"
This item is reduced to $320,408,284 by withholding the amount of minimum support aid that would be distributed to school districts which have an equalized valuation per weighted pupil above $38,000—the current guaranteed level under the incentive equalization formula—and the save harmless current expense aid for all qualifying school districts. I intend to direct the Commissioner of Education to distribute the remaining appropriation in a constitutional manner consistent with the Supreme Court's opinion in *Robinson* v. *Cahill.*

On Page 139:
Line 3 "31120-500. Special Education ..... $64,111,188"
This item is reduced to $51,930,070.

On Page 139:
Line 5 "31140-500. School Facility Program .. $44,253,516"
This item is reduced to $34,708,516.

On Page 139:
Line 6 "31150-500. Pupil Transportation ..... $46,020,729"
This item is reduced to $37,276,792.

On Page 139:
Line 7 "31160-500. Aid for Non-public Education $3,750,000"
This item is reduced to $3,037,500.

On Page 139:
Line 8 "31170-500. Adult and Continuing Education ..... $3,684,427"
This item is reduced to $2,984,384.

On Page 139:
Line 9 "31190-500. Other Grants-in-Aid ..... $4,661,131"
This item is reduced to $3,775,518.

On Page 139:
Line 10 "Sub-Total Appropriation ..... $821,977,615"
This item is reduced to $650,509,404.

On Page 140:
Line 67A "The provisions of the 'State School Aid Law' (N. J. S. 18A:58–1 et seq.) notwithstanding, each district shall be apportioned for incentive equalization aid, minimum support aid, save harmless current expense aid and county vocational school aid the amount which they received for the school year 1974-75."
This item is deleted in its entirety.

On Page 141:
Lines 1-2 "32110-500. Programs for the disadvantaged and handicapped ..... ($1,000,000)"
This item is deleted in its entirety.

On Page 141:
Line 3 "Sub-Total Appropriation ..... ($1,000,000)"
This item is deleted in its entirety.

On Page 142:
Line 1 "32510-500. General Vocational Education $7,740,624"
This item is reduced to $1,360,649.

On Page 142:
Lines 2-3 "32520-500. Aid for Part-time County Vocational Schools ..... ($1,705,950)"
This item is deleted in its entirety.

On Page 142:
Line 4 "Sub-Total Appropriation ..... $9,446,574"
This item is reduced to $1,360,649.

On Page 142:
Lines 1-2 "34210-520. State Library and Historic Commission ..... $7,921,061"
This item is reduced to $7,574,444.

On Page 142:
Line 3 "Sub-Total Appropriation ..... $7,921,061"
This item is reduced to $7,574,444.

On Page 143:
Lines 5-6 "Total Appropriation, Department of Education ..... $850,557,467"
This item is reduced to $669,656,714.

On Page 143:
Line 25 "Adult Education ..... ($1,071,000)"
This item is reduced to ($370,957).

On Page 143:
Lines 28-29 "Total Appropriation from State Lottery Fund ..... ($2,560,540)"
This item is reduced to ($1,860,497).

"Department of Higher Education"

On Page 144:
Line 1 "39210-540. Support Services ..... $37,279,642"
This item is reduced to $28,479,642.

On Page 144:
Line 2 "Total Appropriation ..... $37,279,642"
This item is reduced to $28,479,642.

On Page 144:
Lines 32-33 "Total Appropriation, Department of Higher Education ..... $37,279,642"
This item is reduced to $28,479,642.

"Department of Transportation"

On Page 145:
Line 1 "61250-600. Grade Crossing Projects .... ($2,000,000)"
This item is deleted in its entirety.

On Page 145:
Line 2 "Total Appropriation ..... ($2,000,000)"
This item is deleted in its entirety.

On Page 145:
Lines 9-13 "An amount of $2,000,000 for the public share of the cost of eliminating grade crossings (C48:12–49.1 et seq.) is hereby provided from sums previously appropriated from the State Transportation Fund."
This item is deleted in its entirety.

On Page 145:
Line 3 "61580-620. State Aid Road System Projects ..... $8,065,000"
This item is reduced to $8,000,000.

On Page 145:
Line 5 "Sub-Total Appropriation ..... $22,188,064"
This item is reduced to $22,123,064.

On Page 145:
Line 8 "Total Appropriation ..... $10,220,745"
This item is reduced to $10,155,745.

On Page 146:
Lines 33-34 "Total Appropriation, Department of Transportation ..... $12,220,745"
This item is reduced to $10,155,745.

"Department of Institutions and Agencies"

On Page 147:
Line 1 "26910-770. Community Services ..... $26,300,000"
This item is reduced to $25,650,000.

On Page 147:
Line 2 "Total Appropriation ..... $26,300,000"
This item is reduced to $25,650,000.

On Page 147:
Line 1 "52530-715. Income Maintenance ..... $218,873,000"
This item is reduced to $216,473,000.

On Page 147:
Line 2 "Total Appropriation ..... $218,873,000"
This item is reduced to $216,473,000.

On Page 148:
Line 1 "52620-717. Residential Services ..... $20,091,699"
This item is reduced to $18,091,699.

On Page 148:
Line 2 "Total Appropriation ..... $20,091,699"
This item is reduced to $18,091,699.

On Page 149:
Lines 5-6 "Total Appropriation, Department of Institutions and Agencies ..... $265,264,699"
This item is reduced to $260,214,699.

"Department of Community Affairs"

On Page 149:
Line 2 "42130-800. Local Government Services $50,891,906"
This item is reduced to $37,353,906.

On Page 149:
Line 3 "Total Appropriation ..... $52,220,206"
This item is reduced to $38,682,206.

On Pages 149-150:
Lines 23-32 "Notwithstanding the limitation on Urban renewal assistance not to exceed 50% of local share, any funds advanced under the provisions of C52:27D–50, which may subsequently be treated as a grant as therein provided, shall be disregarded in calculating the State 50% contribution toward the local share; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act."
This item is deleted in its entirely.

On Page 150:
Lines 39-46 "The amount provided hereinabove in the For planning local effectiveness account shall be used to assist counties and municipalities in planning the orderly growth and development of their jurisdictions; provided, however, that the State share shall not exceed 50% of the total project cost and the maximum annual grant shall not exceed $15,000."
This item is deleted in its entirely.

On Page 150:
Lines 47-52 "The unexpended balance as of June 30, 1975 in the Municipalities franchise tax replacement account is hereby appropriated; provided, however, that the expenditure thereof shall be subject to transfers approved as prescribed in section 3 of this act."
This item is deleted in its entirety.

On Page 150:
Lines 53-61 "The amount provided hereinabove for Safe and Clean Neighborhoods shall be available for those municipalities qualifying for Municipal Aid, subject to enactment of enabling legislation, for the purpose of improving safety and cleanliness of neighborhoods; provided, however, that each recipient municipality; match its allocation with an equal amount; and provided further that no municipality receive more than $1 million.
This item is deleted in its entirety.

On Page 150:
Line 1 "52310-800. Human Resources ..... $6,302,700"
This item is reduced to $5,002,700.

On Page 150:
Line 2 "Total Appropriation ..... $6,302,700"
This item is reduced to $5,002,700.

On Page 151:
Lines 9-10 "Total Appropriation, Department of Community Affairs ..... $59,077,266"
This item is reduced to $44,239,266.

On Page 152:
Line 13 "Total Appropriation, State Aid ..... $1,263,647,471"
This item is reduced to $1,035,256,037.

"CAPITAL CONSTRUCTION"

"Department of the Treasury"

On Page 154:
Lines 1-6 Capital Construction: "For transfer to an applicant State department for advance planning, engineering design and architectural services for public works projects undertaken in connection with matching Federal funds .....($400,000)"
This item is deleted in its entirety.

On Page 154:
Lines 7-8 "Total Appropriation, Department of the Treasury .....($400,000)"
This item is deleted in its entirety.

"Department of Environmental Protection"

On Page 155:
Lines 1-2A Capital Construction: "Protection and Maintenance, Delaware and Raritan Canal ... ($500,000)"
This item is deleted in its entirety.

On Page 155:
Lines 2B-2C "Miscellaneous culvert replacements, Delaware and Raritan Canal ..... ($100,000)"
This item is deleted in its entirety.

On Page 155:
Line 3 "Total Appropriation ..... ($600,000)"
This item is deleted in its entirety.

On Page 157:
Lines 11-12 "Total Appropriation, Department of Environmental Protection ..... $10,825,000"
This item is reduced to $10,225,000.

"Department of Transportation"

On Page 159:
Lines 1-14 "61100-612. State Highway Construction ..... $42,100,000"
This item is reduced to $21,000,000.

On Page 159:
Line 15 "Sub-Total Appropriation ..... $42,100,000"
This item is reduced to $21,000,000.

On Page 160:
Lines 16-17 "61190-612. Transportation Construction Engineering ..... $10,455,736"
This item is reduced to $9,955,736.

On Page 160:
Line 35 "Total Appropriation ..... $52,555,736"
This item is reduced to $30,955,736.

On Page 161:
Line 61-61B ". . . after consultation with the Sub-committee on Transfers of the Joint Appropriations Committee, . . ."
The foregoing part of this item is deleted.

On Page 163:
Lines 7-8 "Total Appropriation, Department of Transportation ..... $67,645,736"
This item is reduced to $46,045,736.

On Page 165:
Line 20 "Total Appropriation, Capital Construction ..... $101,193,736"
This item is reduced to $78,593,736.

On Page 165:
Line 21 "Grand Total Appropriation ..... $2,814,505,368"
This item is reduced to $2,430,319,769.

Respectfully,

[SEAL] /s/ BRENDAN BYRNE,
Attest: *Governor*
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor

CHAPTER 129

AN ACT to amend "An act concerning motor vehicle special learners' permits, and supplementing article 2 of chapter 3 of Title 39 of the Revised Statutes," approved May 10, 1950 (P. L. 1950, c. 127.

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

1. Section 1 of P. L. 1950, c. 127 (C. 39:3–13.1) is amended to read as follows:

C. 39:3-13.1 Special learner's permit; place of keeping.

1. The Director of the Division of Motor Vehicles may issue to a person over 16 years and 6 months of age a special learner's permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a course of behind-the-wheel automobile driving education approved by the State Department of Education and

conducted in a public, parochial or private school of this State, which special learner's permit shall be issued in lieu of the learner's permit provided for in R. S. 39:3–13.

The special learner's permit described above shall be retained in the office of the school principal at all times except during such time as the person to whom the permit is issued in undergoing behind-the-wheel automobile driving instruction.

2. This act shall take effect immediately.

Approved June 27, 1975.

CHAPTER 130

AN ACT to amend "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school and other districts, State agencies and other public authorities and agencies," approved July 3, 1969 (P. L. 1969, c. 137), as said title was amended by P. L. 1970, c. 49.

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

1. Section 1 of P. L. 1969, c. 137 (C. 31:1–7) is amended to read as follows:

C. 31:1-7 Interest rate limitations applicable to counties, municipalities, etc.

1. Notwithstanding the provisions of any other law, statute or regulation applicable to or constituting any limitation on the maximum rate of interest per annum payable on bonds, notes or other obligations, or as to annual interest cost to maturity of money borrowed or received upon issuance of bonds, notes or other obligations, every county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created by the State, any county, or municipality or by one or more counties or municipalities, is hereby authorized and empowered for the period from the effective date of this act through June 30, 1978 to contract to pay interest on or an interest cost per annum for money borrowed and evidenced by bonds, notes or other obligations issued

during said period without limit as to the rate of interest per annum payable thereon or as to the annual interest cost to maturity of the money borrowed.

2. This act shall take effect immediately.

Approved June 30, 1975.

CHAPTER 131

AN ACT to amend "An act concerning the interception of wire and oral communications, authorizing interception in certain cases under court order and prescribing procedures therefor, prohibiting unauthorized interception, use or disclosure of wire and oral communications, prescribing penalties for violations and repealing N. J. S. 2A:146–1," 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 4 of P. L. 1968, c. 409 (C. 2A:156A–4) is amended to read as follows:

C. 2A:156A-4 Exceptions.

4. It shall not be unlawful under this act for:

a. An operator of a switchboard, or an officer, agent or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. No communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

b. Any investigative or law enforcement officer to intercept a wire or oral communication, where such officer is a party to the communication or where another officer who is a party to the communication requests or requires him to make such interception;

c. Any investigative or law enforcement officer or any person acting at the direction of an investigative or law enforcement officer

to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the Attorney General or his designee or a county prosecutor within his authority determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception; or

d. A person not acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception unless such communication is intercepted *or used* for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State or for the purpose of commiting any other injurious act. Any person who unlawfully intercepts or uses such communication as provided in this paragraph shall be subject to the civil liability established in section 24 of this act (C. 2A:156A–24), in addition to any other criminal or civil liability imposed by law.

2. Section 5 of P. L. 1968, c. 409 (C. 2A:156A–5) is amended to read as follows:

C. 2A:156-5 Possession, sale, distribution, manufacture, or advertisement of intercepting devices; violation; penalty.

5. Except as otherwise specifically provided in section 6 of this act, any person who:

a. Willfully 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. Willfully 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. Willfully 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. Willfully 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. Willfully 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 misdemeanor and shall be fined not more than $10,000.00 or imprisoned not more than 5 years, or both.

3. Section 6 of P. L. 1968, c. 409 (C. 2A:156A–6) is amended to read as follows:

C. 2A:156A-6 Exceptions.

6. It shall not be unlawful under this act for:

a. A communication common carrier or an officer, agent or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

b. A person under contract with the United States, a state or a political subdivision thereof, or an officer, agent or employee of a state or a political subdivision thereof;

to possess, sell, distribute, manufacture or assemble any intercepting device, while acting in furtherance of the appropriate activities of the United States, a state or a political subdivision thereof or a communication common carrier.

4. Section 8 of P. L. 1968, c. 409 (C. 2A:156A–8) is amended to read as follows:

C. 2A:156A-8 Order authorizing interception of wire or oral communications.

8. The Attorney General, a county prosecutor or 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, extortion, loansharking, violations of section 19 of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21–19), arson, burglary,

embezzlement, forgery, receiving stolen property punishable by imprisonment for more than 1 year, alteration of motor vehicle identification numbers, or larceny punishable by imprisonment for more than 1 year, unlawful manufacture, purchase, use, or transfer of firearms, or unlawful possession or use of bombs or explosives, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

5. Section 9 of P. L. 1968, c. 409 (C. 2A:156A–9) is amended to read as follows:

C. 2A:156A-9 Application for order; contents.

9. Each application for an order of authorization to intercept a wire or oral communication shall be made in writing upon oath or affirmation and shall state:

a. The authority of the applicant to make such application;

b. The identity and qualifications of the investigative or law enforcement officers or agency for whom the authority to intercept a wire or oral communication is sought and the identity of whoever authorized the application.

c. A particular statement of the facts relied upon by the applicant, including: (1) The identity of the particular person, if known, committing the offense and whose communications are to be intercepted; (2) The details as to the particular offense that has been, is being, or is about to be committed; (3) The particular type of communication to be intercepted; and a showing that there is probable cause to believe that such communication will be communicated on the wire communication facility involved or at the particular place where the oral communication is to be intercepted; (4) The character and location of the particular wire communication facilities involved or the particular place where the oral communication is to be intercepted; (5) A statement of the period of time for which the interception is required to be maintained; if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter; (6) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results;

e. A complete statement of the facts concerning all previous applications, known to the individual authorizing and to the individual making the application, made to any court for authorization to intercept a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communcation is to be intercepted, and the action taken by the court on each such application; and

f. Such additional testimony or documentary evidence in support of the application as the judge may require.

6. Section 10 of P. L. 1968, c. 409 (C. 2A:156A–10) is amended to read as follows:

C. 2A:156A-10 Grounds for entry of order.

10. Upon consideration of an application, the judge may enter an ex parte order, as requested or as modified, authorizing the interception of a wire or oral communication, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

a. The person whose communication is to be intercepted is engaging or was engaged over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of this act;

b. Particular communications concerning such offense may be obtained through such interception;

c. Normal investigative procedures with respect to such offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. The facilities from which, or the place where, the wire or oral communications are to be intercepted, are or have been used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, such individual;

e. The investigative or law enforcement officers or agency to be authorized to intercept the wire or oral communication are qualified by training and experience to execute the interception sought; and

f. In the case of an application, other than a renewal or extension, for an order to intercept a communication of a person or on a facility which was the subject of a previous order authorizing inter-

ception, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether such evidence was derived from prior interceptions or from other sources.

As part of the consideration of an application in which there is no corroborative evidence offered, the judge shall inquire in camera as to the identity of any informants or any other additional information concerning the basis upon which the investigative or law enforcement officer or agency has applied for the order of authorization which the judge finds relevant in order to determine if there is probable cause pursuant to this section.

7. Section 11 of P. L. 1968, c. 409 (C. 2A:156A–11) is amended to read as follows:

C. 2A:156A-11 Public facilities; additional grounds for issuance of order.

11. If the facilities from which a wire communication is to be intercepted are public, no order shall be issued unless the court, in addition to the matters provided in section 10 above, determines that there is a special need to intercept wire communications over such facilities.

If the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by, a licensed physician, a licensed practicing psychologist, an attorney-at-law, a practicing clergyman, or a newspaperman, or is a place used primarily for habitation by a husband and wife, no order shall be issued unless the court, in addition to the matters provided in section 10 above, determines that there is a special need to intercept wire or oral communications over such facilities or in such places. Special need as used in this section shall require in addition to the matters required by section 10 of this act, a showing that the licensed physician, licensed practicing psychologist, attorney-at-law, practicing clergyman or newspaperman is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of the act or that the public facilities are being regularly used by someone who is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit such an offense. No otherwise privileged wire or oral communication

intercepted in accordance with, or in violation of, the provisions of this act, shall lose its privileged character.

8. Section 12 of P. L. 1968, c. 409 (C. 2A:156–12) is amended to read as follows:

C. 2A:156A-12 Required statements in order; scope of order; extensions and renewals; progress reports; services 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. In no case shall an order entered under this section 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.

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. 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.

9. Section 17 of P. L. 1968, c. 409 (C. 2A:156A–17) is amended to read as follows:

C. 2A:156A-17 Disclosure or use of contents of wire or oral communications or derivative evidence.

a. Any investigative or law enforcement officer or other person who, by any means authorized by this act, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose or use such contents or evidence to investigative or law enforcement officers of this or another state, any of its political subdivisions, or of the United States to the extent that such disclosure or use is appropriate to the proper performance of his official duties.

b. Any person who, by any means authorized by this act, has obtained any information concerning any wire or oral communication or evidence derived therefrom intercepted in accordance with the provisions of this act, may disclose the contents of such communications or derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of this or another state or of the United States or before any Federal or State grand jury; provided, however, that the contents of any wire or oral communication may be initially disclosed solely through the use of the testimony of a witness to such communication or the actual recording of the communication.

c. The contents of any intercepted wire or oral communication, or evidence derived therefrom, may otherwise be disclosed or used only upon a showing of good cause before a court of competent jurisdiction.

10. Section 21 of P. L. 1968, c. 409 (C. 2A:156A–21) is amended to read as follows:

C. 2A:156A-21 Motion to suppress contents of intercepted communication or derivative evidence; grounds; appeal.

21. Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of this State may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

a. The communication was unlawfully intercepted;

b. The order of authorization is insufficient on its face;

c. The interception was not made in conformity with the order of authorization or in accordance with the requirements of section 12.

The motion shall be made at least 10 days before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. The court, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication, or evidence derived therefrom, as the court determines to be in the interests of justice. If the motion is granted, the entire contents of all intercepted wire or oral communications obtained during or after any interception which is determined to be in violation of this act under subsections a., b., or c. above, or evidence derived therefrom, shall not be received in evidence in the trial, hearing or proceeding.

In addition to any other right to appeal, the State shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the intercept was granted shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within the time specified by the Rules of Court and shall be diligently prosecuted.

11. Section 23, P. L. 1968, c. 409 (C. 2A:156A–23) is amended to read as follows:

C. 2A:156A-23 Annual reports by Superior Court judges, Attorney General and Chief Justice of Supreme Court; maintenance of records.

23. a. In addition to reports required to be made by applicants pursuant to Federal law, all judges of the Superior Court authorized to issue orders pursuant to this act shall make annual reports

on the operation of this act to the Administrative Director of the Courts. The reports by the judges shall contain (1) the number of applications made; (2) the number of orders issued; (3) the effective periods of such orders; (4) the number and duration of any renewals thereof; (5) the crimes in connection with which the conversations were sought; (6) the names of the applicants; and (7) such other and further particulars as the Administrative Director of the Courts may require.

b. In addition to reports required to be made by applicants pursuant to Federal Law, the Attorney General shall make annual reports on the operation of this act to the Administrative Director of the Courts. The reports by the Attorney General shall contain (1) the number of applications made; (2) the number of orders issued; (3) the effective periods of such orders; (4) the number and duration of any renewals thereof; (5) the crimes in connection with which the conversations were sought; (6) the name of the applicants; (7) the number of indictments resulting from each application; (8) the crime or crimes which each indictment charges; and (9) the disposition of each indictment.

c. In addition to reports and records otherwise required by law, the Attorney General and the county prosecutor shall maintain records of all interceptions authorized by them pursuant to section 4 c., on forms prescribed by the Attorney General. Such records shall include the name of the person requesting the authorization, the reasons for the request, and the results of any authorized interception. The Attorney General shall require that copies of such records maintained by county prosecutors be filed with him periodically and he shall report annually to the Governor and Legislature on the operation of section 4 c.

d. The Chief Justice of the Supreme Court and the Attorney General shall annually report to the Governor and the Legislature on such aspects of the operation of this act as they respectively deem appropriate including any recommendations they may care to make as to legislative changes or improvements to effectuate the purposes of this act and to assure and protect individual rights.

12. Section 28 of P. L. 1968, c. 409 is amended to read as follows:

Effective date amended.

28. This act shall take effect January 1, 1969 and remain in effect until July 1, 1978.

13. This act shall take effect immediately.

Approved June 30, 1975.

CHAPTER 132

AN ACT concerning education and supplementing "An act concerning education and providing for continued employment of nontenure teaching staff members and supplementing Title 18A of the New Jersey Statutes," approved February 10, 1972 (P. L. 1971, c. 436).

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

C. 18A:27-3.1 Procedure for observation and evaluation.

1. Every board of education in this State shall cause each nontenure teaching staff member employed by it to be observed and evaluated in the performance of his duties at least three times during each school year but not less than once during each semester, provided that the number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for their correction and improve professional competence.

C. 18A:27-3.2 Statement of reasons for nonrenewal.

2. Any teaching staff member receiving notice that a teaching contract for the succeeding school year will not be offered may, within 15 days thereafter, request in writing a statement of the reasons for such nonemployment which shall be given to the teaching staff member in writing within 30 days after the receipt of such request.

C. 18A:27-3.3 Rules.

3. The provisions of this act shall be carried out pursuant to rules established by the State Board of Education.

4. This act shall take effect July 1 next following enactment.

Approved June 30, 1975.

CHAPTER 133

AN ACT to validate certain proceedings 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:*

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of this school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the school debt statement and the supplemental debt statement required by N. J. S. 18A:24–16 were not prepared as required by N. J. S. 18A:24–16 and were not filed as required by N. J. S. 18A:24–17, or notwithstanding that the adoption of such proposal authorized the board of education to issue bonds the principal amount of which, added to the amount of all bonds and notes of the school district then issued and outstanding or authorized but unissued less the amount of any sinking funds held for payment of the same, exceeded any limitation or other restriction prescribed by N. J. S. 18A:24–19 and such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of N. J. S. 18A:24–21 and N. J. S. 18A:24–22; provided however, that, prior to the issuance of any such bonds or other obligations of the school district, such school debt statement and such supplemental debt statement shall have been made, sworn to, and filed in the places required by N. J. S. 18A:24–17; and provided further that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon 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 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 2, 1975.

CHAPTER 134

AN ACT concerning shellfish and amending R. S. 50:3–11.

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

1. R. S. 50:3–11 is amended to read as follows:

Season for taking oysters; protection by lessees during closed season.

50:3–11. No oysters shall be dredged for, caught or taken from any of the lands lying under the tidal waters of the Delaware bay and Maurice river cove below a line running direct from the mouth of Straight creek to Cross Ledge lighthouse, commonly known and hereinafter referred to as the "southwest line," at any time except from September 1 to June 30 then next, both inclusive, of each year; but the chief of the department of Maurice river cove or any member of the board may, upon application, give permission, in writing, to any lessee of oyster grounds to dredge, catch or take oysters or to employ such methods for the protection of his oysters on said grounds and for the promotion of the growth thereof during the closed season as the chief or board may deem advisable.

2. This act shall take effect immediately.

Approved July 2, 1975.

CHAPTER 135

AN ACT concerning the allocation of certain State aid by P. L. 1972, c. 213 and P. L. 1973, c. 188.

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

1. Notwithstanding the provisions of P. L. 1972, c. 213, the Commissioner of the State Department of Institutions and Agencies is hereby directed to immediately pay to the board of chosen freeholders of the county of Hudson all unexpended moneys from the sum of $1,300,000.00 in emergency State aid allocated to the Meadowview Hospital for Mental Diseases in the town of Secaucus

pursuant to P. L. 1972, c. 213 and P. L. 1973, c. 188. All unexpended moneys so released shall be expended in the manner set forth in the plan adopted by the board of chosen freeholders and submitted to and approved by the Hudson County Hospitals' Planning Commission, which commission was created pursuant to Assembly Concurrent Resolution No. 2024 (1973) and reconstituted pursuant to Assembly Concurrent Resolution No. 119 (1974).

2. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 136

AN ACT concerning summary proceedings for recovery of premises and amending N. J. S. 2A:18–56.

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

1. N. J. S. 2A:18–56 is amended to read as follows:

Proof of notice to quit prerequisite to judgment.

2A:18–56. Proof of notice to quit prerequisite to judgment. No judgment for possession in cases specified in paragraph "a." of section 2A:18–53 of this Title shall be ordered unless:

a. The tenancy, if a tenancy at will or from year to year, has been terminated by the giving of 3 months' notice to quit, which notice shall be deemed to be sufficient; or

b. The tenancy, if a tenancy from month to month, has been terminated by the giving of 1 month's notice to quit, which notice shall be deemed to be sufficient; *or*

c. The tenancy, if for a term other than at will, from year to year, or from month to month, has been terminated by the giving of one term's notice to quit, which notice shall be deemed to be sufficient; and

d. It shall be shown to the satisfaction of the court by due proof that the notice herein required has been given.

2. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 137

AN ACT requiring mortgagees to apply for cancellation of a mortgage within 45 days after said mortgage is redeemed, paid and satisfied, providing penalties for violation thereof, and supplementing Title 46 of the Revised Statutes.

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

C. 46:18-11.2 Cancellation of mortgage within 45 days after satisfaction.

1. When any mortgage registered or recorded pursuant to R. S. 46:17–1 et seq., shall be redeemed, paid and satisfied, the mortgagee, his agents or his assigns shall within 10 days notify the mortgagor that he has the right to demand the mortgagee to cancel the mortgage of record upon payment by the mortgagor of the required fee and the mortgagee shall within 45 days of the receipt by the mortgagee of the required fee from the mortgagor apply to the county recording officer to have the mortgage canceled of record.

C. 46:18-11.3 Penalty.

2. Failure of a mortgagee, his agent or assigns to comply with section 1 of this act shall subject said mortgagee or his assigns to a fine of $2.00 for each day thereafter that the mortgage remains uncanceled. The fine shall be payable to the county clerk for deposit in the county treasury. The fine may be collected by summary proceedings in accordance with "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.).

C. 46:18-11.4 Liability for legal costs.

3. Any mortgagee or his assigns who fail to comply with section 1 of this act shall be liable to the mortgagor, or his heirs, successors or assigns who have an interest in the mortgaged premises for the cost of any legal action to have the mortgage canceled of record, including reasonable attorneys' fees, but no attorneys' fees shall be allowed unless 20 days written notice is given to the mortgagee prior to institution of suit.

4. This act shall take effect 90 days aften enactment.

Approved July 7, 1975.

CHAPTER 138

A SUPPLEMENT to "An act relating to public buildings and making appropriations for construction, reconstruction, development, extension, improvement and equipment of public buildings, all for higher education purposes," approved April 11, 1972 (P. L. 1972, c. 10).

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

1. There is hereby appropriated to the Department of Higher Education from the Higher Education Buildings Construction Fund, established pursuant to the New Jersey Higher Education Buildings Construction Bond Act of 1971, P. L. 1971, c. 164, the sum of $20,805,000.00 or that portion thereof as may be required, for land acquisition and the planning, construction, rehabilitation and equipping of facilities, services, and buildings at the various public institutions of higher education. The appropriations will fund the foregoing types of projects in the amounts and at the institutions as follows:

Institution		Amount
Rutgers—Camden Campus		$1,225,000
Science facility and renovations	$440,000	
Central heating plant expansion	785,000	
Rutgers—Busch Campus		4,700,000
Field house	4,700,000	
Rutgers—Newark Campus		8,280,000
Gymnasium	2,644,000	
Property acquisition and renovation	1,636,000	
Dana library addition	4,000,000	
Ramapo		4,000,000
New library building and Phase I alterations	4,000,000	
Jersey City		1,300,000
Phase II Hepburn Hall renovations	1,300,000	
New Jersey Institute of Technology		500,000
Renovations and reequipping of obsolete labs	500,000	

Institution		Amount
Richard Stockton		500,000
Theatre equipment and Phase I renovations	500,000	
Mercer County Community College		300,000
Trenton Center	300,000	
Total		$20,805,000

2. It is also directed that the Department of Higher Education provide $300,000.00 from residual balances in the Public Buildings Construction Fund, P. L. 1968, c. 128 and the 1964 Higher Education Construction Fund, P. L. 1964, c. 223, to Rutgers-Busch Campus-Field House.

3. In order to provide flexibility in administering this act and all prior acts appropriating moneys from the New Jersey Higher Education Building Construction Bond Act of 1971, the Chancellor of Higher Education may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item in such appropriations. Upon approval of such application by said director and by the Executive Director of the Office of Fiscal Affairs in writing, after approval of his decision by both the Senate Revenue, Finance, and Appropriations Committee and Assembly Committee on Appropriations, said director shall make such transfer.

4. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 139

AN ACT concerning commercial fertilizers and soil conditioners and amending P. L. 1970, c. 66.

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

1. Section 6 of P .L. 1970, c. 66 (C. 4:9–15.6) is amended to read as follows:

C. 4:9-15.6 License fees.

6. The minimum annual license fee for a manufacturer or dis-

tributor shall be $125.00. In the case of each person who owns or operates more than one manufacturing facility within this State there shall be an additional annual license fee of $125.00 for each such additional manufacturing facility. In the case of each person who owns or operates any manufacturing facilities located outside of New Jersey which distribute commercial fertilizers or soil conditioners within this State, there shall be an additional annual license fee of $125.00 covering all such manufacturing facilities. Fees collected pursuant to this section shall be forwarded to the State Treasurer.

2. This act shall take effect on July 1 next following enactment.

Approved July 7, 1975.

CHAPTER 140

AN ACT concerning agricultural liming materials and amending P. L. 1968, c. 392.

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

1. Section 3 of P. L. 1968, c. 392 (C. 4:9–21.3) is amended to read as follows:

C. 4:9-21.3 Contents of label, tag or delivery slip.

3. (a) Agricultural liming materials sold, offered or exposed for sale in the State shall have affixed to each package in a conspicuous manner on the outside thereof, a plainly printed, stamped or otherwise marked label, tag or statement, or in the case of bulk sales, a delivery slip, setting forth at least the following information:

(1) The name and principal office address of the licensee.

(2) The brand or trade name of the material.

(3) The identification of the product as to the type of the agricultural liming material.

(4) The net weight of the agricultural liming material.

(5) The fineness of the material, if in ground or powdered form, shall be stated in accordance with rules and regulations promulgated under this act.

(6) a. The minimum percentage of the total oxides of calcium and magnesium, b. the minimum percentage of calcium oxide (CaO) and c. the minimum percentage of magnesium oxide (MgO). The total oxides may exceed the sum of b. plus c.

(7) In the case of hydrated and burnt forms, the maximum percentage of total oxides present as calcium carbonate and magnesium carbonate.

(b) The physical classification shall appear on every package or on the labels attached to packages. In the case of bulk shipments it shall appear on the delivery slip.

(c) No information or statement shall appear on any package, label or delivery slip which is false or misleading, to the purchaser as to the quality, analysis, type or composition of the agricultural liming material.

(d) In the case of any material which has been adulterated subsequent to packaging, labeling or loading thereof and before delivery to the consumer, a plainly marked notice to that effect shall be affixed by the vendor to the package or delivery slip such notice to identify the kind and degree of such adulteration therein.

(e) At every site from which agricultural liming materials are delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there shall be conspicuously posted a copy of the statement required by this section for each brand of material.

2. Section 6 of P. L. 1968, c. 392 (C. 4:9–21.6) is amended to read as follows:

C. 4:9-21.6 License.

6. No person shall distribute in this State any agricultural liming material until a license has been obtained by the person whose labeling is applied to such agricultural liming material from the State board or its authorized agent.

3. Section 7 of P. L. 1968, c. 392 (C. 4:9–21.7) is amended to read as follows:

C. 4:9-21.7 Annual license fee.

7. The annual license fee shall be $100.00 payable on January 1 of each year or prior to the distribution in such year.

4. Section 8 of P. L. 1968, c. 392 (C. 4:9–21.8) is amended to read as follows:

C. 4:9-21.8 Licensee's statement; inspection fee.

8. Within the 30-day period following December 31 of each year, each licensee shall submit on a form furnished by the State board

or its authorized agent a statement setting forth the number of net tons of each agricultural liming material sold by him for use in the State during the previous 12-month period. Such statement shall be accompanied by payment of the inspection fee at the rate of $0.02 per ton for all tonnage up to 25,000 tons sold and $0.01 for all tonnage in excess of 25,000 tons. Such reports shall be confidential and no information therein shall be disclosed in any manner that will reveal the operation of any registrant.

5. Section 9 of P. L. 1968, c. 392 (C. 4:9–21.9) is amended to read as follows:

C. 4:9-21.9 Authority to analyze samples; removal from sale.

9. The State board is hereby empowered and it shall be the duty of its agent to sample agricultural liming materials, to analyze them and to report promptly to the licensee the results of its analysis. Results shall become official and public after 10 days. The State board or its authorized agent for the purpose of taking samples and to examine the records relating to the tonnage of agricultural liming materials distributed in New Jersey, shall have full access during business hours to all places wherein agricultural liming materials are offered for sale or where records of the tonnage distributed is New Jersey are kept. Upon written notice, the State board or its agent may remove from sale any lot of agricultural liming material until it has been determined that the material is in full compliance with this act.

6. This act shall take effect on January 1 next following enactment.

Approved July 7, 1975.

CHAPTER 141

AN ACT authorizing governing bodies of municipalities to make appropriations for the benefit of mentally-retarded, brain-injured, mentally-ill or handicapped persons, and supplementing Title 40 of the Revised Statutes.

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

C. 40:48-9.4a Appropriations to nonprofit organizations for treatment and rehabilitation of mentally ill or handicapped persons.

1. The governing body of any municipality may appropriate annually to any approved, privately operated, nonprofit organization whose services are nonsectarian, funds for the purpose of defraying the necessary expense incident to the diagnosis, treatment, training and rehabilitation of mentally-retarded, brain-injured, mentally-ill or otherwise mentally or physically handicapped persons who are residents of the municipality, at suitable homes, schools, hospitals, day-care centers, residential treatment centers, rehabilitation centers or sheltered workshops anywhere in the State supported by public funds or private charity, including the cost of transporting such persons to and from, and their support and maintenance at, such homes, schools, hospitals, day-care centers, residential treatment centers, rehabilitation centers or sheltered workshops for the purpose of diagnosis or while undergoing treatment, training and rehabilitation, or for the purpose of maintaining an extended employment program.

C. 40:48-9.4b Accounting for expenditures.

2. The governing body of any municipality adopting the provisions of this act may require organizations receiving funds so appropriated by the municipality to fully account for the expenditure of such funds.

3. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 142

AN ACT to amend the "Agricultural Research, Development and Promotion Act of 1970," approved September 2, 1971 (P. L. 1971, c. 308).

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

1. Section 32 of P. L. 1971, c. 308 (C. 4:10–74) is amended to read as follows:

C. 4:10-74 Application to taxes on poultry feed, white potatoes, asparagus, and apples; alteration of assessment rates.

32. The councils and commodity programs heretofore created and established under chapter 47 (C. 54:47A–1 et seq.) and chapter

169 (C. 54:47B–1 et seq.) of the laws of 1957 and chapter 18 (C. 54:47C–1 et seq.) and chapter 80 (C. 54:47D–1 et seq.) of the laws of 1959 shall be subject to the provisions of section 15 of this act.

The councils under said chapters may alter the assessment rates prescribed therein and the form and manner of the assessment prescribed with respect thereto, in the same manner as provided in section 17 of this act.

2. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 143

AN ACT relating to the payment of wages and supplementing "An act to revise the law relating to payment of wages, repealing sundry sections of, and supplementing article 1 of chapter 11 of Title 34 of the Revised Statutes," approved September 30, 1965 (P. L. 1965, c. 173).

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

C. 34:11-4.2a Deposit of employee's wages in financial institution.

1. In lieu of paying wages directly to employees as provided by P. L. 1965, c. 173, s. 2 (C. 34:11–4.2), an employer may, with the consent of some or all his employees, arrange with a financial institution or financial institutions to pay the wages of each employee so consenting by causing the amount of such employee's wages to be deposited in an account maintained in any such financial institution in the name of such employee, subject to withdrawal and other disposition by such employee to the same extent and in the same manner as if such deposit were made directly by such employee. Any such employee may, on timely notice to the employer, elect not to have his wages deposited as provided herein, and to be paid such wages directly in the manner otherwise provided by law. Financial institution as used herein means any State-chartered or Federally-chartered institution authorized to accept deposits in New Jersey.

2. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 144

AN ACT concerning jail time in default of payment of fines and amending sections 2A:8–30, 2A:166–16 and 2A:169–5 of the New Jersey Statutes and R. S. 39:5–36.

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

1. N. J. S. 2A:8–30 is amended to read as follows:

Warrant of commitment; execution against goods or body.

2A:8–30. Any magistrate of a municipal court by whom judgment or sentence of imprisonment shall be given may issue his warrant under his hand and seal to any peace officer or other person authorized by law, commanding him to take and convey the defendant to the county jail or workhouse, there to remain until the term of imprisonment shall have expired, and from thence until the costs of the prosecution be paid. In case the judgment is for the payment of a penalty or a fine, then such magistrate may either order the defendant to be committed to the county jail or workhouse for a period not exceeding 1 day for each $20.00 of the penalty or fine and costs not paid, unless the period of imprisonment shall otherwise be expressly provided by law, or issue an execution to any officer or person as aforesaid, commanding him to levy and make such penalty or fine and costs of the goods and chattels of the defendant and, for want of goods and chattels, to take and convey such defendant to the county jail or workhouse, there to remain for a period not exceeding 1 day for each $20.00 of the penalty or fine and costs not paid, unless the period of imprisonment shall be otherwise expressly provided by law.

2. N. J. S. 2A:166–16 is amended to read as follows:

Defendant confined for failure to pay fines and costs; credits; discharge.

2A:166–16. Whenever it shall appear that a person is confined in a State penal or correctional institution by reason of default in the payment of fines and costs of prosecution and wherein the committing court, as part of the sentence of imprisonment, ordered that the prisoner stand committed until such fine and costs are paid, such prisoner shall be given credit against the amount of such fines and costs at the rate of $20.00 for each day of confinement. When the prisoner shall have been confined for a sufficient number of days to establish credits equal to the total

aggregate amount of such fines and costs, and is not held by reason of any other sentence or commitment, he shall be discharged from imprisonment by the chief executive officer of the State penal or correctional institution wherein he is so confined.

3. N. J. S. 2A:169–5 is amended to read as follows:

Imprisonment on failure to pay fine.

2A:169–5. Any person adjudged a disorderly person who defaults in the payment of a fine duly imposed upon him may be committed by the court to the county workhouse, penitentiary or jail until the fine has been paid. The person so committed shall be credited with $20.00 of fine paid for each day he serves in such custody.

4. R. S. 39:5–36 is amended to read as follows:

Imprisonment in default of payment of fine.

39:5–36. Unless otherwise expressly provided in this subtitle, any person who shall be convicted of a violation of any of the provisions of this subtitle, and upon whom a fine shall be imposed, shall, in default of payment thereof, be imprisoned in the county jail or workhouse of the county where the offense was committed, but in no case shall such imprisonment exceed 1 day for each $20.00 of the fine so imposed, nor shall such imprisonment exceed, in any case, a period of 3 months.

Whenever a person is imprisoned by reason of default in the payment of a fine or fines and costs imposed and assessed upon conviction of any violation of this subtitle wherein the committing court, as a part of the sentence, ordered that such person stand committed to the county jail or workhouse until such fine and costs are paid, he shall be given credit against the amount of such fines and costs at the rate of $20.00 for each day of such confinement. When such person shall have been confined for a sufficient number of days to establish credits equal to the aggregate amount of such fines and costs, and is not held by reason of any other sentence or commitment, he shall be discharged from such imprisonment by the officer in charge of the county jail or workhouse.

5. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 145

AN ACT with respect to the right of an individual borrower to select his own attorney in certain mortgage loan transactions.

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

C. 46:10A-6 Right of individual mortgagor to choose his own attorney in certain mortgage loan transactions.

1. No banking institution or other financial institution authorized to engage in the business of making loans secured by mortgage, hereinafter referred to as a "lender," shall require an individual borrower of a loan to be secured by a mortgage on a one-, two-, three- or four-family residence resided in or to be resided in by the borrower-mortgagor or a member of his immediate family, to employ the services of the lender's counsel or an attorney specified by the lender but the borrower shall have the right to be represented in the transaction by an attorney at law of New Jersey of his own selection. The provisions of this act shall not preclude a lender from requiring that documents prepared in connection with a mortgage loan transaction prepared by a borrower's attorney to be submitted to the lender's attorney for examination and review and to require the borrower to pay a reasonable fee for such service by the lender's attorney.

The provisions of this act shall not be applicable to a mortgage loan made for commercial purposes.

2. This act shall take effect 6 months after enactment.

Approved July 7, 1975.

CHAPTER 146

AN ACT to amend "An act concerning reimbursement of autobus operators for student fares in certain cases supplementing Title 48 and making an appropriation therefor," approved December 29, 1972 (P. L. 1972, c. 210).

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

1. Section 1 of P. L. 1972, c. 210 (C. 48:3–39) is amended to read as follows:

C. 48:3-39 Reduced student fares on regular-route buses and jitneys; payments to operators.

1. Whenever students use transportation to or from any public or nonpublic school on regular-route buses at reduced student fare rates, which shall be set by the Board of Public Utility Commissioners at two-thirds of the adult fare rate, the Board of Public Utility Commissioners shall so certify, and the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall make payments, within a reasonable time after the furnishing of such transportation, to the bus operator furnishing such transportation, of the difference between such reduced student fare rates, and the regular adult rates of fare included within the tariffs of that bus operator filed with said board; provided, however, that in the case of jitneys, as defined in R. S. 48:16–23, such student fare rates shall be set by said board at no more than two-thirds of the adult fare rate, and provided further that such payments to the jitney operator furnishing such transportation shall not exceed one-third of the adult rates of fare included within the aforesaid tariffs. For purposes of this act, the term "nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which meets the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352).

2. This act shall take effect immediately.

Approved July 7, 1975.

CHAPTER 147

A SUPPLEMENT to the "New Jersey American Revolution Bicentennial Celebration Act," approved March 2, 1973 (P. L. 1973, c. 48).

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

C. 52:9P-12 New Jersey American Revolution Bicentennial Celebration Emblem; filing; publication.

1. The New Jersey Bicentennial Celebration Commission is authorized to designate a design or mark as the official New Jersey American Revolution Bicentennial Celebration Emblem. The commission may file for public informational purposes, a true copy of said emblem with the Secretary of State and cause a true copy thereof to be published in the New Jersey Register, provided, however, such filing and publication shall not be a prerequisite or condition precedent to the effectiveness and enforceability of any provision of this act.

C. 52:9P-13 Approval to use emblem.

2. The New Jersey Bicentennial Celebration Commission may approve the use by a person of the New Jersey American Revolution Bicentennial Celebration Emblem upon such terms and conditions respecting the use of said emblem as it deems in the public interest, including the payment of monetary consideration to the New Jersey Bicentennial Celebration Commission. The provisions of any other law to the contrary notwithstanding, the commission shall not be required to solicit or obtain public bids in connection with the granting of approval to use the said emblem.

C. 52:9P-14 Unauthorized use of emblem; penalty.

3. a. Any person who makes unauthorized use of the New Jersey American Revolution Bicentennial Celebration Emblem shall be liable to a penalty of not less than $250.00 nor more than $1,000.00 to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. A. 2A:58–1 et seq.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct violation. The Superior Court, County Court, county district court, and municipal court shall have jurisdiction over the matter of an alleged violation of this act.

b. In addition to such other relief as is provided herein, the New Jersey Bicentennial Celebration Commission shall, be entitled to institute a civil action against any person who shall have violated section 1 of this act and to secure injunctive relief in such action prohibiting the further unauthorized use of the emblem. The Superior Court shall have jurisdiction over such an action and the said court may proceed in the action in a summary manner. Such action may include a demand for penalties as provided for in subsection a. hereof. For the purposes of this act, unless the context clearly requires a different meaning:

"Person" means and shall include corporations, companies, associations, societies, firms, partnerships, and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Unauthorized use" means and shall include any use, exhibit, display, publication, reproduction, or dissemination of the emblem without the written approval of the New Jersey Bicentennial Celebration Commission.

4. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 148

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 1 of P. L. 1948, c. 67 (C. 17:9A–1) is amended to read as follows:

C. 17:9A-1 Definitions.

1. Definitions.

As used in this act, and except as otherwise expressly provided in this act,

(1) "Bank" shall include the following:

(a) Every corporation heretofore organized pursuant to the act entitled "An act concerning banks and banking (Revision of 1899)," approved March 24, 1899;

(b) Every corporation heretofore organized pursuant to the act entitled "An act concerning trust companies (Revision of 1899)," approved March 24, 1899;

(c) Every corporation heretofore organized pursuant to chapter 4 of Title 17 of the Revised Statutes;

(d) Every corporation, other than a savings bank, heretofore authorized by any general or special law of this State to transact business as a bank or as a trust company, or as both;

(e) Every corporation hereafter organized pursuant to article 2 of this act;

(2) "Banking institution" shall mean a bank, savings bank, and a national banking association having its principal office in this State;

(3) "Board of managers" of a savings bank shall include the board of trustees of a savings bank;

(4) "Capital stock" shall include both common stock and preferred stock;

(5) "Certificate of incorporation," unless the context requires otherwise, shall mean

(a) The certificate of incorporation, together with all amendments thereto, of every bank and savings bank organized pursuant to any general law of this State;

(b) The charter, together with all amendments thereto, of every bank and savings bank organized pursuant to any special law of this State;

(6) "Commissioner" shall mean the Commissioner of Banking of New Jersey;

(7) "Department" shall mean the Department of Banking of New Jersey;

(8) "Fiduciary" shall include trustee, executor, administrator, receiver, guardian, assignee, and every other person occupying any other lawful office or employment of trust;

(9) "Manager" of a savings bank shall include a trustee of a savings bank;

(10) "Municipality" shall mean a city, town, township, village, and borough of this State;

(11) "Population" shall mean the population as determined by the latest Federal census or as determined by the commissioner from other information which he may deem reliable;

(12) "Qualified bank" shall mean

(a) A bank which has heretofore been authorized or which shall hereafter be authorized to exercise any of the powers authorized by section 28;

(b) A savings bank which has heretofore been authorized or which shall hereafter be authorized to exercise any of the powers authorized by section 28; and

(c) A national banking association having its principal office in this State authorized to act as a fiduciary;

(13) "Savings bank" shall include the following:

(a) Every corporation heretofore organized pursuant to the act entitled "An act concerning savings banks," approved April 12, 1876;

(b) Every corporation heretofore organized pursuant to the act entitled "An act concerning savings banks," approved May 2, 1906;

(c) Every corporation heretofore organized pursuant to chapter 6 of Title 17 of the Revised Statutes;

(d) Every corporation, other than a bank, authorized by any general or special law of this State to carry on the business of a savings bank or institution or society for savings;

(e) Every corporation hereafter organized pursuant to article 3 of this act;

(14) "Branch office" of a bank or savings bank shall mean an office, unit, station, facility, terminal, space or receptacle at a fixed location other than a principal office, however designated, at which any business that may be conducted in a principal office of a bank or savings bank may be transacted. "Branch office" includes full branch offices, minibranch offices and communication terminal branch offices.

(15) "Full branch office" means a branch office of a bank or savings bank not subject to the limitations or restrictions imposed upon minibranch offices or communication terminal branch offices;

(16) "Minibranch office" means a branch office of a bank or savings bank which does not occupy more than 500 square feet of floor space and which does not contain more than four teller stations, manned by employees of the bank or savings bank;

(17) "Communication terminal branch office" means a branch office of a bank or savings bank which is either manned by a bona fide third party under contract to a bank or savings bank or unmanned and which consists of equipment, structure or systems, by means of which information relating to financial services rendered to the public is transmitted and through which transactions with banks and savings banks are consummated, either instantaneously or otherwise.

2. Section 19 of P. L. 1948, c. 67 (C. 17:9A–19) is amended to read as follows:

C. 17:9A-19 Branch offices; location; capital requirements.

19. A. Any bank or savings bank may, pursuant to a resolution of its board of directors or board of managers, establish and main-

tain branch offices, subject to the conditions and limitations of this article.

B. No bank or savings bank shall establish or maintain a branch office which is located outside the municipality in which it maintains its principal office, except that a bank or savings bank may establish and maintain a branch office or offices anywhere in the State:

(1) When such bank is a receiving bank as defined in section 132 or a receiving savings bank as defined in section 205, and each proposed branch will be established at a location occupied by the principal office or a branch office of a merging bank, as defined in section 132; or a merging savings bank, as defined in section 205; or

(2) When each proposed branch will be established at a location occupied by the principal office or a branch office of a banking institution in liquidation or in contemplation of liquidation.

(3) (Deleted by amendment.)

C. No bank shall hereafter establish a full branch office unless its capital stock and surplus shall at least equal the minimum capital stock and surplus required by section 4 on the organization of a bank to transact business at the location occupied by the principal office of the bank proposing to establish such full branch office, plus at least $100,000.00 of capital stock for each full branch office maintained or proposed to be established by such bank.

D. No savings bank shall hereafter establish a full branch office unless its surplus shall at least equal the minimum capital deposits required by section 8 on the organization of a savings bank to transact business at the location occupied by the principal office of the savings bank proposing to establish such full branch office, plus at least $100,000.00 of surplus for each full branch office maintained or proposed to be established by such savings bank.

E. (Deleted by amendment.)

F. (Deleted by amendment.)

G. (Deleted by amendment.)

H. (Deleted by amendment.)

I. During the year beginning January 1, 1975, and ending on December 31, 1975, no bank or savings bank shall, except as provided in subsection B. of this section, establish a full branch office or a minibranch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 30,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank

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holding company which controls two or more banking institutions shall be deemed to be a branch office.

J. During the year beginning January 1, 1976, and ending on December 31, 1976, no bank or savings bank shall, except as provided in subsection B. of this section, establish a full branch office or a minibranch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 20,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

K. During the year beginning January 1, 1977 and thereafter, no bank or savings bank shall, except as provided in subsection B. of this section, establish a full branch office or a minibranch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 10,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

L. Except as otherwise provided by law, no foreign bank as defined in section 315 shall establish, operate or maintain in this State any full branch office, minibranch office or communication terminal branch office.

3. Section 20 of P. L. 1948, c. 67 (C. 17:9A–20) is amended to read as follows:

C. 17:9A-20 Full branch, minibranch and communication terminal branch offices; application; hearing; approval.

20. A. Before any full branch office shall be established, except those branches established pursuant to paragraph (1) of subsection B. of section 19, the bank or savings bank shall file written application in the department for the commissioner's approval thereof. If, after such investigation or hearings, or both, as the commissioner may determine to be advisable, he shall find:

(1) That the bank or savings bank has complied with the requirements of section 19;

(2) That the interests of the public will be served to advantage by the establishment of such full branch office; and

(3) That conditions in the locality in which the proposed full branch office is to be established afford reasonable promise of successful operation;

the commissioner shall, within 90 days after the filing of the application, approve such application.

B. Before any minibranch office shall be established, the bank or savings bank shall file a written application on forms supplied by the commissioner. A duly adopted resolution of the board of directors or managers authorizing such application shall accompany the application. Notice of such application shall be published in accordance with procedural rules and regulations of the department. Within 20 days after said notice is published, any person or banking institution having objections to the application shall submit detailed written factual and legal grounds for the objection to the commissioner. There shall be no hearing required to be held by the commissioner in connection with such application. The commissioner, after considering the application and written objections and such investigation as he deems advisable, shall approve the application, if he shall find

(1) That the convenience and needs of the public will be served to advantage by the establishment of such minibranch office; and

(2) That the costs of establishing such minibranch office, including (a) construction and alteration costs; (b) the cost of real property to be acquired in connection therewith or rental to be paid for space to be occupied by such office; (c) the cost of purchasing or renting and installing the equipment to be used in the operation of such office; and (d) the cost of manning such office, shall not in the aggregate exceed such sum as the commissioner shall deem reasonable, taking into consideration the capital and surplus of the bank, or the surplus of the savings bank.

C. Before any communication terminal branch office shall be established, the bank or savings bank shall file in the department written notice of the proposed establishment which shall consist of a resolution duly adopted by the board of directors or board of managers and such other information as the commissioner shall require. No hearing shall be held by the commissioner in connection with such application. Within 45 days after receipt of the application, the commissioner shall approve the application unless he finds that the establishment is contrary to the interest of the public.

D. Any bank or savings bank may participate in the establishment, maintenance or use of one or more communication terminal

branch offices with one or more financial institutions whose deposits are insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The commissioner may require a bank or savings bank to participate with one or more insured financial institutions, at a reasonable cost, if the institution requesting participation maintains a principal, full branch or minibranch office located within 5 miles of the proposed site.

E. A bank or savings bank shall provide insurance protection under its bonding program for transactions involving such communication terminal branch offices.

F. A bank which maintains a communication terminal branch office shall be deemed to have come into possession and to have received such deposits at the time when they are placed in the receptacle.

G. The commissioner shall have the power to make, amend and repeal rules and regulations concerning the establishment, maintenance and operation of full branch offices, minibranch offices and communication terminal branch offices not inconsistent with the provisions of this act. The regulations so made shall also be directed toward the creation, operation and maintenance of a substantial competitive parity between banking institutions and other financial institutions in all matters relating to the establishment, operation, and maintenance of branch offices.

4. Section 333 of P. L. 1948, c. 67 (C. 17:9A–333) is amended to read as follows:

C. 17:9A-333 Fees payable by banks and savings banks.

333. A bank or savings bank shall pay the following fees to the commissioner for the use of the State:

(1) For filing an application for charter	$2,500 00
(2) For the issuance by the commissioner of a certificate of authority	100 00
(3) For filing a certificate of amendment of a certificate of incorporation, or an amended certificate of incorporation ..	50 00
(4) For filing any other certificate	10 00
(5) (a) For filing an application for approval of the establishment of a full branch office	500 00

(b) For filing an application for approval of the establishment of a mini-branch office	$400 00
(c) For filing an application for approval of the establishment of a communication terminal branch office	250 00
(6) For filing an agreement of merger per bank	1,500 00
(7) For filing a copy of a plan of reorganization	250 00
(8) For filing a report required by this act	25 00
(9) For filing an affidavit required by this act	10 00
(10) For filing proof of publication and mailing, or other proof required by this act	10 00
(11) For filing application for approval of a change in location of principal office or full branch office	250 00
(12) For filing an application for approval of the cost of the establishment of an auxiliary office	250 00
(13) For the issuance of a certified copy of any certificate of incorporation or merger or plan of reorganization or any other certificate or affidavit filed in the department plus $1.00 per page	10 00
(14) For filing an application for approval of an interchange between principal office and full branch office	50 00
(15) For the issuance of any other approval by the commissioner plus per diem charges where applicable	50 00
(16) For the issuance of any extension by the commissioner plus per diem charges where applicable	25 00

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(17) For filing a pension plan	$200 00
(18) For filing an amendment or alteration to a pension plan	50 00

5. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 149

AN ACT to amend "An act concerning county prosecutors and assistant county prosecutors of certain counties and supplementing chapter 158 of Title 2A of the New Jersey Statutes," approved February 9, 1970 (P. L. 1970, c. 6).

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

1. Section 1 of P. L. 1970, c. 6 (C. 2A:158–1.1) is amended to read as follows:

C. 2A:158-1.1 Other gainful employment by prosecutor; prohibition in certain counties.

1. Any person appointed on or after January 20, 1970 to the office of county prosecutor of any of the following counties shall devote his entire time to the duties of his office and shall not engage in the practice of law or other gainful employment:

a. Counties of the first class;

b. Counties of the second class;

c. Counties of the third class having a population between 61,000 and 72,000 under the 1970 Federal census;

d. Counties of the third class having a population in excess of 175,000 under the 1970 Federal census; and

e. Counties of the fifth class having a population in excess of 150,000 under the 1960 Federal census.

Any county prosecutor of any of the aforementioned counties in office on the effective date of this amendatory act who shall elect to devote his entire time to the duties of such office for the remainder of his term may elect so to do by filing a written election with the Governor, the Attorney General, the Secretary of State and the clerk of the board of chosen freeholders.

2. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 150

AN ACT concerning tax appeals and amending section 2 of P. L. 1947, c. 98.

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

1. Section 2 of P. L. 1947, c. 98 (C. 54:2–45) is amended to read as follows:

C. 54:2-45 Amount of fees on appeal to Division of Tax Appeals.

2. (a) When the appeal shall involve only the assessed valuation of property, whether such appeal shall be taken to review the valuation assessed in the first instance by any assessing official or body or to review the determination or judgment of any appellate official or body with respect thereto, for each parcel, item or improvement separately assessed on the tax map or assessment records, as the case may be, by the assessing official or body the fee or fees shall be according to the following schedule:

If the total valuation of land and improvements is:	
Less than $20,000.00, the fee shall be	$2.00
$20,000.00 or more but less than $50,000.00, the fee shall be	$5.00
$50,000.00 or more but less than $100,000.00, the fee shall be	$15.00
$100,000.00 or more, the fee shall be	$50.00

(b) When the appeal shall involve only the classification of property, for each parcel of property sought to be reclassified the fee shall be $50.00.

(c) When the appeal shall involve both the assessed valuation of property and the classification of property, the fees shall be according to the provisions of (a) and (b) of this section.

(d) When the appeal shall involve a matter not covered by (a), (b) or (c), the full fee to be paid shall be $50.00.

2. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 151

AN ACT concerning the Passaic valley sewerage district and the Passaic Valley Sewerage Commissioners, and amending R. S. 58:14–3.

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

1. R. S. 58:14–3 is amended to read as follows:

Appointment of commissioners; removal; vacancies.

58:14–3. The board shall consist of seven members who are residents of the district, not more than four of whom shall be of the same political party. Upon the expiration of the term of office of a commissioner, his successor shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of 5 years. The Governor may remove any commissioner from office for cause.

Each commissioner shall hold his office until his successor has been appointed, and any vacancy in the membership of the commission because of death, resignation or removal, shall be filled for the unexpired term in the manner provided for on original appointment. In making any appointment hereunder, either for a full term or to fill a vacancy, regard shall be had to ability and fitness, and also locality, so that each section of the district may be represented as far as practicable with at least one member from each county within the district, but not more than two members from the same county.

2. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 152

AN ACT concerning angle parking 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:*

C. 39:4-197.4 Exemption of certain municipalities with angle parking ordinances from obtaining approval.

1. Notwithstanding the provisions of the chapter to which this act is a supplement, or any supplement to said chapter, no ordinance adopted by any municipality designating any street or streets under the jurisdiction of any such municipality for angle parking shall require the approval of the Commissioner of the State Department of Transportation or of any other State officer or employee, and any such ordinance shall be of full force and effect from the date of its adoption or from any effective date prescribed therein if the street or streets designated in said ordinance have been marked or signed for angle parking by the municipality for a period of not less than 10 consecutive years prior to the adoption of the said ordinance or for a period not less than any 20 years during which such street or streets have been under jurisdiction of the municipality.

2. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 153

AN ACT concerning the Passaic valley sewerage district and the Passaic Valley Sewerage Commissioners, and amending R. S. 58:14–4.

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

1. R. S. 58:14–4 is amended to read as follows:

Oath of office; compensation.

58:14–4. Each of the commissioners shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully and impartially execute and perform the duties imposed upon him by law, and shall cause the same to be filed in the office of the Secretary of State.

The commissioners shall each receive for services under this chapter an annual salary of $6,500.00, payable in equal monthly installments, and they shall receive no other compensation than

that herein provided; provided, however, that each commissioner appointed or reappointed to the board after the effective date of this amendatory act shall receive an annual salary of $5,000.00, payable in equal monthly installments, and no other compensation.

2. This act shall take effect immediately.

Approved July 9, 1975.

CHAPTER 154

AN ACT concerning motor vehicles, amending R. S. 39:4–64 and supplementing Title 39 of the Revised Statutes.

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

1. R. S. 39:4–64 is amended to read as follows:

Throwing, or dropping bundles, objects, articles or debris from vehicle; penalty.

39:4–64. No person shall throw or drop any bundle, object, article or debris of any nature from a vehicle whether in motion or not when such vehicle is on a highway. The words "object, article or debris of any nature" as used in this section shall be deemed to include a lighted cigarette, cigar, match, or live ashes, or any substance or thing in and of itself likely to cause a fire, but such inclusion shall not be deemed to in anywise limit the generality of said words "object, or debris of any nature." Any person who violates this section shall be subject to a fine of not less than $25.00 nor more than $200.00 for each offense.

C. 39:4-64.1 Erection of signs.

2. The Director of the Division of Motor Vehicles shall cause to be erected on the highways such signs as he deems necessary to inform those people using the highways of the consequences of violating the provisions of R. S. 39:4–64.

3. This act shall take effect immediately.

Approved July 15, 1975.

CHAPTER 155

AN ACT concerning the acquisition and development of lands for recreation and conservation purposes, governing the expenditure of money for such purposes, appropriating $60 million from the State Recreation and Conservation Land Acquisition and Development Fund for such expenditure and supplementing Title 13 of the Revised Statutes.

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

C. 13:8A-35 Short title.

1. This act may be cited as the "New Jersey Green Acres Land Acquisition and Recreation Opportunities Act."

C. 13:8A-36 Legislature's findings.

2. The Legislature hereby finds that:

a. The provision of lands for public recreation and the conservation of natural resources promotes the public health, prosperity and general welfare and is a proper responsibility of government;

b. Lands now provided for such purposes will not be adequate to meet the needs of an expanding population in years to come;

c. The expansion of population, while increasing the need for such lands, will continually diminish the supply and tend to increase the cost of public acquisition of lands available and appropriate for such purposes;

d. It is necessary to provide funds to assure that lands which have been, or which may hereafter be, acquired for recreation and conservation purposes can be developed to provide public recreation and conservation opportunities and to implement the New Jersey Statewide Comprehensive Outdoor Recreation Plan;

e. The State of New Jersey must act now to acquire and develop as well as to assist local units to acquire and develop substantial quantities of such lands as are now available and appropriate for such purposes so that they may be used and preserved for use for such purposes;

f. Of the approved $200 million "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," the sum of $30 million is needed at this time for the acquisition of lands for recreation and conservation purposes to augment the lands acquired for the people of New Jersey;

g. Of the approved $200 million "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," the sum of $30 million is needed at this time for the development of lands for recreation and conservation purposes and to provide recreation and conservation opportunities to the people of New Jersey; and

h. Such sums will be made available by the sale of bonds authorized by the New Jersey Green Acres and Recreation Opportunities Bond Act of 1974 approved by the people of the State of New Jersey.

C. 13:8A-37 Definitions.

3. Except as the context may otherwise require:

a. "Commissioner" means the Commissioner of Environmental Protection or his designated representative;

b. "Cost," as used with respect to cost of acquisition or cost of development, shall include, in addition to the usual connotations thereof, the cost of all things deemed necessary or useful and convenient in connection with the acquisition and development of lands by or with the assistance of the State, for recreation and conservation purposes, including expenditures by the State for the cost of issuance of bonds, the cost of engineering, inspection, relocation services, legal, financial, geological, hydrological and other professional services, the cost of organizational, administrative and other work and services of the State, including salaries, supplies, equipment and materials necessary to administer this act, and the cost of reimbursement of any fund or account from which moneys shall have been advanced to the State Recreation and Conservation Land Acquisition and Development Fund;

c. "Development" means any improvement to land or water areas designed to expand and enhance their utilization for outdoor recreation and conservation purposes, including but not limited to engineering and architectural fees, site preparation, construction of recreation facilities, and equipment necessary to make a facility initially operable. Development may also include, but not be limited to, the following types of ancillary support facilities: roadways, parking, landscaping, fencing, lighting, utilities, and buildings in support of outdoor recreation;

d. "Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, riparian and other rights, easements, privileges and all other rights or interest of any kind or description in, relating to or connected with real property;

e. "Local unit" means a municipality, county or other political subdivision of this State, or any agency thereof authorized to administer, protect, develop and maintain lands for recreation and conservation purposes;

f. "Recreation and conservation purposes" means use of lands for parks, natural areas, historic areas, forests, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, winter sports and similar uses for either public outdoor recreation or conservation of natural resources, or both.

C. 13:8A-38 Use of sums appropriated.

4. The commissioner shall use the sums appropriated by this act from the proceeds of the sale of bonds under the New Jersey Green Acres and Recreation Opportunities Bond Act of 1974 and such other sums as may be appropriated from time to time for like purposes, to acquire and develop lands for recreation and conservation purposes and to make grants to assist local units to acquire and develop lands for such purposes, subject to the conditions and limitations prescribed by this act.

C. 13:8A-39 Powers of commissioner.

5. In acquiring and developing lands and making grants to assist local units to acquire and develop lands the commissioner shall:

a. Seek to achieve a reasonable balance among all areas of the State in consideration of the relative adequacy of area recreation and conservation facilities at the time and the relative anticipated future needs for additional recreation and conservation facilities;

b. Insofar as practicable, limit acquisition to predominantly open and natural land and minimize the cost of acquisition and the subsequent expense necessary to develop such land for recreation and conservation purposes;

c. Wherever possible, select land for acquisition which is suitable for multiple recreation and conservation purposes;

d. Give due consideration to coordination with the plans of other departments of State Government with respect to land use or acquisition;

e. Avoid acquisition of lands actively devoted to agriculture whenever possible and in lieu thereof, whenever feasible, development rights, conservation easements and other interests less than a fee simple shall be acquired;

C. 13:8A-40 Power of acquisition; declaration of taking and deposit; right of condemnor to immediate possession.

6. a. Lands acquired by the State shall be acquired by the commissioner in the name of the State. They may be acquired by purchase or otherwise on such terms and conditions as the commissioner shall determine, or by condemnation in the manner provided in the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3–1 et seq.). This power of acquisition shall extend to lands held by any local unit.

b. At any time contemporaneous with or after the institution of an action and service of process, the condemnor may file in the action, a declaration of taking pursuant to section 17 of P. L. 1971, c. 361 (C. 20:3–17) and simultaneously therewith shall, pursuant to section 18 of P. L. 1971, c. 361 (C. 20:3–18) deposit the amount of the estimated compensation with the clerk of the Superior Court.

c. The condemnor shall have the right to the immediate and exclusive possession of the property upon complying with section 19 of P. L. 1971, c. 361 (C. 20:3–19). Thereafter, upon application of any condemnee, or any other party in interest, and on notice to all parties to the action, and pursuant to section 23 of P. L. 1971, c. 361 (C. 20:3–23), the court may direct that the estimated compensation on deposit, or any part thereof, be withdrawn.

C. 13:8A-41 Rules and regulations.

7. The commissioner may prescribe rules and regulations governing the administration, operation and use of lands acquired or developed by the State under this act to effect the purpose of this act.

C. 13:8A-42 Manner of acquisition.

8. Lands approved by the commissioner for acquisition by a local unit with State assistance shall be acquired by and in the name of the local unit and may be acquired in the manner provided in section 6 hereof or in any other manner authorized by law for the acquisition of lands for such purposes by the local unit.

C. 13:8A-43 Grant to local unit; requirements.

9. A grant to assist a local unit to acquire or develop lands for recreation and conservation purposes shall not be made under this act until:

a. The local unit has applied to the commissioner on forms prescribed by him describing the land acquisition or development for which a grant is sought, stating the recreation and conservation purpose or purposes to which such lands will be devoted, stating

the facts which give rise to the need for such purpose, enclosing, as may be appropriate, a plan for development by the local unit, or a conservation or environmental protection plan, approved by its governing body, or both, and stating such other matters as the commissioner shall prescribe;

b. The commissioner shall have prescribed the terms and conditions under which the grants shall be made;

c. The local unit shall have filed with the commissioner its acceptance of such terms and conditions, and has otherwise complied with the provisions of this act.

C. 13:8A-44 Grant to local unit; conditions.

10. A grant may not be made under this act until the local unit has adopted regulations governing the administration and use of the lands in question.

C. 13:8A-45 Amount.

11. Grants under this act shall be made by the commissioner. Each grant shall be in an amount not more than 50% of the actual cost of acquisition or development of the lands in question.

C. 13:8A-46 Acquisition or approval of grants to acquire certain lands.

12. Without limitation of the definition of "lands" herein, the commissioner may acquire, or approve grants to assist a local unit to acquire:

a. Lands subject to the right of another to occupy the same for a period measured in years or otherwise; or

b. An interest or right consisting, in whole or in part, of a restriction on the use of land by others including owners of other interests therein; such interest or right sometimes known as a "conservation easement."

C. 13:8A-47 Disposition of lands acquired by local unit; approval.

13. a. Lands acquired or developed by a local unit with the aid of a grant under this act shall not be disposed of or diverted to a use for other than recreation and conservation purposes without the approval of the commissioner and the State House Commission and following a public hearing at least 1 month prior to any such approvals. Such approval of the State House Commission shall not be given unless the local unit shall agree to pay an amount equal to 50% of the current value of such land, as determined by the commission, into the State Recreation and Conservation Land Acquisition and Development Fund if the original grant shall have been made from that fund, or, if not, then into the State Treasury. Money so returned to said fund shall be deemed wholly a part of

the portion of that fund available for grants to local units under this act.

b. A local unit which receives a grant under this act shall not dispose of or divert to a use for other than recreation and conservation purposes any lands held by such local unit for such purposes at the time of receipt of said grant without the approval of the commissioner and the State House Commission and following a public hearing by the local unit at least 1 month prior to any such approvals.

C. 13:8A-48 Disposition of lands acquired by State; approval.

14. a. Lands acquired or developed by the State under this act with money from the State Recreation and Conservation Land Acquisition and Development Fund shall not be disposed of or diverted to use for other than recreation and conservation purposes without the approval of the State House Commission. Such approval shall not be given unless the commissioner shall agree to pay an amount equal to the value of such land, as determined by the commission, into said fund. Money so returned to said fund shall be deemed wholly a part of the portion of that fund available for land acquisition or development by the State under this act.

b. If land acquired by the State under this act with money from the State Recreation and Conservation Land Acquisition and Development Fund is subsequently developed for any water supply projects, the commissioner shall pay an amount equal to the current value of the land so developed, as said value is determined by the State House Commission, into said fund. Money so returned to the fund shall be deemed wholly a part of the portion of that fund available for land acquisition and development by the State under this act. The commissioner shall make said payment from any funds available for such purpose from the State Water Development Fund or other water development moneys appropriated and available for such purpose.

C. 13:8A-49 Authorization to develop recreation facilities on lands acquired through irrevocable lease.

15. The commissioner may authorize the development of recreation facilities or approve grants to assist a local unit develop recreation facilities on lands acquired through the execution of an irrevocable lease having a minimum term of 25 years. Upon expiration of the term of the lease, the provisions of 13. a. and 14. a. shall not apply.

C. 13:8A-50 Operation and maintenance by local unit; repayment of grant.

16. A local unit which receives a grant under this act shall satisfactorily operate and maintain, or cause to be operated and maintained, the property or facilities acquired or developed pursuant to the conditions of the agreement between the local unit and the department when such grant is made. In the event that the local unit cannot or will not correct deficiencies in operation and maintenance within a reasonable time period, the commissioner may require the repayment of a portion of or the entire grant amount received by the local unit.

C. 13:8A-51 Restrictions because of race, sex or nationality prohibited.

17. Use of lands acquired under this act by the State or with State assistance shall not be restricted by any conditions of race, creed, color, sex or nationality, and shall not be restricted by any condition of residence except by direction of or with the approval of the commissioner.

C. 13:8A-52 Sale of lands.

18. Notwithstanding any other provision of law, lands to be acquired by the State under this act from any local unit may be sold to the State by the unit at private sale.

C. 13:8A-53 Additional powers of commissioner.

19. The commissioner, in executing this act, may do all things necessary or useful and convenient in connection with the acquisition or development of lands by the State or with the assistance of the State, including the following:

a. Make arrangements for and direct (i) engineering, inspection, legal, financial, geological, hydrological and professional services, (ii) and organizational, administrative and other work and services;

b. Enter on lands for the purpose of making surveys, borings, soundings or other inspections or examinations;

c. Prescribe rules and regulations to implement any provisions of this act.

C. 13:8A-54 Appropriation of fund to department.

20. The money in the State Recreation and Conservation Land Acquisition and Development Fund created by the New Jersey Green Acres and Recreation Opportunities Bond Act of 1974 is hereby appropriated to the Department of Environmental Protection for use in executing the provisions of this act, according to the following division:

a. With respect to acquisition of lands by the State under this act, $15 million, which shall include administrative costs as defined in section 3. b. of this act;

b. With respect to State grants under this act to assist local units to acquire lands, $15 million;

c. With respect to development of lands owned by the State under this act, $15 million which shall include administrative costs as defined in section 3. b. of this act;

d. With respect to the State grants under this act to assist local units to develop land, $15 million.

21. This act shall take effect immediately.

Approved July 15, 1975.

CHAPTER 156

AN ACT to revise standards and procedures for the inspection of motor vehicles, amending R. S. 39:8–2 and 39:8–4 and supplementing chapter 8 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. 39:8–2 is amended to read as follows:

Examiners of motor vehicles; appointment; powers; rules and regulations; certificates of approval; purchase, lease, or condemnation of property; charge for inspection.

39:8–2. The director may designate and appoint, subject to existing laws, competent examiners of motor vehicles to examine motor vehicles required to be inspected in accordance with the provisions of this chapter. Such examiners may be delegated to enforce the provisions of the motor vehicle and traffic law.

The director may make rules and regulations with respect to the character and frequency of the inspections to be made, and with respect to the approval or rejection of motor vehicles as a result of such inspections.

The director shall furnish to designated examiners official certificates of approval, the form, content and use of which he shall prescribe.

The director may, with the approval of the State House Commission, purchase, lease or acquire by the exercise of the power

of eminent domain any property for the purpose of assisting him in carrying out the provisions of this chapter. Such property may also be used by the director for the exercise of the duties and powers conferred upon him by the other chapters of this Title.

The director shall make a charge of $1.00 for the initial inspection for each vehicle subject to inspection, which amount shall be paid to the director or his representative when payment of the registration fees fixed in chapter 3 of this Title is made; provided, however, that the said charge for passenger automobiles shall be paid as part of the registration fee for such vehicles, as provided in section 39:3–8 of this Title. Said fee is not applicable to reinspection by licensed reinspection centers of vehicles rejected upon initial inspection at a motor vehicle inspection station.

2. R. S. 39:8–4 is amended to read as follows:

Repairs, etc., to be made.

39:8–4. If inspections as required by section 39:8–1 of this Title disclose the necessity for adjustments, corrections or repairs, the director may require the owner of any such motor vehicle to have such adjustments, corrections or repairs made and thereafter reinspected at a motor vehicle inspection station, or at the option of the vehicle owner have the adjustments, corrections or repairs made and certified thereto at a licensed reinspection center within the period designated by the director.

C. 39:8-11 Reinspection centers; license.

3. (New section) The director may, after appropriate inquiry and investigation, license to operate reinspection centers as many qualified and properly equipped persons engaged in the business of motor vehicle repairs and service as are necessary, to certify that the specific items for which a vehicle was initially rejected at a motor vehicle inspection station have been adjusted, corrected or repaired by him or under his direction, and that the condition of said items conforms to the standards established by law or regulation. Such certification shall be evidenced by a reinspection approval sticker placed on the vehicle as prescribed by the director.

C. 39:8-12 Reinspection and certification by licensee.

4. (New section) A licensee shall reinspect and certify any vehicle presented to him for adjustment, correction or repair, and any vehicle presented by an owner who himself has made the necessary adjustment, correction or repair. Such certification shall indicate that the licensee or his employee has reinspected the

items for which a vehicle has been rejected, as prescribed by the director, and has found that the condition of said items conforms to the standards established by law or regulation.

C. 39:8-13 Charge for certification; determination by director; schedule of charges.

5. (New section) a. A licensee may charge any owner whose vehicle was adjusted, corrected or repaired by or under the direction of the licensee an amount for certification to be determined by the director.

b. A licensee may charge any owner who himself has made the necessary adjustments, corrections or repairs an amount for reinspection computed at the hourly rate charged by the licensee for normal on premises repairs, and an amount for certification. The director shall determine the average length of time required to reinspect a specific rejected item, which shall be the maximum time for which a licensee may charge, and shall determine the charge for certification.

c. Licensees shall post a schedule of charges for reinspection and for certification in a prominent place on the premises, and shall file a copy thereof with the director.

C. 39:8-14 License to persons who own or lease 50 or more motor vehicles.

6. (New section) The director may license any person who is the owner or lessee of 50 or more motor vehicles to reinspect and certify those vehicles if initially inspected at a motor vehicle inspection station if such person has available to him the equipment, facilities and qualified employees necessary to make the required adjustments, corrections or repairs. Such licensee shall certify that the items for which a vehicle was initially rejected have been adjusted, corrected or repaired by him or under his direction and that the condition of said items conforms to the standards established by law or regulation. Such certification shall be evidenced by a reinspection approval sticker placed on the vehicle as prescribed by the director.

C. 39:8-15 Validity of license.

7. (New section) Every reinspection center license issued on or after May 1 in any year shall be valid through June 30 of the following year, except that any such license issued prior to July 1, 1975 shall be valid through June 30, 1976.

C. 39:8-16 Application or renewal of license; fee; additional qualifications.

8. (New section) An application or renewal for a reinspection center license shall be in such form and shall contain such informa-

tion as the director may prescribe, and shall be accompanied annually by a nonrefundable $10.00 fee which shall be remitted to the General Treasury. The director shall require a licensee to have in effect at all times liability insurance or such other proof of financial responsibility as he may prescribe, and may require such other qualifications of a licensee and his premises as are necessary.

C. 39:8-17 Reinspection approval sticker; fee; records.

9. (New section) The director shall provide each licensee as many numbered reinspection approval stickers as may be required, and may charge the licensee $0.50 for each sticker. If a sticker expires prior to its use, the $0.50 fee already paid shall be applied toward the future purchase of stickers, and shall not be refunded. Every licensee shall keep such records of reinspections and approval stickers issued as the director may prescribe, shall make such records available to the director upon demand, shall institute such safeguards to secure said stickers from theft, loss or fraudulent use as the director may prescribe, and shall upon request account to the director for all said stickers.

C. 39:8-18 Violation of act; fine.

10. (New section) A licensee or his employee who affixes a reinspection approval sticker to a motor vehicle without having reinspected the specific item for which the vehicle was initially rejected by a motor vehicle inspection station, or without having determined that the condition of the item conforms to standards established by law or regulation, shall be guilty of violating the provisions of this chapter, and shall be fined not less than $50.00 nor more than $200.00 for a first offense or not less than $200.00 nor more than $1,000.00 for a second or subsequent offense. This section shall be enforced pursuant to R. S. 39:8–9.

C. 39:8-19 Denial, suspension or revocation of license; grounds; hearing; status of other business licenses.

11. (New section) a. The director may deny, suspend or revoke a reinspection center license or refuse renewal thereof for cause, including but not limited to one or more of the following:

(1) Violation of any provision of this act or of any regulation adopted thereunder, including a finding of guilt made pursuant to section 10 of this act;

(2) Fraud, or misrepresentation in securing the license or in the conduct of the licensed activity;

(3) Making reinspection service charges in excess of those posted in the licensed premises and filed with the director;

(4) Conviction of a crime involving moral turpitude;

(5) Violation of The Consumer Fraud Act, P. L. 1967, c. 301 (C. 56:8–1 et seq.) or of any regulation adopted thereunder;

(6) Other good cause.

b. The director may suspend a license for such period as he deems fit, pursuant to the Administrative Procedure Act, P. L. 1968, c. 40 (C. 52:14D–1 et seq.) If the director determines that the public interest requires suspension of a license pursuant to this act prior to hearing, the director may do so, provided that the licensee is afforded the opportunity for a hearing within 10 days of the effective date of the suspension, and an administrative adjudication as soon thereafter as possible.

c. The suspension or revocation of a reinspection center license shall not of itself be cause for the denial, suspension or revocation of any other business license held by the reinspection center licensee issued by the State or any of its political subdivisions.

C. 39:8-20 Delivery of certain items to director; failure.

12. (New section) Any licensee who discontinues operation of a reinspection center, or whose license has been suspended or revoked, or whose renewal thereof has been denied, shall forthwith deliver to the director the license, all unused reinspection approval stickers, all reinspection records and other items issued to the licensee or required by the director to be kept in connection with the operation of the reinspection center. Any person who fails to deliver said items to the director is a disorderly person.

C. 39:8-21 Advertisement, display or transfer without license; penalty.

13. (New section) Any person who shall display or cause or permit to be displayed any sign, mark, or advertisement as a reinspection center when a license has not been issued by the director or is not then in effect, or who shall transfer or attempt to transfer a reinspection center license is a disorderly person.

C. 39:8-22 Powers of director.

14. (New section) The director may, subject to existing law, employ such persons and make such expenditures as are necessary to supervise the operation of licensed reinspection centers to insure compliance with the provisions of this act and the regulations adopted pursuant thereto.

C. 39:8-23 Rules and regulations.

15. (New section) The director may adopt such rules and regulations as may be required or appropriate to effectuate the purposes of this act.

C. 39:8-24 Effective date.

16. This act shall take effect immediately but the amendatory provisions of sections 1 and 2 of this act, and sections 3 through 15 of this act shall terminate and be of no further force and effect on and after November 30, 1977 unless extended by act of the Legislature.

Approved July 16, 1975.

CHAPTER 157

AN ACT concerning inspection of motor vehicles and amending R. S. 39:8–4.

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

1. R. S. 39:8–4 is amended to read as follows:

Repairs, etc., to be made; certificate of approval and notice.

39:8–4. If inspections as required by section 39:8–1 of this Title disclose the necessity for adjustments, corrections or repairs, it shall be incumbent upon the owner of any such motor vehicle to have such adjustments, corrections or repairs made within the period designated by the director.

The director may cause a certificate of approval to be issued for a motor vehicle needing an adjustment, correction or repair in order to conform to the requirements of chapter 3 and chapter 8 of this Title, but which, in the director's determination, is nevertheless safe. In such cases the director shall issue notice to the vehicle owner to have said adjustment, correction or repair made within a specified period of time, subject to the penalties of R. S. 39:8–9.

C. 39:8-4.1 Rules and regulations.

2. The director may promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

3. This act shall take effect immediately.

Approved July 16, 1975.

CHAPTER 158

AN ACT appropriating funds from the Water Conservation Fund for grants for the construction of sewerage facilities by local governmental units, the construction of the Round Valley Reservoir outlet release pipeline and the development of a comprehensive State water supply master planning report.

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

1. There is hereby appropriated from the proceeds of the Water Conservation Fund created pursuant to the Water Conservation Bond Act (P. L. 1969, c. 127) to the State Department of Environmental Protection the sum of $20,294,116.00 for the purpose of providing grants, not exceeding 15% of the cost of the portion of approved sewerage projects which qualify for Federal Assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E–1 et seq.) for approved sewerage projects to the following authorities and municipality:

Municipality or Authority	State I.D. Project Number
Ocean County Sewerage Authority	151
Wayne, Township of	177
Wayne, Township of	176
Western Monmouth Utilities Authority	164
Ocean County Sewerage Authority	163
South Monmouth Regional 1 Sewerage Authority	157
Passaic Valley Sewerage Commissioners	187
Trenton, City of	191
Mt. Laurel Municipal Utilities Authority	193
Sussex County Municipal Utilities Authority	192
Bernards Township Sewerage Authority	190
North Arlington-Lyndhurst Joint Meeting	195
Hamilton, Township of	167
Stockton, Borough of	180
Long Beach Sewerage Authority	218
Livingston, Township of	129

2. There is hereby appropriated from the proceeds of the Water Conservation Fund to the State Department of Environmental Protection the sum of $15,000,000.00 for the construction of the initial section of the Round Valley Reservoir outlet release pipeline from the North dam to the South branch of Rockaway creek in the vicinity of Whitehouse Station and such department is authorized to undertake the construction.

3. There is hereby appropriated from the proceeds of the Water Conservation Fund to the State Department of Environmental Protection the sum of $1,200,000.00 for the development of a comprehensive State water supply master planning report. This report shall include a contingency plan for managing the State's water supplies during periods of drought and recommend the required water supply transmission network.

4. In order to provide flexibility in administering this act and all prior acts appropriating moneys from the Water Conservation Fund, the Commissioner of Environmental Protection may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item in such appropriations. Upon approval of such application by said Director and by the Executive Director of the Office of Fiscal Affairs, in writing, said director shall make such transfer.

5. Any amounts appropriated by this act or any previous act making appropriations from the Water Conservation Fund may be paid to municipalities and authorities when due without regard to payment limitations contained in this act or previous acts. In addition to the amounts hereinabove appropriated, there are hereby appropriated, subject to transfers approved as prescribed by section 4 of this act, sums received as repayment of loans made to local government units pursuant to the "State Sewerage Facilities Assistance Act of 1965," P. L. 1965, c. 121 (C. 26:2E–1 et seq.).

6. This act shall take effect immediately.

Approved July 17, 1975.

CHAPTER 159

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 8 of P. L. 1963, c. 144 (C. 17:12B–8) is amended to read as follows:

C. 17:12B-8 Principal office; branch office; auxiliary office; limited facility branch office.

8. (a) "Principal office" shall mean the legally established office of an association for the transaction of its business, other than a branch office, auxiliary office, agency or limited facility branch office of the association.

(b) "Branch office" shall mean a legally established office of an association other than the principal office, an auxiliary office, agency or limited facility branch office of the association, at which such operations as may be authorized by the board not inconsistent with the limitations of this act may be conducted.

(c) "Auxiliary office" shall mean a place of business other than the principal office, a branch office, agency or limited facility branch office of an association wherein operations of an association may be conducted within the limitations set forth in this act relating to auxiliary offices.

(d) "Limited facility branch office" shall mean such other facility as the commissioner may authorize, other than a branch office, auxiliary office or agency, including, but not limited to, an office or offices commonly known as a "satellite office," "mobile branch facility" or "fully automated office."

2. Section 9 of P. L. 1963, c. 144 (C. 17:12B–9) is amended to read as follows:

C. 17:12B-9 Agency.

9. "Agency" shall mean a place of business other than the principal office, a branch office, auxiliary office or limited facility branch office of an association, at which an agent or agents of the association may receive payments on savings accounts, payments on loans or any obligations to the association for the purpose of transmission thereof to the principal office or to a branch office of the association. At such agency, an agent or agents may perform such other duties not inconsistent with the limitations of this act as may be authorized from time to time by the board.

3. Section 24 of P. L. 1963, c. 144 (C. 17:12B–24) is amended to read as follows:

C. 17:12B-24 Branch offices.

24. Branch offices. No State association shall hereafter establish or operate a branch office or offices, or limited facility branch office or offices, other than as provided by the conditions and limitations

of sections 24 through 27 of this act; provided, however, that any association operating an authorized branch office at the effective date of this act may continue to do so.

The provisions of section 25 of this act shall apply only to branch offices authorized as the result of an association meeting the capital, reserve, and other requirements set forth in such section. Such branch offices shall be designated as section 25 branch offices.

The provisions of section 27 of this act shall apply only to branch offices authorized as the result of a merger of two or more associations or the purchase or acquisition of all or a substantial portion of the assets of one association by another association as set forth in Article XIII of this act. Such branch offices shall be designated as section 27 branch offices.

4. Section 25 of P. L. 1963, c. 144 (C. 17:12B–25) is amended to read as follows:

C. 17:12B-25 Mutual and capital stock associations; section 25 branch offices; application for authority to operate; required reserve accounts and undivided profits; guaranty account; limited facility branch office; limitations; rules and regulations.

25. A. Mutual Association.

(1) Any mutual association may make written application to the commissioner for authority to operate one section 25 branch office when the total of its reserve accounts, established under the provisions of section 128 of this act, and undivided profits are at least equal to 4% of its capital or $100,000.00, whichever is less.

(2) Any mutual association operating one or more section 25 or 27 branch offices, may apply to the commissioner for authority to operate additional section 25 branch offices, when the total of its reserve accounts, established under the provisions of section 128 of this act, and undivided profits are at least equal to 4% of its capital, plus an amount equal to $50,000.00 for each existing section 25 branch office the association is operating at the date of its application.

If an applying mutual association's reserves and undivided profits do not equal or exceed the amounts for reserves and undivided profits hereinabove set forth, the mutual association may nevertheless make such application, provided the mutual association agrees to establish a "guaranty account," under the same conditions as set forth in section 18 except as modified by the following:

(a) The amount of such guaranty account shall equal the difference between the reserves and undivided profits the applying mutual association requires under the provisions of subsection 2

of this section, and the amount of reserves and undivided profits held by the applying mutual association at the date of such application.

(b) A separate guaranty account may be established for each section 25 branch office applied for.

(c) The agreement for the guaranty account shall contain a provision providing for its release to the owners thereof at such time as the reserves, established under section 128 of this act, and undivided profits of the mutual association are equal to 4% of capital, plus $50,000.00 for each section 25 branch office in operation; or at such earlier time as the commissioner may upon application of the association approve, irrespective of the provisions of section 18. Upon release, the amount released shall be transferred to a savings account in the mutual association, in the name of the owner. In the event a mutual association simultaneously applies for authority to operate more than one section 25 branch office, or other applications for section 25 branch offices are pending by such association, the mutual association must comply with the reserve and undivided profits or guaranty account requirements as hereinabove set forth for each section 25 branch office applied for in excess of the first application.

B. Capital Stock Associations.

(1) Any capital stock association may make written application to the commissioner for authority to operate one section 25 branch office when the total of its reserve accounts, required or permitted under the provisions of this act, its stated capital, capital surplus, and earned surplus are at least equal to 4% of its depositors' accounts, or $100,000.00; whichever is less.

(2) Any capital stock association operating one or more section 25 or 27 branch offices, may apply to the commissioner for authority to operate additional section 25 branch offices when the total of its reserve accounts, required or permitted under the provisions of this act, its stated capital, capital surplus, and earned surplus are at least equal to 4% of its depositors' accounts, plus the sum of $50,000.00 for each existing section 25 branch office said association is operating at the time of its application.

C. Limited Facility Branch office. (1) In addition to an application or applications for a branch office, a State association may make application for authority to operate one or more limited facility branch offices without regard to the capital and reserve requirements for a branch office. In connection with such application, the applying association may request limitations, as set

forth below, to be imposed by the commissioner; or the commissioner, when considering the application, may make a determination that the application does not satisfy the full requirements for a branch office, including capital and reserve requirements, as set forth in this section for branch offices but that, nevertheless, a limited facility branch office would be in the public interest and of benefit to the area to be served. The commissioner may approve such application as a limited facility branch office subject to one or more of the following limitations:

(a) Number and type of personnel to be utilized in the operation of the proposed office;

(b) Physical size and characteristics of the proposed office;

(c) Amount of capital investment in the limited facility branch office proposed by the applicant;

(d) Type of activities proposed by the applicant; and

(e) The sharing of facilities with other associations where the application is for a fully automated office.

A "limited facility branch office" may be advertised to the public as a "branch office."

(2) Removal of limitations. Limitations imposed by the commissioner in the case of a limited facility branch office may be removed, in whole or in part, from time to time upon application by the State association operating a limited facility branch office. No application for removal of limitations may be filed until a limited facility branch office has been in operation for 2 years. If and when all limitations have been removed by the commissioner, the limited facility branch office will become a branch office to be operated by the association in the same manner as a branch office approved pursuant to this section.

(3) Any operating State association which has been authorized to operate a limited facility branch office or offices may terminate the operation of such facility branch office in its discretion and, if so terminated, may not be reopened except upon a new application to the commissioner. Notice of an application to terminate a limited facility branch office shall be filed with the commissioner at least 2 weeks prior to the termination of operation. The operation of a limited facility branch office may not be changed to a new location except upon application to the commissioner; and the operation of a limited facility branch office shall not be continued for a period of more than 5 years from its initial opening,

or such shorter period as may be specified by the commissioner in his approval, except upon approval of a new application.

(4) Subject to the "Administrative Procedure Act," (P. L. 1968, c. 410, C. 52:14B–1 et seq.), the commissioner may adopt, amend, alter or rescind regulations limiting State associations' powers to operate limited facility branch offices as hereinabove set forth. The commissioner, when issuing such regulations, shall, to the extent feasible and after giving consideration to the financial and economic circumstances and the public welfare, endeavor to promulgate such rules and regulations in substantial conformity with similar rules and regulations of the Federal Home Loan Bank Board as applied to Federal associations.

5. Section 26 of P. L. 1963, c. 144 (C. 17:12B–26) is amended to read as follows:

C. 17:12B-26 Establishment and operation of section 25 branch offices; application.

26. 1. Subject to the other limitations of this act, an association may establish and operate one or more section 25 branch offices as follows:

(a) In the same municipality in which it operates its principal office; or

(b) In any municipality where there is no principal office or branch office of any other association in operation at the time it is proposed to establish such branch office; or

(c) In any municipality where, at date of application, there is located a principal office or offices of an association or associations, and where the population of the municipality is, prior to January 1, 1974, 50,000 or more; commencing January 1, 1974, 40,000 or more; commencing January 1, 1975, 30,000 or more; commencing January 1, 1976, 20,000; and, commencing January 1, 1977 and thereafter, 10,000 or more. The commissioner upon application for good cause shown, may set aside the population schedule set forth above. The presence of one or more branch offices of one or more associations in any municipality having a population of 7,500 or more shall not prevent the establishment of a section 25 branch office under this subdivision prior to January 1, 1977. Commencing January 1, 1977, and thereafter, the presence of one or more branch offices of one or more associations in any municipality shall not prevent the establishment of a section 25 branch office under this subdivision; or

(d) In a municipality in which the association is operating a section 25 or 27 branch office where there is no principal office or branch office of another association.

(e) (Deleted by amendment.) P. L. 1973, c. 196.

(f) Nothing in this subsection shall affect the operation of any branch office legally established under prior law.

2. No association shall establish a section 25 branch office or limited facility branch office unless the association shall first file written application with the commissioner for his approval. An application shall be deemed to have been filed at such time as a written application, including such supporting data as may be required by the commissioner, shall have been made in writing by the applying association and delivered by certified mail, return receipt requested, or in person to the commissioner. Before approving such application, the commissioner shall determine that:

(a) The association and the proposed branch meet all of the requirements of sections 25 and 26 of this act; and

(b) The establishment and operation of such branch office is in the public interest and will be of benefit to the area served by such branch office; and that

(c) Such branch office may be established without undue injury to any other association in the area in which it is proposed to locate such branch office; and that

(d) Conditions in the area to be served, afford reasonable promise of successful operation.

Within 10 days after the submission of any such application to the commissioner, the applying State association shall give notice of such application by publication of a notice of such application in a newspaper published within the municipality in which it is proposed to locate the branch office if there be one or, if there be no such newspaper, in a newspaper published in the county and having a substantial circulation in the municipality. The notice shall be in a form approved by the commissioner, and shall include the name of the applying association and the location, as precisely as possible, in the municipality where such branch office is to be located. The commissioner shall conduct such investigation or hearing or both, as he may deem to be advisable. For good cause, the commissioner may dispense with the notice requirements of this section.

No less than 30 days after filing with the commissioner the proof of publication of the aforementioned notice and within 90 days thereafter, the commissioner shall announce his decision upon

such application and file in his office, a written memorandum stating the reasons therefor, which shall be open to public inspection; and he shall forthwith thereafter give written notice thereof to the applicant.

6. Section 34 of P. L. 1963, c. 144 (C. 17:12B–34) is amended to read as follows:

C. 17:12B-34 Auxiliary office not deemed branch office or limited branch office.

34. An auxiliary office shall not be deemed a branch office or limited facility branch office within the meaning of section 24 of this act. Each auxiliary office shall be deemed to be an integral part of the office to which it is an adjunct, and all business transacted at such auxiliary office shall be deemed to be transacted at the office to which it is an adjunct.

7. Section 226 of P. L. 1963, c. 144 (C. 17:12B–226) is amended to read as follows:

C. 17:12B-226 Fees and charges.

226. Fees and charges. A. Every State association shall pay filing fees as follows:

(1) Annual report or certificates where required, $25.00.

(2) Dissolution proceedings, $150.00.

(3) Any new corporation filing, $250.00; plus an additional fee of $250.00 to cover the cost of investigation of filing.

(4) Any proceeding under section 204, pertaining to bulk sales, $200.00.

(5) Any proceeding under section 198, pertaining to mergers, $250.00.

(6) Any application for a branch office or limited facility branch office, $250.00.

(7) Application to interchange a principal and branch office when such interchange involves two separate municipalities, $250.00.

(8) Application for change of name, $50.00.

(9) Certifications by the commissioner, of papers or records on file with the department, $10.00 plus $1.00 per page for each certification.

(10) Application to interchange a principal and a branch office within the same municipality, $100.00.

(11) Application to change location of principal office pursuant to section 40(2), $250.00.

(12) Application to change location of branch office beyond 1,500 feet and in same municipality or pursuant to section 27(A)(1), $100.00.

(13) Application to change location of branch office pursuant to section 27(A)(2), $250.00.

B. Every State association shall defray all expenses incurred in making an examination of its affairs as provided in this act, and the commissioner may maintain an action, in the name of the State, against the association, for the recovery of such expenses, in a court of competent jurisdiction.

8. This act shall take effect immediately.

Approved July 18, 1975.

CHAPTER 160

AN ACT to amend and supplement the "New Jersey Mortgage Finance Agency Law," approved May 4, 1970 (P. L. 1970, c. 38).

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

C. 17:1B-5.1 Legislature's findings.

1. (New section) The Legislature hereby finds that national economic conditions have caused the persistence of a critical shortage of adequate housing in this State and a drastic decline in new housing starts; that as a result an increasingly large number of New Jersey residents will be subjected to hardship in finding adequate, safe and sanitary housing unless new housing is constructed and existing housing, where appropriate, rehabilitated or improved; that unless the supply of housing and the availability to residents of this State of residential mortgage, rehabilitation, and improvement financing is increased over present levels, a large number of residents of this State will continue to be compelled to live in unsanitary, overcrowded and unsafe conditions to the detriment of the health, welfare and well-being of these residents and of the whole community of which they are a part; and that an increase in the housing supply of this State will assist in the clearance, replanning, development and redevelopment of blighted areas and will ameliorate the critical shortage of adequate housing.

It is hereby found that existing programs of the New Jersey Mortgage Finance Agency will not be sufficient in the future to meet the demands for available funds to assist in the financing of the new residential mortgage loans and, where appropriate, the rehabilitation or improvement of existing housing which is needed to remedy the continuing housing crisis.

The Legislature hereby determines that in order to more effectively promote the expansion of the supply of funds available for residential mortgage, rehabilitation and improvement loans and thus help alleviate the shortage of adequate housing in this State, the New Jersey Mortgage Finance Agency shall be granted power to raise funds from private investors and make those funds available through mortgage lending institutions and firms in this State for new residential loans through the purchase by the agency of existing mortgages from mortgage lending institutions and firms within the State during periods when there is an inadequate supply of credit otherwise available in the State, any particular area or areas of the State or available to persons or families of the State of low or moderate income for residential loans and that this program will be accomplished by the agency on terms designed to assure the expansion of available funds in the State or any such area or areas or for any such persons or families while protecting against the realization by mortgage lending institutions and firms of any excessive financial return or benefit.

The Legislature further finds and determines that a secondary mortgage market which will be provided by the mortgage purchase program of the agency will be an appropriate and effective means of encouraging investment in New Jersey residential loans, of reducing the volatility of mortgage flows over the business cycle, and of providing greater stability for the economy of the State of New Jersey.

The Legislature further finds and determines that the shortage of adequate housing in the State will be reduced if the present authority of the New Jersey Mortgage Finance Agency to raise funds from private investors and loan such funds to mortgage lending institutions to make residential mortgage loans is extended to permit the agency to loan such funds to mortgage lending institutions to make residential rehabilitation and improvement loans.

2. Section 3 of P. L. 1970, c. 38 (C. 17:1B–6) is amended to read as follows:

C. 17:1B-6 Definitions.

3. The following words or terms as used in this act shall have the following meanings unless a different meaning clearly appears from the context:

(a) "Act" means this New Jersey Mortgage Finance Agency Law.

(b) "Agency" means the New Jersey Mortgage Finance Agency created by section 4 of the act.

(c) "Bonds" means bonds issued by the agency pursuant to the act.

(d) "Mortgage lender" means any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association maintaining an office in the State, or any insurance company authorized to transact business in the State.

(e) "New residential loan" means: (1) a loan made by a mortgage lender or mortgage seller and secured by a mortgage constituting a first lien upon real property (or a lease of the fee of real property) located in the State and improved by a residential building or unimproved if the proceeds of such loan shall be used for the purpose of erecting a residential building thereon, or (2) a loan made for the rehabilitation or improvement of a residence whether or not secured by a mortgage; provided that such loan shall be made from the proceeds of a loan made by the agency to such mortgage lender or from the proceeds of a purchase of eligible mortgages by the agency from such mortgage seller, as the case may be, all pursuant to the act.

(f) "Notes" means notes issued by the agency pursuant to the act.

(g) "State" means the State of New Jersey.

(h) "Eligible mortgage" means a loan made or owned by a mortgage seller and secured by a mortgage on real property (or lease of the fee of real property) located in the State and improved by a residential building or unimproved if the proceeds of such loan shall be used for the purpose of erecting a residential building thereon. The term eligible mortgage shall include any undivided interest therein.

(i) "Mortgage seller" means any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association maintaining an office in the State, or any insurance company or any mortgage banking firm

or mortgage banking corporation authorized to transact business in the State.

(j) "Persons and families of low and moderate income" means persons and families, irrespective of race, creed, national origin or sex, determined by the agency to require assistance through any mortgage interest subsidy program or other special program established by the agency therefor on account of personal or family income not sufficient to afford adequate housing. In making such determination the agency shall take into account the following: (1) the amount of the total income of such persons and families available for housing needs, (2) the size of the family, (3) the cost and condition of housing facilities available, (4) the eligibility of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing. In the case of Federally-subsidized mortgages with respect to which income limits have been established by any agency of the Federal Government having jurisdiction thereover for the purpose of defining eligibility of low and moderate income families, the agency may determine that the limits so established shall govern. In all other cases income limits for the purpose of defining low or moderate income persons shall be established by the agency in its rules and regulations.

3. Section 5 of P. L. 1970, c. 38 (C. 17:1B–8) is amended to read as follows:

C. 17:1B-8 Powers of agency.

5. Except as otherwise limited by the act, the agency shall have power:

(a) To sue and be sued;

(b) To have an official seal and alter the same at pleasure;

(c) To make and alter bylaws for its organization and internal management and rules and regulations for the conduct of its affairs and business;

(d) To maintain an office at such place or places within the State as it may determine;

(e) To acquire, hold, use and dispose of its income, revenues, funds and moneys;

(f) To acquire, rent, lease, hold, use and dispose of real or personal property for its purposes;

(g) To borrow money and to issue its negotiable bonds or notes and to provide for and secure the payment thereof and to provide for the rights of the holders thereof;

(h) To make loans to mortgage lenders under terms and conditions requiring the proceeds thereof to be used by such mortgage lenders for the making of new residential loans, all subject to the provisions of section 6 of the act;

(i) To establish, and revise from time to time and charge and collect fees and charges in connection with loans made by the agency to mortgage lenders under the act;

(j) Subject to any agreement with bondholders or noteholders, to collect, enforce the collection of, and foreclose on any collateral securing its loans to mortgage lenders and acquire or take possession of such collateral and sell the same at public or private sale, with or without bidding, and otherwise deal with such collateral as may be necessary to protect the interests of the agency therein;

(k) To make, enter into and enforce all contracts or agreements necessary, convenient or desirable for the purposes of the agency or pertaining to any loan by it to a mortgage lender or to the performance of its duties and execution or carrying out of any of its powers under this act;

(l) Subject to any agreement with bondholders or noteholders, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any loan to a mortgage lender or any bond or note, contract or agreement of any kind to which the agency is a party.

(m) Subject to any agreement with bondholders or noteholders, to invest moneys of the agency not required for immediate use, including proceeds from the sale of any bonds or notes, in such obligations, securities and other investments as the agency shall deem prudent;

(n) To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of the act, with the terms and conditions thereof;

(o) Subject to any agreements with bondholders or noteholders, to purchase bonds or notes of the agency out of any funds or money of the agency available therefor, and to hold, cancel or resell such bonds or notes;

(p) To appoint and employ an executive director and such additional officers who need not be members of the agency and

accountants, attorneys, financial advisors or experts and all such other or different officers, agents and employees as it may require and determine their qualifications, terms of office, duties and compensation, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

(q) To do and perform any acts and things authorized by the act under, through, or by means of its officers, agents or employees or by contracts with any person, firm or corporation;

(r) To conduct examinations and hearings and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of the act;

(s) To issue subpenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the agency, or before one or more of the members of the agency appointed by it to conduct such hearing;

(t) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

(u) To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable; and

(v) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the act.

4. Section 6 of P. L. 1970, c. 38 (C. 17:1B–9) is amended to read as follows:

C. 17:1B-9 Loans to mortgage lenders.

6. (a) The agency shall from time to time make loans to mortgage lenders so as to furnish, as rapidly as possible, funds to mortgage lenders for new residential loans.

(b) The agency shall from time to time adopt, modify, amend or repeal rules and regulations governing the making of such loans to mortgage lenders and the application of the proceeds thereof, including rules and regulations as to any or all of the following:

(1) Procedures for the submission of requests or the invitation of proposals for loans;

(2) Standards and requirements as to allocations of loans among all or certain of the mortgage lenders or awards of loans and determining the amounts and interest rates thereof;

(3) Limitations or restrictions as to the number of family units, location or other qualifications or characteristics of residences to be financed by new residential loans;

(4) Restrictions as to the maturities and interest rates on new residential loans or the return realized therefrom by mortgage lenders;

(5) Requirements as to commitments by mortgage lenders with respect to new residential loans;

(6) Schedules of any fees and charges necessary to provide for expenses and reserves of the agency; and

(7) Any other matters related to the duties and the exercise of the powers of the agency under this section.

Such rules and regulations shall be designed to effectuate the general purposes of this act and the following specific objectives: (i) the expansion of the supply of funds in the State available for new residential loans; (ii) the provision of the additional housing needed to remedy the shortage of adequate housing in the State and eliminate the existence of a large number of substandard dwellings; and (iii) the effective participation by mortgage lenders in the program authorized by the act and the restriction of the financial return and benefit thereto from such program to that necessary and reasonable to induce such participation.

(c) Loans to mortgage lenders shall be general obligations of the respective mortgage lenders owing the same and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with this section, all as the agency shall by resolution determine.

(d) Any other provision of this section to the contrary notwithstanding, the interest rate or rates and other terms of the loans to mortgage lenders made from the proceeds of any issue of bonds of the agency shall be at least sufficient so as to assure the payment of said bonds and the interest thereon as the same become due from the amounts received by the agency in repayment of such loans and interest thereon.

(e) The agency shall require as a condition of each loan to a mortgage lender that such mortgage lender thereafter proceed as promptly as practicable to make and disburse from such loan proceeds, new residential loans in an aggregate principal amount equal to the amount of such loan.

(f) The agency shall require that such loans to mortgage lenders shall be additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security in such amounts as the agency shall by resolution determine to be necessary to assure the payment of such loans and the interest thereon as the same become due. Such collateral security shall consist of (i) direct obligations of, or obligations guaranteed by, the United States of America; (ii) bonds, debentures, notes or other evidences of indebtedness, satisfactory to the agency, issued by any of the following Federal agencies: Bank for Cooperatives, Federal Intermediate Credit Bank, Federal Home Loan Bank System, Export-Import Bank of Washington, Federal Land Banks, the Federal National Mortgage Association or the Government National Mortgage Association; (iii) direct obligations of or obligations guaranteed by the State, obligations of governmental units of this State, including, but not limited to, capital notes, bond anticipation notes, tax anticipation notes and temporary notes or loan bonds, provided the obligations are rated at least A-1 by Moody's Bond Guide or AA by Standard and Poor's Bond Record or Survey (iv) mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest; or (v) other mortgages secured by real estate on which there is located a one-to-four family dwelling, the collateral value of which shall be determined by regulations issued from time to time by the agency. The agency may require that such mortgages be insured by a mortgage guaranty insurance company licensed to do business by the State of New Jersey. The agency may require that all collateral required to be maintained shall be deposited with the Federal Reserve Bank of New York, the Federal Reserve Bank of Philadelphia, the Federal Home Loan Bank of New York, as the case may be, or with any other banking institution located in the State or a contiguous state which is a member of the Federal Reserve System and has capital funds of not less than $25,000,000.00. Such depository arrangement shall be subject to prior approval by the agency. In the absence of such depository arrangement a mortgage lender shall upon receipt of the loan proceeds from the agency enter into an agreement with the agency containing such provisions as the agency shall deem necessary to adequately identify and maintain such collateral and service the same and shall provide that such mortgage lender shall hold such collateral as an agent for the agency and shall be held accountable as the trustee of an express trust for

the application and disposition thereof and the income therefrom solely to the uses and purposes in accordance with the provisions of such agreement. A copy of each such agreement and any revisions or supplements thereto shall be filed with the Secretary of State and no further filing or other action under Title 12A, Commercial Transactions, of the New Jersey Statutes or any other law of the State shall be required to perfect the security interest of the agency in such collateral or any additions thereto or substitutions therefor, and the lien and trust for the benefit of the agency so created shall be binding from and after the time made against all parties having claims of any kind in tort, contract, or otherwise against such mortgage lender. The agency may also establish such additional requirements as it shall deem necessary with respect to the pledging, assigning, setting aside, or holding of such collateral and the making of substitutions therefor or additions thereto and the disposition of income and receipts therefrom.

(g) The agency shall require the submission to it by each mortgage lender to which the agency has made a loan of evidence satisfactory to the agency of the making of new residential loans as required by this section and prescribed by rules and regulations of the agency and in connection therewith may inspect the books and records of such mortgage lender.

(h) The agency may require as a condition of any loans to mortgage lenders such representations and warranties as it shall determine to be necessary to secure such loans and carry out the purposes of the act.

(i) All new residential loans made as required by this section shall comply with the applicable provisions of the laws of the State, and, where Federal law or the law of another jurisdiction govern the affairs of the mortgage lender, shall comply with applicable provisions of such law.

(j) Compliance by any mortgage lender with the terms of this section and its undertaking to the agency with respect to the making of new residential loans may be enforced by decree of the Superior Court. The agency may require as a condition of any loan to any mortgage lender the consent of such mortgage lender to the jurisdiction of the Superior Court over any such proceeding. The agency may also require agreement by any mortgage lender, as a condition of the loan to such mortgage lender, to the payment of penalties to the agency for violation by the mortgage lender of any provision of this section or its undertaking to the agency with

respect to the making of new residential loans, and such penalties shall be recoverable at the suit of the agency.

(k) If at any time the agency shall determine that an adequate supply of funds exists in regular banking channels for new residential loans, the agency shall discontinue the making of loans to mortgage lenders until such time as the agency may subsequently determine that the supply of funds available for new residential loans is again inadequate.

C. 17:1B-9.1 Additional powers of agency.

5. (New section) In addition to the powers granted by section 5 of the act, the agency shall have the further power:

(a) To purchase or participate in the purchase, and to contract to purchase or participate in the purchase, of eligible mortgages owned by mortgage sellers and to enter into advance commitments to mortgage sellers for the purchase, or for participation in the purchase, of eligible mortgages, all subject to the applicable provisions of the act;

(b) To sell eligible mortgages acquired by the agency at public or private sale and at such price or prices and upon such terms and conditions as shall be determined by the agency;

(c) To enter into arrangements or agreements with mortgage sellers, which may be a part of any contract with the mortgage sellers for the purchase or participation in the purchase of eligible mortgages, containing such provisions as shall be determined by the agency to be necessary or appropriate to provide security for its bonds or notes, including but not limited to provisions requiring the repurchase of eligible mortgages or participations therein by the mortgage sellers at the option of the agency, payments of such premiums, fees, charges or other amounts by mortgage sellers to provide a reserve or escrow fund for the purposes, among others, of protecting against defaults with respect to eligible mortgages, and provisions for the guarantee by, or for recourse against, mortgage sellers with respect to defaults on eligible mortgages of the agency;

(d) To enter into contracts for the servicing and custody of eligible mortgages of the agency by mortgage sellers, which contracts may provide for the payment of the reasonable value of services rendered to the agency pursuant to such contracts;

(e) To renegotiate, refinance or foreclose, or contract for the foreclosure of, any eligible mortgage in default; to waive any default or consent to the modification of the terms of any mortgage;

to commence any action to protect or enforce any right conferred upon it by any law, mortgage, insurance policy, contract or other agreement, and to bid for and to purchase such property at any foreclosure or at any other sale, or acquire or take possession of any such property; to operate, manage, lease, dispose of, and otherwise deal with such property; all in such manner as may be necessary to protect the interest of the agency and the holders of its bonds and notes;

(f) To procure insurance against any default with respect to eligible mortgages in such amounts and from such insurers as may be necessary or desirable;

(g) To establish, revise from time to time, charge and collect such premiums, fees or other charges in connection with such purchase of eligible mortgages from mortgage sellers, as the agency shall determine and to apply such premiums, fees or charges to such purposes or deposit the same in such funds or reserves, as the agency shall determine; and

(h) To purchase or otherwise participate in the purchase of, or enter into commitments or other contracts for such purchase or participation, of eligible mortgages to persons and families of low and moderate income and to provide subsidies or other reductions of interest rates with respect to such mortgages.

C. 17:1B-9.2 Purchase of eligible mortgages; procedure.

6. (New section) (a) The agency shall purchase eligible mortgages from mortgage sellers within the State whenever it shall determine that the supply of funds available in the State, any particular area or areas of the State or for persons or families of the State of low or moderate income for residential loans is inadequate and shall require such mortgage sellers to invest the proceeds thereof as rapidly as possible in new residential loans, as provided in the act, unless such eligible mortgages were originated pursuant to a commitment with the agency. The agency shall purchase such eligible mortgages at such prices and upon such terms and conditions as it shall determine.

(b) The agency shall from time to time adopt, modify, amend or repeal rules and regulations governing the purchase of eligible mortgages from mortgage sellers, including, without limitation, rules and regulations as to any or all of the following:

(1) Procedures for the purchase of eligible mortgages by the agency, whether by auction, invitation of tenders, or negotiation;

(2) Standards and requirements as to allocations of purchases of eligible mortgages among all or certain of the mortgage sellers or among particular areas of the State;

(3) Limitations or restrictions as to the number of family units, income levels for owners or occupants, or location or other qualifications or characteristics of residences to be financed by the new residential loans to be made by mortgage sellers from the proceeds of eligible mortgages or to be financed pursuant to commitments with mortgage sellers with respect to the origination of eligible mortgages;

(4) Restrictions as to the maturities and interest rates on such new residential loans or the return realized therefrom by the mortgage sellers;

(5) Any other mattters related to the duties and the exercise of the powers of the agency in connection with the purchase of eligible mortgages under the act.

(c) Such rules and regulations and the terms and conditions for the purchase of eligible mortgages and for the making of new residential loans shall effectuate the general purposes of the act and the following specific objectives: (1) the expansion of the supply of funds in the State available for new residential loans; (2) the provision of the additional housing needed to remedy the shortage of adequate housing in the State and to eliminate the existence of a large number of substandard dwellings; and (3) the effective participation of mortgage sellers in the program authorized by this section and the restriction of the financial return and benefit thereto to that which is necessary to induce such participation.

(d) The agency shall require as a condition of each purchase of eligible mortgages from a mortgage seller that such mortgage seller proceed as promptly as practicable to make and disburse from the proceeds thereof new residential loans in an aggregate principal amount equal, as nearly as practicable, to the amount of such proceeds from the purchase by the agency of eligible mortgages therefrom, provided that such requirements shall not apply if the eligible mortgages so purchased were originated pursuant to a commitment or other arrangement with the agency.

(e) The agency shall require the submission to it by each mortgage seller from which the agency has purchased eligible mortgages evidence satisfactory to the agency of the making of new residential loans or the application of the proceeds from the purchase of eligible mortgages in accordance with commitments with

the agency for the origination of such eligible mortgages by the mortgage seller, as may be appropriate and in connection therewith may, through its employees or agents, inspect the books and records of such mortgage seller.

(f) The agency may require as a condition of any purchase of eligible mortgages from mortgage sellers such representations and warranties as it shall determine to be necessary in connection with such purchase and to carry out the purposes of the act.

(g) All new residential loans made as required by this section shall comply as to the applicable provisions of the laws of the State, and, where Federal law or the law of another jurisdiction governs the affairs of the mortage seller, shall comply with the applicable provisions of such law.

(h) Compliance by any mortgage seller with the terms of its agreement with or undertaking to the agency with respect to the making of any new residential loans may be enforced by decree of the Superior Court. The agency may require as a condition of purchase of eligible mortgages from any mortgage seller the consent of such mortgage seller to the jurisdiction of the Superior Court over any such proceeding. The agency may also require agreement by any mortgage seller, as a condition of the agency's purchase of eligible mortgages from such mortgage seller, to the payment of penalties to the agency for violation by the mortgage seller of its undertakings to the agency, and such penalties shall be recoverable at the suit of the agency.

(i) Whenever any eligible mortgage purchased by the agency is to be held or serviced by a mortgage seller, a statement designating the eligible mortgage being so held or serviced and the mortgage seller so holding or servicing and setting forth the agency's interest in such eligible mortgage may be filed with the Secretary of State and no possession, further filing, or other action under Title 12A, Commercial Transactions, of the New Jersey Statutes or any other law of the State shall be required to perfect any security interest which may be deemed to have been created in favor of the agency. The mortgage seller shall, in any such case, be and be deemed to be the trustee of an express trust for the benefit of the agency in all matters relating to any such eligible mortgage.

(j) Notwithstanding the provisions of section 213.1 of P. L. 1948, c. 64 (C. 17:9A–213.1) or any other provision of law to the contrary any mortgage seller may, in connection with the sale of eligible mortgages to the agency pursuant to the act, enter into

such arrangements or agreements with the agency as are authorized under and contemplated by the act, including, without limitation, provisions requiring the repurchase of eligible mortgages or participations therein by the mortgage seller at the option of the agency, the payment of such premiums, fees or charges or other amounts by the mortgage seller to provide a reserve or escrow for the purposes, among others, of protecting against defaults with respect to eligible mortgages, and provisions for the guarantee by, or for recourse against, the mortgage seller with respect to defaults on eligible mortgages of the agency.

7. Section 7 of P. L. 1970, c. 38 (C. 17:1B–10) is amended to read as follows:

C. 17:1B-10 Issuance of bonds and notes.

7. (a) The agency shall have the power and is hereby authorized from time to time to issue its bonds or notes in such principal amounts as in the opinion of the agency shall be necessary to provide sufficient funds for any of its corporate purposes, including the making of loans to mortgage lenders, the purchase of eligible mortgages from mortgage sellers, the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds or notes issued by it whether the bonds or notes or interest to be funded or refunded have or have not become due, the establishment or increase of such reserves to secure or to pay such bonds or notes or interest thereon, or to provide, insure or otherwise protect against defaults on or prepayment of eligible mortgages, and all other costs or expenses of the agency incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Except as may be otherwise expressly provided in the act or by the agency, every issue of bonds or notes shall be general obligations payable out of any revenues or funds of the agency, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The agency may issue such types of bonds or notes as it may determine, including bonds or notes as to which the principal and interest are payable (1) exclusively from the revenues of the agency resulting from the loans to mortgage lenders made with the proceeds of such bonds or notes or from the payments on account of principal of and interest on eligible mortgages purchased from mortgage sellers or other premiums, fees or charges paid by such mortgage sellers; (2) exclusively from the revenues of the agency resulting from certain loans made to mortgage lenders or resulting from

the purchases of certain eligible mortgages whether or not such loans were made or such eligible mortgages purchased in whole or in part from the proceeds of such bonds or notes; or (3) from its revenues generally. Any such bonds or notes may be additionally secured by a pledge of any grant, subsidy or contribution from the United States of America or any agency or instrumentality thereof or the State or any agency, instrumentality or political subdivision thereof, or any person, firm or corporation, or a pledge of any income or revenues, funds or moneys of the agency from any source whatsoever.

(c) Whether or not the bonds and notes are of such form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of said Title 12A, subject only to the provisions of the bonds and notes for registration.

(d) Bonds or notes of the agency shall be authorized by a resolution or resolutions of the agency and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates of interest per annum or within such maximum rate, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide.

(e) Bonds or notes of the agency may be sold at public or private sale at such price or prices and in such manner as the agency shall determine. Every bond shall mature and be paid not later than 40 years from the date thereof, and every note shall mature and be paid not later than 5 years from the date thereof.

(f) Bonds or notes may be issued under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

(g) Bonds and notes of the agency issued under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the agency and

shall not create or constitute any indebtedness, liability or obligation of the State or of any such political subdivision or be or constitute a pledge of the faith and credit of the State or of any such political subdivision but all such bonds and notes, unless funded or refunded by bonds or notes of the agency, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond and note shall contain on its face a statement to the effect that the agency is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the agency and that neither the State nor any political subdivision thereof is obligated to pay such principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds or notes.

(h) All expenses incurred in carrying out the provisions of the act shall be payable solely from revenues or funds provided or to be provided under the provisions of the act and nothing in the act shall be construed to authorize the agency to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

8. Section 8 of P. L. 1970, c. 38 (C. 17:1B–11) is amended to read as follows:

C. 17:1B-11 Contract provisions regarding bonds and notes.

8. Any resolution or resolutions authorizing any bonds or notes of the agency may contain provisions which shall be a part of the contract with the holders of such bonds or notes, as to the following:

(1) The pledging of or creating of a lien on, as security for the payment of the principal and redemption price of and interest on any bonds or notes of the agency, all or any part of its revenues or assets to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, including the loans made to mortgage lenders pursuant to the act and the revenues therefrom and the rights and interests of the agency in and to any collateral securing such loans and the collections and proceeds therefrom, the eligible mortgages and all payments on account of principal and interest with respect thereto and all other premiums, fees and charges payable by mortgage sellers, all or any part of any money, funds or property held in trust or otherwise by others for the payment of any such loans to mortgage lenders or such eligible mortgages, or any bonds or notes of the agency, and all or any part of the proceeds of any bonds or notes, and covenanting

against pledging all or any part of such revenues, assets, moneys, funds or property, or against permitting or suffering any lien thereon;

(2) Otherwise providing for the custody, collection, securing, investment and payment of any revenues, assets, moneys, funds or property of the agency or with respect to which the agency may have any rights or interest;

(3) The use and disposition of any and all payments of principal or interest received by the agency with respect to loans to mortgage lenders or eligible mortgages or any income or proceeds from investments held by the agency or other income, revenues or receipts of the agency;

(4) The establishment and setting aside of reserves or sinking funds and the regulation and disposition thereof;

(5) The custody, application and disposition of the proceeds of any bonds or notes;

(6) Limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be issued and secured, and on the refunding of other bonds or notes;

(7) The rank or priority of any such bonds or notes with respect to any lien or security or as to the acceleration of the maturity of any such bonds or notes;

(8) The creation of special funds or moneys to be held in trust or otherwise for operating expenses, payment or redemption of bonds or notes, reserves against defaults or prepayments of eligible mortgages or for other purposes and as to the use and disposition of the moneys held in such funds;

(9) The procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

(10) The custody of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(11) The time or manner of enforcement or restraint from enforcement of any rights of the agency arising by reason of or with respect to nonpayment of principal or interest with respect to loans to mortgage lenders or any rights to or security interest in the collateral securing such loans or arising with respect to the default with respect to any eligible mortgage;

(12) Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the agency and providing for the rights and remedies of the holders of bonds or notes in the event of such default, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the State and other provisions of the act;

(13) Vesting in a trustee or trustees within or without the State such properties, rights, powers and duties in trust as the agency may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds or notes pursuant to section 9 of the act and to limit or abrogate the right of the holders of any bonds or notes of the agency to appoint a trustee under the act or limiting the rights, powers and duties of such trustee;

(14) Appointing and providing for the duties and obligations of a paying agent or paying agents or such other fiduciaries within or without the State;

(15) Any other matters of like or different character which in any way affect the security and protection of the bonds or notes and the rights of the holders thereof.

9. Section 9 of P. L. 1970, c. 38 (C. 17:1B–12) is amended to read as follows:

C. 17:1B-12 Default by agency.

9. (a) In the event that the agency shall default in the payment of principal of or interest on any issue of bonds or notes after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or in the event that the agency shall fail or refuse to comply with the provisions of the act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any such bonds or notes and such failure or refusal shall continue for a period of 30 days after written notice to the agency of its existence and nature, the holders of 25% in aggregate principal amount of such issue of bonds or notes then outstanding by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds or notes for the purpose provided in this section.

(b) Such trustee may and upon written request of the holders of 25% in aggregate principal amount of such bonds or notes then outstanding shall, in his or its own name:

(1) By any action, writ, or other proceeding, enforce all rights of the holders of such bonds or notes, including the right to collect and enforce the payment of principal of and interest due or becoming due on loans to mortgage lenders and collect and enforce any collateral securing such loans or sell such collateral and the right to cause the foreclosure of any eligible mortgage, and to sell any property purchased at any such foreclosure, so as to carry out any contract as to, or pledge of, revenues, and to require the agency to carry out and perform the terms of any contract with the holders of such bonds or notes or its duties under the act;

(2) Bring suit upon all or any part of such bonds or notes;

(3) By action, require the agency to account as if it were the trustee of an express trust for the holders of such bonds;

(4) By action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds or notes; or

(5) Declare all such bonds or notes due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to the agency, and, if all defaults shall be made good, then with the consent of the holders of 25% of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(c) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds or notes in the enforcement and protection of their rights.

(d) In any action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee, if any, appointed pursuant to this act, shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any revenues, moneys, funds or property of the agency pledged for the payment or security of such issue of bonds or notes.

10. This act shall take effect immediately.

Approved July 21, 1975.

CHAPTER 161

AN ACT designating a day to be observed as "Grandparents' Day" and supplementing Title 36 of the Revised Statutes.

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

C. 36:1-7 Grandparents' day.

1. For the purpose of paying special tribute to grandparents, the last Sunday of May in each year is designated for the general observance of that purpose and shall be known as "Grandparents' Day."

2. This act shall take effect immediately.

Approved July 21, 1975.

CHAPTER 162

AN ACT to amend and supplement the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 5 of P. L. 1945, c. 162 (C. 54:10A–5) is amended to read as follows:

C. 54:10A-5 Amount of franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the sum of the amount computed under subsection (a) hereof, or, in the alternative to the amount computed under subsection (a) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) That portion of its entire net worth as may be allocable to this State as provided in section 6 multiplied by the following rates: 2 mills per dollar on the first $100,000,000.00 of allocated net worth; 4/10 of a mill per dollar on the second $100,000,000.00; 3/10 of a mill per dollar on the third $100,000,000.00; and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of $300,000,000.00.

(b) (Deleted by amendment, P. L. 1968, c. 250, s. 2.)

(c) 3¼% of its entire net income or such portion thereof as may be allocable to this State as provided in section 6; provided, however, that with respect to reports covering privilege periods or parts thereof ending after December 31, 1967, the rate shall be 4¼%; and, that with respect to reports covering privilege periods or parts thereof ending after December 31, 1971, the rate shall be 5½%; and, that with respect to reports covering privilege periods or parts thereof ending after December 31, 1974, the rate shall be 7½%.

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or regulated investment company or real estate investment trust which has elected to report as such and has filed its return in the form and within the time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 25% of its entire net income and 25% of its entire net worth, and, in the case of a regulated investment company or a real estate investment trust, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than $250.00.

(e) The tax assessed to any taxpayer pursuant to subsection (a) of this section shall not be less than the greatest of

(i) 5/10 of a mill per dollar on the first $100,000,000.00 and 2/10 of a mill per dollar on all amounts in excess of $100,000,000.00 of the average of the taxpayer's real and tangible personal property within the State allocated to this State in accordance with paragraph (A) of section 6 hereof (in the case of a taxpayer which does not maintain a regular place of business outside this State other than a statutory office, the allocation shall be 100%); or

(ii) In the case of a domestic corporation, the least of the amounts prescribed by subparagraphs (aa) or (bb) or (cc) of this subsection (e);

(aa) An amount measured by the number of shares which the taxpayer is authorized to issue as follows: where authorized capital stock does not exceed 5,000 shares $25.00; where the authorized capital stock is in excess of 5,000 shares but does not exceed 10,000 shares $55.00; and where the authorized capital stock exceeds 10,000 shares, for the first

10,000 shares $55.00 and for each additional 10,000 shares or part thereof, $27.50; or

(bb) $^{11}/_{100}$ of a mill per dollar on the total assets of the corporation; or

(cc) $100,000.00; or

(iii) $25.00 in the case of a domestic corporation or $50.00 in the case of a foreign corporation.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsection (a) of this section, any taxpayer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than $150,000.00, may elect to pay the tax shown in the following table:

If total assets are at least	But less than	The tax shall be For domestic corporations	The tax shall be For foreign corporations
$0 00	$18,000 00	$25 00	$50 00
18,000 00	22,000 00	31 00	50 00
22,000 00	26,000 00	37 00	50 00
26,000 00	30,000 00	43 00	50 00
30,000 00	34,000 00	49 00	50 00
34,000 00	38,000 00	55 00	55 00
38,000 00	42,000 00	61 00	61 00
42,000 00	46,000 00	67 00	67 00
46,000 00	50,000 00	73 00	73 00
50,000 00	54,000 00	79 00	79 00
54,000 00	58,000 00	85 00	85 00
58,000 00	62,000 00	91 00	91 00
62,000 00	66,000 00	97 00	97 00
66,000 00	70,000 00	103 00	103 00
70,000 00	74,000 00	109 00	109 00
74,000 00	78,000 00	115 00	115 00
78,000 00	82,000 00	121 00	121 00
82,000 00	86,000 00	127 00	127 00
86,000 00	90,000 00	133 00	133 00
90,000 00	94,000 00	139 00	139 00
94,000 00	98,000 00	145 00	145 00
98,000 00	102,000 00	151 00	151 00
102,000 00	106,000 00	157 00	157 00
106,000 00	110,000 00	163 00	163 00
110,000 00	114,000 00	169 00	169 00

If total assets are at least	But less than	The tax shall be For domestic corporations	For foreign corporations
$114,000 00	$118,000 00	$175 00	$175 00
118,000 00	122,000 00	181 00	181 00
122,000 00	126,000 00	187 00	187 00
126,000 00	130,000 00	193 00	193 00
130,000 00	134,000 00	199 00	199 00
134,000 00	138,000 00	205 00	205 00
138,000 00	142,000 00	211 00	211 00
142,000 00	146,000 00	217 00	217 00
146,000 00	150,000 00	223 00	223 00

2. (New section) Where the privilege period covered by a report includes any period prior to January 1, 1975, then (1) tentative taxes on taxable net income shall be separately computed by applying both the rate for the period before January 1, 1975 and the rate for the period on and after such date to the taxable income for the entire privilege period; and (2) the tax for such privilege period shall be the sum of that proportion of each tentative tax which the number of months in each period bears to the total number of months in the entire privilege period. For the purposes of this computation, more than one-half the number of days in a calendar month shall be deemed to be a full month.

3. (New section) Where any payment covering the 2% increase in the tax rate on net income provided for in section 5 (c) (C. 54:10A–5 (c)) pertains to a fiscal accounting period ending after December 31, 1974 and prior to June 1, 1975, the time for such payment is hereby extended to October 15, 1975 and such payment may be made on or before said date without incurring penalty or interest charges; provided, however, that the extension herein granted does not pertain to that portion of the tax on net income resulting from the application of the prior existing rate of 5½%. In the event any such payment is not made on or before October 15, 1975, interest and penalties thereon shall be computed without regard to this extension.

4. This act shall take effect immediately.

Approved July 22, 1975.

CHAPTER 163

AN ACT concerning police training and amending P. L. 1961, c. 56 and P. L. 1968, c. 265.

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

1. Section 5 of P. L. 1961, c. 56 (C. 52:17B–70) is amended to read as follows:

C. 52:17B-70 Police training commission; establishment; membership.

5. There is hereby established in the Department of Law and Public Safety a Police Training Commission whose membership shall consist of the following persons:

a. Two citizens of this State who shall be appointed by the Governor with the advice and consent of the Senate for terms of 3 years commencing with the expiration of the terms of the citizen members, other than the representative of the New Jersey Office of the Federal Bureau of Investigation, now in office.

b. The president or other representative designated in accordance with the bylaws of each of the following organizations: the New Jersey State Association of Chiefs of Police; the New Jersey State Patrolmen's Benevolent Association, Inc.; the New Jersey State League of Municipalities; and the New Jersey State Lodge, Fraternal Order of Police.

c. The Attorney General, the Superintendent of State Police, the Commissioner of Education, and the Chancellor of Higher Education, ex officio, or when so designated by them, their deputies.

d. The Special Agent in Charge of the State of New Jersey for the Federal Bureau of Investigation or his designated representative.

2. Section 2 of P. L. 1968, c. 265 (C. 52:17B–71.3) is amended to read as follows:

C. 52:17B-71.3 "Policeman" defined.

2. "Policeman" as used herein shall mean any permanent full-time active member of any police force or organization of any municipality or county, or the State Police.

3. This act shall take effect immediately.

Approved July 23, 1975.

CHAPTER 164

AN ACT concerning the destruction of foxes and woodchucks, supplementing article 9 of chapter 4 of Title 23 of the Revised Statutes, and repealing R. S. 23:4–59, 23:4–60, 23:4–61 and 23:4–62 and P. L. 1949. c. 39 (C. 23:4–62.1).

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

C. 23:4-62.2 Payment of bounty discontinued.

1. No county or municipality shall hereafter pay any premium or bounty for the killing of any fox or woodchuck.

Repealer.

2. R. S. 23:4–59, 23:4–60, 23:4–61 and 23:4–62 and P. L. 1949, c. 39 (C. 23:4–62.1) are repealed.

3. This act shall take effect immediately.

Approved July 23, 1975.

CHAPTER 165

AN ACT concerning liquefied petroleum gases, providing for the inspection by local plumbing inspectors of certain equipment installed therefor, and amending P. L. 1950, c. 139.

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

1. Section 3 of P. L. 1950, c. 139 (C. 21:1B–3) is amended to read as follows:

C. 21:1B-3 Equipment; safety; inspection.

3. All equipment shall be installed and maintained in a safe operating condition and in conformity with the rules and regulations adopted under section 2 of this act; however, the inspection of propane gas equipment installations inside of predominantly residential buildings and those above ground installations which are on the outside of predominantly residential buildings may be made and approved or disapproved by the plumbing inspector of

the respective municipality pursuant to the standards promulgated by the Commissioner of the Department of Labor and Industry or the Superintendent of State Police, as the case may be. For purposes of this act "predominantly residential" means and includes buildings in which people reside or dwell as distinguished from buildings which are used entirely for commercial or business purposes. The term shall also include any building having 51% or more of its total floor space devoted to dwelling purposes.

2. This act shall take effect immediately.

Approved July 23, 1975.

CHAPTER 166

AN ACT concerning clinical laboratories, providing for the regulation thereof, amending section 22 and repealing sections 16, 17 and 19 of P. L. 1953, c. 420.

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

C. 45:9-42.26 Short title.

1. This act shall be known and may be cited as the "New Jersey Clinical Laboratory Improvement Act."

C. 45:9-42.27 Definitions.

2. As used in this act:

a. "Clinical laboratory" means any facility used for the performance of chemical, bacteriologic, virologic, parasitologic, serologic, hematologic, immunohematologic, biophysical, cytologic or other examinations of materials derived from the human body for the purpose of yielding information for the diagnosis, prevention or treatment of disease or the assessment of medical condition. Anatomic pathology is not considered to be within the scope of this definition. Any facility used for the collection, processing and transmission of specimens to another facility for the performance of clinical tests falls within the purview of this act.

b. "Department" means the State Department of Health.

c. "Commissioner" means the State Commissioner of Health or his duly authorized agent.

d. "Clinical laboratory owner" means a person or agency in whom is vested the rights of control, possession, and dominion of

a clinical laboratory and for the purposes of this act shall include a county, municipality, or any other owner of an institution operating a clinical laboratory.

e. "Clinical laboratory director" means a person who is responsible for the administration of the technical and scientific operation of a clinical laboratory, including, but not limited to, supervision of procedures for testing and reporting of results. Nothing in this act shall be deemed to exempt the director of a clinical laboratory from the licensure requirements of P. L. 1953, c. 420 (C. 45:9–42.1 et seq.), where such requirements would otherwise be applicable.

f. "Clinical laboratory evaluation program" means a program of evaluating the proficiency of clinical laboratories by the department.

g. "Anatomic pathology" means the gross or microscopic examination of tissues by a physician specifically trained to interpret and diagnose disease by such examination.

h. "Person" means any individual, partnership, limited partnership, corporation or other legal entity.

C. 45:9-42.28 License to operate.

3. No person shall conduct, maintain, or operate a clinical laboratory or solicit or accept specimens for laboratory examination unless a license therefor has been obtained from the department pursuant to the terms of this act. A separate license shall be obtained for each location. A clinical laboratory license shall be obtained for all or any designated part of any one or more of the following categories, or other categories as may be included in rules and regulations promulgated pursuant to this act:

a. Microbiology, including the subcategories of bacteriology, virology, mycology, and parasitology;

b. Serology, including syphilis serology, nonsyphilis serology;

c. Hematology, including immunohematology; and,

d. Clinical chemistry, including urinalysis, chemical toxicology, and in vitro radioisotope technic.

C. 45:9-42.29 Application for license; contents.

4. All clinical laboratories operating prior to the effective date of this act shall be issued a license upon submission of a properly completed application form and payment of the requisite fee. Said license shall thereafter be renewable, on a calendar year basis, subject to all provisions of this act. The license application form shall include, but need not be limited to the following information:

a. The name and address of the clinical laboratory owner and his authorized agent and such information regarding the owner and agent as may be required;

b. The name and address of the clinical laboratory director;

c. The name and address of the clinical laboratory for which the license is requested and a description and plan of the premises to be occupied for the operation of said laboratory;

d. A list of the major laboratory equipment to be utilized; and,

e. The tests to be performed in the clinical laboratory.

C. 45:9-42.30 Issuance; renewal; fees.

5. All clinical laboratory licenses shall be issued on or before January 1 in each calendar year and shall expire on December 31 in each calendar year. Application for renewal therefor shall be made at such time and in such manner as shall be prescribed by the department. The commissioner shall charge for a license or renewal such reasonable fees as he shall prescribe by rule or regulation. The license shall be conspicuously displayed by the licensee on the premises of a clinical laboratory.

C. 45:9-42.31 Responsibility for compliance.

6. The owner and director of a clinical laboratory shall be jointly and separately responsible for its compliance with this act and regulations as may be promulgated hereunder.

C. 45:9-42.32 License non-transferable.

7. No license issued under the provisions of this act shall be transferable. A change in ownership or direction of a licensed laboratory shall require notification to the department within 14 calendar days and reapplication for licensure.

C. 45:9-42.33 Provisions not applicable.

8. The provisions of this act shall not apply to clinical laboratories:

a. Operated and maintained exclusively for research and teaching purposes, involving no patient or public health services whatsoever;

b. Operated by the United States Government, or blood banks licensed under P. L. 1963, c. 33 (C. 26:2A–2 et seq.);

c. Specifically exempted from the provisions of this act by rules and regulations promulgated by the Public Health Council pursuant to section 9 of this act.

C. 45:9-42.34 Rules and regulations; standards for.

9. The Public Health Council of the department shall promulgate rules and regulations for operation of clinical laboratories which

shall be incorporated in and made a part of the State Sanitary Code. Where feasible such rules and regulations shall equal or exceed minimum standards for laboratory certification contained in Federal rules and regulations promulgated pursuant to the "Clinical Laboratories Improvement Act of 1967" (Public Law 90–174) 42 U. S. C. 263a. The rules and regulations so promulgated shall include but shall not be limited to standards for:

a. Construction of new, or modification of existing clinical laboratories.

b. Sanitary and safe conditions within the clinical laboratory and its surroundings, including adequate working space, lighting, fire prevention and safety measures.

c. Clinical laboratory equipment, maintenance procedures for such equipment and personnel essential to proper conduct and operation of a clinical laboratory, including standards for education, experience, continuing education, and periodic proficiency testing for laboratory directors, supervisors, technicians, and other personnel which the department may deem necessary for adequate laboratory staffing.

d. The acceptance, collection, transportation, identification and examination of clinical laboratory specimens and reporting of results by clinical laboratories.

e. Reporting by laboratories of diseases for the protection of the public health. The department shall furnish forms for this purpose. Such reports shall not be construed as constituting a diagnosis nor shall any clinical laboratory making such report be held liable under the laws of this State for having violated a trust or confidential relationship.

f. Submitting such reports concerning clinical laboratory operations as may be necessary to administer this act. Each laboratory shall maintain a manual of procedures followed in that laboratory, which shall be reviewed and updated annually. Such manual shall also include, but not be limited to, a list of equipment used for each procedure.

g. Exemptions of specific types of clinical laboratories from the provisions of section 7 of P. L. 1971, c. 136 (C. 26:2H–7).

C. 45:9-42.35 Establishment of rules and regulations.

10. The commissioner shall establish reasonable rules and regulations for license application, issuance, renewal and expiration.

C. 45:9-42.36 Advisory committee; appointment; term; compensation.

11. An advisory committee shall be appointed by the commissioner and shall serve for a term of 2 years, with no member serving for more than two consecutive terms. Members of the advisory committee shall serve in a voluntary capacity to advise the department on all matters relating to this act and shall consist of two persons who are diplomates of the American Board of Pathology, two directors of private clinical laboratories who are not pathologists, one physician who is not a pathologist, one medical technologist, one private citizen not directly related to the practice of medicine or the operation of a clinical laboratory and such additional members as the commissioner may in his discretion appoint. Members shall serve without compensation but shall receive actual and necessary expenses.

C. 45:9-42.37 Evaluation program.

12. The department shall establish and conduct a clinical laboratory evaluation program to:

a. Prescribe minimum standards of performance in the examination of specimens;

b. Test the proficiency of clinical laboratories to determine if minimum standards of performance are being met; and

c. Develop and organize appropriate consultation and training activities in clinical laboratory procedures with the purpose of improving the quality of performance of clinical laboratories licensed by this act.

C. 45:9-42.38 Authority to inspect.

13. The department and any officers or employees thereof in the performance of any duty imposed by this act shall have the power and authority to enter at any time and inspect any clinical laboratory for the purpose of studying and evaluating the operation, supervision, records, and procedures of such facilities and to determine their effect upon the health and safety of the people of this State.

C. 45:9-42.39 Reports and other information deemed confidential.

14. All reports submitted under the provisions of this act and any information obtained in the course of inspections shall be deemed confidential and may be examined only upon application to a court of competent jurisdiction in association with proceedings related to suspension, limitation, or revocation of a license under this act. This provision shall in no way interfere with the department's powers to summarize, analyze and publish information

obtained during the course of carrying out provisions of this act so long as the specific identity of individual laboratories is not disclosed, nor shall it be considered to limit the department's powers in disclosing results of an action in suspending, limiting or revoking a license of a specific laboratory under the provisions of this act.

C. 45:9-42.40 Grounds for denial, revocation and suspension of license.

15. A clinical laboratory license may be denied, revoked, suspended, limited, annulled, or renewal thereof may be denied by the commissioner for good cause, including but not limited to:

a. Making false statements on an application for a clinical laboratory license or any other documents required by the department.

b. A reasonable finding by the department that the quality of performance of clinical laboratory tests is below those set by the department and that remedial measures such as consultation and training are not accepted or do not result in improvement to a level of proficiency acceptable to the department.

c. Reporting of fictitious results not based on test performance.

d. Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

e. Referring a specimen for examination to an unlicensed clinical laboratory that is required to be licensed under this act.

f. Knowingly having professional connection with or lending the use of the name of the licensed clinical laboratory to an unlicensed clinical laboratory.

g. Violating or aiding and abetting in the violation of any provision of this act or the provisions of the State Sanitary Code;

h. Failing to file any report required by the provisions of this act or the provisions of the State Sanitary Code.

i. Representing that the laboratory is entitled to perform any laboratory procedure or category of procedures not authorized in its license.

C. 45:9-42.41 Notice to applicant; hearing; summary suspension; injunctive relief.

16. The commissioner, before refusing to grant a license or before suspending, limiting or revoking a license previously granted shall give notice to the applicant or licensee personally, or by mail addressed to him at his last known address, and afford him an opportunity to be heard with respect thereto at a time and place specified in such notice. Such applicant or licensee shall have the right to be heard in person or through an attorney, and to offer

evidence pertinent to the subject of the hearing. A duly certified copy of the order of the commissioner issued as a result of such hearing shall be served on the applicant or the licensee by mail personally addressed to him at his last known address, except if such applicant or licensee be a corporation then the order shall be served in the same manner upon any officer or registered agent of the corporation.

If the commissioner shall have reason to believe that a condition exists or has occurred at a laboratory, in violation of the provisions of this act or the rules and regulations promulgated hereunder, which condition poses an imminent threat to the public health, safety or welfare, he may summarily suspend the license of the laboratory without a hearing and may order immediate correction of such violation as a prerequisite of reinstatement of licensure. If a licensee that is subjected to summary suspension shall deny that a violation exists or has occurred, he shall have the right to apply to the commissioner for a hearing. Such hearing shall be held and a decision rendered within 48 hours or receipt of said request. If the commissioner shall rule against the licensee, the licensee shall have the right to apply for injunctive relief against the commissioner's order. Jurisdiction of such injunctive relief shall be in the Superior Court of New Jersev.

C. 45:9-42.42 Acts prohibited.

17. No person shall:

a. Operate, maintain, direct, or engage in the business of operating a clinical laboratory, as herein defined, unless he has obtained a clinical laboratory license from the department, or is exempt under the provisions of this act.

b. Collect or receive specimens for analysis by an unlicensed laboratory.

c. Accept specimens for tests from and make reports to persons who are not legally qualified or authorized to submit specimens to clinical laboratories and to receive such reports, but this shall not prohibit the referral of specimens from one licensed clinical laboratory to another similarly licensed under the laws of the state in which it is located, providing the report indicates clearly the clinical laboratory performing the test and the name of the director of such clinical laboratory.

d. Either personally, or through an agent, solicit referral of specimens to his or any other clinical laboratory or contract to perform clinical laboratory examinations of specimens in a manner which offers or implies an offer of rebates to a person or persons

submitting specimens, other fee-splitting inducements, participation in any fee-splitting arrangements or other unearned remuneration.

e. Obstruct or interfere with the department or any officer or employee thereof in the performance of any duty imposed by this act.

C. 45:9-42.43 Violation of act; penalty.

18. Any person convicted of violating any provision of this act or of any rule or regulation adopted hereunder shall be subject to a penalty of not less than $100.00 nor more than $1,000.00 for each violation. The penalty shall be collected, and enforced in summary proceedings under the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

C. 45:9-42.44 Restraint by court.

19. Any violation or threatened violation of any provision of this act or of any rule or regulation adopted hereunder may be restrained by the Superior Court in an action brought for such purpose by the Attorney General on behalf of the department.

C. 45:9-42.45 Partial invalidity; severability.

20. If any provision of this act, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of the act, which reasonably can be given effect despite the invalidity. To this end, the provisions of this act are hereby declared severable.

Repealer.

21. Sections 16, 17 and 19 of P. L. 1953, c. 420 (C. 45:9–42.16, 45:9–42.17, and 45:9–42.19) are hereby repealed.

22. Section 22 of P. L. 1953, c. 420 (C. 45:9–42.22) is amended to read as follows:

C. 45:9-42.22 Unprofessional and unethical conduct.

22. The following shall be considered as unprofessional and unethical conduct within the meaning of said terms as set forth in section 13 (e) of this act:

a. The violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this act.

b. Deleted by amendment.

c. Deleted by amendment.

d. Deleted by amendment.

e. Using, displaying or listing the name of a deceased bio-

analytical laboratory director of this State by a registered bio-analytical laboratory in connection with its practice for a period of more than 1 year after the death of a bio-analytical laboratory director.

f. Using, displaying, or listing the name of a bio-analytical laboratory director who has retired from active practice, or who has sold his practice, or has moved to another state and is in practice in that state, by a registered bio-analytical laboratory director in connection with his practice for a period of more than 1 year after such retirement, sale or removal.

g. Practices involving rebates and discounts, or other financial inducements for the obtaining of referrals, either direct or indirect, shall be considered unprofessional and unethical practice.

h. Conduct, which, in the opinion of the board, disqualifies a licensee to practice with safety to the public.

The foregoing paragraphs are not intended as a complete definition of that which constitutes unprofessional or unethical conduct. The board may, by rule, establish additional standards of professional and ethical conduct.

23. This act shall take effect the first day of the month following enactment, but all actions necessary and appropriate to enable this act to become effective on said date may be taken as though this act were effective immediately.

Approved July 23, 1975.

CHAPTER 167

AN ACT concerning loans to certain graduate and professional students and amending N. J. S. 18A:72–10.

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

1. N. J. S. 18A:72–10 is amended to read as follows:

Powers of authority.

18A:72–10. The authority shall have the following powers:

(1) (a) To make loans to persons or to assist in the placing of loans to persons, who are residents of this State, and who are

attending and are in good standing in, or who plan to attend, any qualified institution of collegiate grade, located in this State or elsewhere, which is approved by any regional accrediting association recognized by the national commission on accrediting, or approved by the Board of Higher Education, any qualified post-secondary nondegree institution of higher education, located in this State or elsewhere, or any other eligible institution, in order to assist them in meeting their expenses of higher education, and to guarantee such loans upon such terms and conditions as the authority may prescribe, in an amount for any academic year or in total as may be authorized by the New Jersey Higher Education Assistance Authority and approved by the Board of Higher Education; provided, however, that such amounts may not exceed in any given year or in total amount that which is guaranteed by the Federal Government.

For the purposes of this section, a qualified institution of collegiate grade shall be deemed to include a school of professional nursing accredited or approved by the New Jersey Board of Nursing, and a qualified post-secondary nondegree institution of higher education located outside the State shall mean and include any such institution offering courses in one or more of the fields enumerated, and meet the admission standards set forth in N. J. S. 18A:72–2.

(b) When the authority determines that higher annual or cumulative student loan limits than those established in section (1) (a) are warranted in order to carry out the purposes of the statute with regard to students engaged in high cost graduate or professional education, the authority may make or guarantee loans to eligible students in amounts to correspond to those higher limits, provided that such maximum limits are recommended by the authority and approved by the Board of Higher Education, and are not in excess of 50% above the existing annual or total amounts which may be guaranteed under Federal statutes.

(2) To adopt rules not inconsistent with law governing the application for and the guarantee of loans made by the authority and governing any other matters related to its activities.

(3) To buy and sell approved notes evidencing loans made under this chapter, and to buy and sell participations in approved notes made pursuant to this chapter.

(4) From time to time to issue its negotiable bonds and bond anticipation notes for the purpose of providing funds (a) to make

loans in accordance with the provisions of subsection (1) of this section; (b) to purchase from lenders approved notes or participations in approved notes as provided by law; and (c) for the refunding of outstanding bonds.

(5) To perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this chapter.

2. This act shall take effect immediately.

Approved July 25, 1975.

CHAPTER 168

AN ACT concerning escheat of certain unclaimed personal property, and amending N. J. S. 2A:37–13, 2A:37–30, 2A:37–32 and 2A:37–33.

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

1. N. J. S. 2A:37–13 is amended to read as follows:

Unknown's property to escheat.

2A:37–13. Whenever the owner, beneficial owner, or person entitled to any personal property within this State, has been or shall be and remain unknown for the period of 14 successive years, or whenever the whereabouts of such owner, beneficial owner or person, has been or shall be and remain unknown for the period of 14 successive years, or whenever any personal property wherever situate has been or shall be and remain unclaimed for the period of 14 successive years, then, in any such event, such personal property shall escheat to the State. The provisions of this section are not applicable to sums payable on a money order or travelers check issued or sold in this State.

2. N. J. S. 2A:37–30 is amended to read as follows:

Presumption of abandonment of moneys or other personal property.

2A:37–30. a. Except as may be otherwise provided by subsections (b), (c) and (d) of this section, whenever a corporation, partnership, limited partnership or other business association incorporated or organized under the laws of this State or whenever

any natural person doing business and domiciled in this State shall have custody or possession of, or otherwise be the holder of, or shall have deposited with or given to an agent or trustee residing within or without this State custody or possession of, stock dividends or any moneys and other accretions which are or shall be due or payable to any person as a dividend upon capital stock, preferred or common, or as interest payable upon bonds, indentures, notes or other formal instruments evidencing indebtedness, or any moneys payable on other general cash obligations, and except as may be otherwise provided by subsections (b), (c) and (d) of this section, whenever any corporation, partnership, limited partnership or other business association incorporated or organized under the laws of any other state or of the United States or whenever any natural person doing business within or without this State, and subject to the laws of this State shall have custody or possession or otherwise be a holder of any moneys or other personal property which are due or payable by such holder to any person in any of the categories above enumerated whose last known address according to the records of the holder is within this State and the owner of, beneficial owner of, or person entitled to the same has been and remains unknown for a period of 5 successive years, or the whereabouts of such person has been and remains unknown for a period of 5 successive years, or such personal property has been and remains unclaimed for a period of 5 successive years, such moneys or other personal property shall be presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(b) (1) Any funds deposited with or paid to any State or Federal savings and loan association, credit union or investment company engaged in business in this State for savings or toward the purchase of shares or other interest in the organization and any interest or dividends thereon shall be presumed abandoned unless the owner of same has within 20 years:

(i) increased or decreased the amount of the funds on deposit or presented an appropriate record for the crediting of interest or dividends; or

(ii) corresponded in writing with the organization concerning the funds or deposits;

(iii) otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the organization.

(2) Any funds held by any State or Federal savings and loan association, credit union or investment company engaged in busi-

ness in this State payable on any check, money order or other general cash obligation of the organization which have remained unpaid or unclaimed for 5 successive years shall be presumed abandoned.

(c) All personnal property distributable in the course of a voluntary dissolution or other liquidation of:

(1) Any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity, incorporated or organized within or under the laws of this State; or

(2) Any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity incorporated or organized within or under the laws of any other state, or of the United States, which personal property is payable to a person whose last known address is within this State, which is unclaimed by the person entitled thereto within 2 years after the date of final distribution is presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(d) Any sum payable on a money order or travelers check issued or sold in this State by a corporation, partnership, limited partnership or other business association subject to the laws of this State, which has been outstanding for more than 7 years from the date of its issuance in the case of a money order or for more than 15 years from the date of its issuance in the case of a travelers check, is presumed abandoned, unless the owner has within 7 years in the case of a money order or 15 years in the case of a travelers check corresponded in writing with such corporation, partnership, limited partnership or other business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with such corporation, partnership, limited partnership or other business association.

3. N. J. S. 2A:37–32 is amended to read as follows:

Notice of names of persons appearing to be owners of abandoned property; publication; contents.

2A:37–32. (a) Within 120 days from the filing of the report required by this article, the State Treasurer shall cause notice to be published at least once each week for 2 successive weeks in an English language newspaper of general circulation in the county in this State in which it is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this State, the notice shall be published in an

English language newspaper of general circulation in Mercer county.

(b) The published notice shall be entitled, "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and shall contain:

(1) The names, if known, the last known addresses, if any, of persons listed in the report and entitled to notice as herein provided.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the State Treasurer.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within 65 days from the date of the second published notice, the property will be delivered to the State Treasurer to whom all further claims must thereafter be directed.

(c) The State Treasurer is not required to publish items of property of less than $50.00.

(d) If the address of any person listed in the report is outside this State, the State Treasurer shall, within 120 days from the receipt of the report required by this article, also mail a notice to such person at the address listed. The mailed notice shall contain a statement that according to a report filed with the State Treasurer property is being held to which the addressee appears entitled; the name and address of the person holding the property and a statement that if satisfactory proof of claim is not presented to the holder by the date specified in the published notice the property will be placed in the custody of the State Treasurer to whom all further claims must be directed.

(e) This section is not applicable to sums payable on travelers checks presumed abandoned under N. J. S. 2A:37–30 (d).

4. N. J. S. 2A:37–33 is amended to read as follows:

Payment or delivery of property to State Treasurer; operation as release.

2A:37–33. Every person who has filed a report required by section 2A:37–31 shall within 20 days after the expiration of the time specified in section 2A:37–32 for claiming the property from the holder pay or deliver to the State Treasurer the property specified in the report except that if the owner established his right to receive said property to the satisfaction of the holder within the

time specified in section 2A:37–32 or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property which will no longer be presumed abandoned to the State Treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in presumption of abandonment. If the report required by section 2A:37–31 contains any item of property which the State Treasurer determines is without sufficient substance or value, he may inform the person reporting that the State will not take said item of property because of its worthless nature.

The payment of the said moneys by the corporation, organization or other person to the State Treasurer pursuant to the provisions of this article shall, as respects such moneys, automatically operate as a full, absolute and unconditional release and discharge of the corporation or other persons from any and all claims, demands or liability to the person whose moneys have been paid to the treasurer, and such payment may be pleaded as an absolute bar to any action brought against such corporation or other person by any person whatsoever. Any right to such moneys which any claimant may have shall thereby be transferred against, and shall become the obligation of, the State.

Any holder who has paid moneys to the State Treasurer pursuant to this article may make payment to any person who appears to such holder to be entitled thereto. Upon application to the State Treasurer with proof of such a payment by the holder and that the payee was entitled thereto, the holder shall be entitled to reimbursement by the State Treasurer.

5. This act shall take effect immediately.

Approved July 30, 1975.

CHAPTER 169

AN ACT establishing an organizational structure for school districts in certain cities 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:17A-1 Executive superintendent; appointment; salary; tenure.

1. Districts in cities of the first class with a population over 325,000 shall have a unit control organizational structure. The board of education shall appoint, for a first term not to exceed 3 years and for any subsequent term for said person not to exceed 5 years, an executive superintendent by the recorded roll call majority vote of the full membership of the board. The executive superintendent shall receive such salary as the board shall determine. The salary of the executive superintendent shall not be reduced during his term of office. Notwithstanding any other provision of the law, no executive superintendent shall acquire tenure.

C. 18A:17A-2 Certificate; additional requirements.

2. No person shall be appointed, or act as, or perform the duties of, executive superintendent, unless he holds an appropriate certificate as prescribed by the State board; provided, however, that in addition to State certification requirements the executive superintendent shall meet additional criteria as shall be determined by the board of education. Such additional criteria for the executive superintendent shall be determined and set forth and the public shall be given notice of such criteria prior to the start of the selection process.

C. 18A:17A-3 Powers of executive superintendent.

3. The executive superintendent shall be the chief executive officer and administrator of the district. Pursuant to rules and regulations established by the board of education, the executive superintendent shall have responsibility and general supervision over the organization and the educational, managerial, and fiscal operations of the district, including the schools therein, under rules and regulations prescribed by the State board. He shall have supervisory authority over all officers and employees, professional and nonprofessional, of the district, all of whom shall report to him, and he shall prescribe their duties. He shall keep himself informed as to the condition and progress of the educational, managerial, and fiscal operations of the district and shall report thereon, from time to time, to, and as directed by, the board and he shall have such other powers and perform such other duties as may be prescribed by the board employing him.

He shall have a seat on the board of education employing him and the right to speak on all educational, managerial, and fiscal matters at meetings of the board but shall have no vote.

C. 18A:17A-4 Certain positions abolished.

4. The positions of superintendents of schools, assistant superintendent of schools, school business administrator, school business manager, secretary to the board of education and assistant secretary to the board of education in such cities are hereby abolished. The executive superintendent shall perform all the duties and possess all the powers heretofore and hereafter assigned to the superintendent of schools, secretary of the board of education, school business administrator, school business manager, and assistants and clerks thereto, in Title 18A of the New Jersey Statutes.

C. 18A:17A-5 Employment, transfer and removal of officers and employees.

5. All officers and employees, professional and nonprofessional, shall be employed, transferred and removed as provided below.

a. The executive superintendent may appoint, transfer, pursuant to the provisions of Title 11 of the Revised Statutes, and, pursuant to Article 1 of chapter 17 of Title 18A of the New Jersey Statutes, remove clerks in his immediate office, but the number and salaries of the clerks shall be determined by the board.

b. The executive superintendent, subject to the approval of the board, shall appoint and fix the compensation of such assistant executive superintendents as he shall deem necessary; provided, however, the number of assistant executive superintendents shall not exceed the number of persons serving immediately prior to the effective date of this act in the position of assistant superintendent of schools, school business administrator, school business manager, secretary to the board of education and assistant secretary to the board of education. An assistant executive superintendent shall not be appointed for a term exceeding the remainder of the term of the executive superintendent. Notwithstanding any other provision of law, no assistant executive superintendent shall acquire tenure.

c. The executive superintendent shall propose to the board of education all other officers and employees, professional and nonprofessional, for employment, transfer and removal.

C. 18A:17A-6 Delegation of powers.

6. The executive superintendent may delegate to subordinate officers or employees in the district such of his powers and duties as he may deem desirable to be exercised under his supervision and direction.

C. 18A:17A-7 Powers of board.

7. Except as otherwise provided in this act, the board of education in districts in cities of the first class with a population over 325,000 shall retain the power to perform all acts and do all things consistent with law and State board rules that are necessary for the proper conduct and maintenance of the public schools in its district and all other powers and responsibilities vested in it under Title 18A of the New Jersey Statutes, including but not limited to appointing, transferring or dismissing employees, fixing the terms and salaries of employees, adopting or altering a course of study, and selecting textbooks.

C. 18A:17A-8 Tenure of certain officers continued.

8. Subject to the provisions of section 12 of this act, any person serving under tenure as an assistant superintendent, secretary to the board of education, assistant secretary to the board of education, school business administrator, school business manager, in a city of the first class with a population of over 325,000 as of the effective date of this act shall continue to serve under tenure in the district during good behavior and efficiency and shall not be dismissed or reduced in compensation except for just cause; provided, however, that they shall perform only such administrative duties as are prescribed or delegated by the executive superintendent.

C. 18A:17A-9 Auditor general; appointment; powers and duties.

9. In districts in cities of the first class with a population over 325,000 the commissioner shall appoint an auditor general, who, subject to the rules and regulations of the State board, shall:

a. Perform post or concurrent audits of such transactions and accounts kept by or for the district as he may deem necessary;

b. Perform management analysis of such transactions and activities of the district as he may deem necessary in order to improve the efficiency, productivity and performance of the district and to disclose and prevent inefficiency in the district;

c. Conduct financial, operational and compliance reviews to improve effective control over income, expenditures, funds, property and other assets;

d. Determine whether the financial transactions of the district have been consummated in accordance with laws, regulations or other legal requirements, and whether adequate internal financial control over operations is exercised;

e. Keep and maintain such records as may be necessary to enable him to accomplish the duties of the office as in this act provided;

f. Organize the office as he shall determine appropriate with the approval of the commissioner;

g. Subject to the approval of the commissioner, appoint, employ, and with the limits of funds appropriated therefor, fix the compensation of such assistants and employees as the commissioner shall determine to be required to perform the duties and functions of the office;

h. Report at least annually to the commissioner on the operations of the office;

i. Perform such other duties as shall be directed by the commissioner.

C. 18A:17A-10 Auditor general; report to commissioner; findings and recommendations; office; salary.

10. The auditor general shall report directly to the commissioner but he shall keep the board of education and the executive superintendent fully informed of his activities, findings and recommendations. A copy of any written report, finding, or recommendation submitted by the auditor general shall be provided by the auditor general simultaneously to the board of education and the executive superintendent and shall be available for public inspection. He shall have no administrative authority within the district. The board of education shall maintain suitable quarters within the administrative offices of the district for the auditor general and his staff. The costs associated with the operation and maintenance of the office of the auditor general, including his salary and those of his assistants and employees, shall be determined by the commissioner and shall be allocated from the district's State aid; provided, however, that said costs shall not exceed in any school year 15/100 of 1% of the district's annual school budget.

C. 18A:17A-11 Report to Governor and Legislature.

11. The commissioner shall, 2 years after the effective date of this act, make a comprehensive report to the Governor and the Legislature assessing the effectiveness of this act.

12. This act shall take effect immediately; provided, however, that any person serving under tenure as an assistant superintendent, secretary to the board of education, or school business manager shall serve as an assistant executive superintendent for the school year 1975-76 and perform such administrative duties as are prescribed or delegated by the executive superintendent; and pro-

vided further, that until such time as an executive superintendent has been certified, appointed, and qualified, in any case not to exceed 6 months from the effective date of this act, the person serving as superintendent of schools shall act as and perform the duties of executive superintendent.

Approved August 4, 1975.

CHAPTER 170

AN ACT subjecting banking corporations to the provisions of the "Corporation Business Tax Act (1945)," (P. L. 1945, c. 162) and the "Business Personal Property Tax Act," (P. L. 1966, c. 136), amending and supplementing the "Corporation Business Tax Act (1945)" and repealing sections 54:9–1 through 54:9–18 of the Revised Statutes and section 13 of P. L. 1970, c. 8 (C. 54:9–19).

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

1. Section 3 of P. L. 1945, c. 162 (C. 54:10A–3) is amended to read as follows:

C. 54:10A-3 Exempt corporations.

3. The following corporations shall be exempt from the tax imposed by this act:

(a) Corporations subject to a tax under the provisions of article 2 of chapter 13 of Title 54 of the Revised Statutes, or to a tax assessed upon the basis of gross receipts other than the Retail Gross Receipts Tax Act, or insurance premiums collected;

(b) Corporations which operate regular route autobus service within this State under operating authority conferred pursuant to R. S. 48:4–3, provided, however, that such corporations shall not be exempt from the tax on net income imposed by section 5 (c) of P. L. 1945, c. 162 (C. 54:10A–5(c));

(c) Railroad, canal corporations, savings banks, production credit associations organized under the Farm Credit Act of 1933, agricultural cooperative associations incorporated or domesticated under or subject to chapter 13 of Title 4 of the Revised Statutes

and exempt under Subtitle A, Chapter 1 F, Part III, Section 521 of the Federal Internal Revenue Code, or building and loan or savings and loan associations;

(d) Cemetery corporations not conducted for pecuniary profit or any private shareholder or individual;

(e) Nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Titles 15, 16 or 17 of the Revised Statutes, or under a special charter or under any similar general or special law of this or any other State, and not conducted for pecuniary profit of any private shareholders or individual;

(f) Corporations subject to a tax under the provisions of P. L. 1940, c. 4, or P. L. 1940, c. 5, or any statute or law imposing a similar tax or taxes;

(g) Nonstock corporations organized under the laws of this State or of any other state of the United States to provide mutual ownership housing under Federal law by tenants, provided, however, that the exemption hereunder shall continue only so long as the corporations remain subject to rules and regulations of the Federal Housing Authority and the Commissioner of the Federal Housing Authority holds membership certificates in the corporations and the corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act (48 Stat. 1246) as amended by subsequent Acts of Congress. In order to be exempted under this subsection, corporations shall annually file a report on or before August 15 with the commissioner, in the form required by the commissioner, to claim such exemption, and shall pay a filing fee of $25.00;

(h) Corporations not for profit organized under any law of this State where the primary purpose thereof is to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act" (P. L. 1969, c. 215).

C. 54:10A-33 Apportionment of collected taxes; payment procedures.

2. The taxes collected from banking corporations pursuant to the Corporation Business Tax Act (P. L. 1945, c. 162) and the Business Personal Property Tax Act (P. L. 1966, c. 136) shall be apportioned one-half thereof to the State, one-quarter thereof to the several counties of the State, and one-quarter thereof to the several local taxing districts of the State in which one or more banking corporations have one or more offices. Each county shall be paid by the State a sum equal to that proportion of one-quarter

of the total tax collected by the State pursuant to this act from each banking corporation having one or more offices in such county, which the total deposit balances at all offices of such banking corporation in such county at the close of business on the day preceding the assessment date bear to the total deposit balances of such banking corporation in the State at the close of business on the day preceding the assessment date. Each local taxing district in which one or more banking corporations have one or more offices shall be paid by the State a sum equal to that proportion of one-quarter of the total tax collected by the State pursuant to this act from each such banking corporation, which the total deposit balances at all offices of such banking corporation in such district at the close of business on the day preceding the assessment date bear to the total deposit balances at all offices of such banking corporation in the county where such district is located, as such deposit balances stood at the close of business on the day preceding the assessment date. The amount due to each county and each local taxing district shall be certified by the Director, Division of Taxation on or before June 1, 1976, and annually thereafter, and shall be paid on or before June 20, 1976, and annually thereafter, by the State Treasurer to the counties and to the local taxing districts entitled thereto, setting forth in detail the amount of the tax received, the names of the banking corporations from which the tax was received, the aggregate amount thereof, and the basis of apportionment.

Repealer.

3. R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 (C. 54:9–19) are repealed.

Such repeal shall not affect the obligation, lien or duty to pay any taxes, interest or penalties which have accrued or may accrue by virtue of any assessment made or which may be made with respect to taxes levied for any taxable year prior to the effective date of the repeal of R. S. 54:9–1 through 54:9–19, and section 13 of P. L. 1970, c. 8 (C. 54:9–19), nor shall this act affect the legal authority to assess and collect taxes which may be or have been due or payable under R. S. 54:9–1 through 54:9–19 and section 13 of P. L. 1970, c. 8 (C. 54:9–19), together with such interest and penalties as would have accrued thereon under any provision of law amended or repealed hereby; nor shall this act invalidate any assessments or affect any proceeding for the enforcement thereof.

C. 54:10A-34 Annual franchise tax; payment procedures.

4. Every banking corporation shall pay an annual franchise tax in the year 1976 and each year thereafter, as provided in the Corporation Business Tax Act, P. L. 1945, c. 162 (C. 54:10A–1 et seq.) for the privilege of having or exercising its corporate franchise in this State, or for the privilege of doing business, employing or owning capital or property, or maintaining an office in this State. For the purposes of this act, (1) the privilege period of each banking corporation shall be the calendar year, and the initial privilege period shall be the calendar year ending December 31, 1976; (2) January 1, 1976 and January 1 of each year thereafter shall be the assessment dates; (3) the tax on income shall be based upon the income of the calendar year preceding the assessment date; (4) net worth shall be determined as of the December 31 preceding the assessment date; and (5) income of a banking corporation in any privilege period shall include the income of any banking corporation merged into or consolidated with such banking corporation in such privilege period. From and after January 1, 1976, no banking corporation shall be subject to the provisions of R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 (C. 54:9–19) but shall, to the extent and in the manner provided by this act, become and be subject to the provisions of the Corporation Business Tax Act and the Business Personal Property Tax Act, P. L. 1966, c. 136 (C. 54:11A–1 et seq.). To effect the transition from taxation under R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8, to taxation under the Corporation Business Tax Act, every banking corporation shall, within 90 days after the effective date of this act, but not later than December 1, 1975, pay to the State a sum equal to 60% of the amount of the tax that would have been due from such banking corporation had it been subject to taxation under the Corporation Business Tax Act during the calendar year ending December 31, 1974. Thereafter, as provided by the Corporation Business Tax Act, each banking corporation shall, on or before April 15 of each privilege period, commencing with the privilege period beginning January 1, 1976, file a tax return and pay the full amount of the tax determined to be due for the then current privilege period, and shall, in addition, pay a sum equal to 60% of the full amount of the tax due for such privilege period as an advance partial payment against the tax determined to be due for the next succeeding privilege period. Each such banking corporation shall, in the final calculation of the tax determined to be due from it for the

1976 privilege period, receive a credit for the 60% payment made by it on or before December 1, 1975 pursuant to this section, and thereafter, each banking corporation shall, in the final calculation of the tax determined to be due from it for any subsequent privilege period, receive credit for the advance partial payment made by it in the next preceding privilege year. No banking corporation shall, in calculating its income for any of the purposes of taxation under the Corporation Business Tax Act deduct from its income the amount of any tax paid pursuant to R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 (C. 54:9–19). Any excess payment made in any privilege year shall be returned as provided in section 15 of the Corporation Business Tax Act (C. 54:10A–15). Notwithstanding anything contained in this act to the contrary, during each of the privilege years 1976, 1977 and 1978, the amount to be paid by each banking corporation as taxes under this act shall be the greater of (1) the amount which such banking corporation paid in the calendar year 1975 as taxes pursuant to R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 or (2) a sum equal to the total of the taxes paid by such banking corporation pursuant to this section and section 5 of this act. In any case where the corporate existence of a banking corporation transacting business on the effective date of this act terminates during a privilege period by voluntary or involuntary dissolution, or by merger or consolidation, or otherwise, such banking corporation shall be liable for the payment of taxes under this section for the full privilege period in which such termination takes place.

C. 54:11A-21 Filing of return on or before February 15; payment of tax.

5. On or before February 15, 1976, and on or before February 15 in each year thereafter, each banking corporation owning personal property used in its business in this State on the preceding October 1 and taxable under the "Business Personal Property Tax Act," P. L. 1966, c. 136, (C. 54:11A–1 et seq.) shall prepare and file with the Director of the Division of Taxation in the Department of the Treasury a return in the form prescribed by the "Business Personal Property Tax Act," P. L. 1966, c. 136, section 7 (C. 54:11A–7), and, beginning February 15, 1976, each such banking corporation shall pay the tax due from it on the taxable personal property owned by it and used in its business in this State according to the provisions of the "Business Personal Property Tax Act," P. L. 1966, c. 136 (C. 54:11A–1 et seq.).

C. 54:10A-35 Distribution of taxes prohibited.

6. No part of the taxes paid by banking corporations pursuant to the Corporation Business Tax Act (P. L. 1945, c. 162) or the Business Personal Property Tax Act (P. L. 1966, c. 136) shall be distributed pursuant to P. L. 1966, c. 135.

7. The provisions of this act with respect to the applicability to banking corporations of the "Corporation Business Tax Act (1945)," P. L. 1945, c. 162 (C. 54:10A–1 et seq.) shall become operative as provided in section 4 of this act; and, with respect to the applicability to banking corporations of the "Business Personal Property Tax Act," P. L. 1966, c. 136 (C. 54:11A–1 et seq.) shall become operative as to taxes due and payable in the year 1976; and, in respect to repeal of R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 (C. 54:9–19) shall become operative on January 1, 1975, provided, however, that nothing herein shall be deemed to prohibit the payment and collection of taxes assessed as of December 31, 1974 under R. S. 54:9–1 through 54:9–19 and section 13 of P. L. 1970, c. 8 (C. 54:9–19) which taxes are due and payable in the year 1975 nor affect the requirement to file returns under and pursuant to said law.

C. 54:10A-36 "Banking corporation" defined.

8. As used in this act, "banking corporation" means a bank as defined in section 1 of "The Banking Act of 1948," c. 67, and also means a national bank.

C. 54:10A-37 Banking corporation not qualified as investment company.

9. No banking corporation may qualify as an investment company or as a regulated investment company under paragraph (f) or paragraph (g) of section 4 of the Corporation Business Tax Act (C. 54:10A–4 (f) or (g)).

10. This act shall become effective immediately. If, on the effective date of this act, the rate of the tax imposed on the net incomes of corporations pursuant to the Corporation Business Tax Act (P. L. 1945, c. 162) is less than 7½% this act shall remain inoperative until such time as such rate is established at not less than 7½%, and if, at the time when this act becomes operative, it is impossible to comply with the schedule of dates prescribed herein for the implementation of the provisions hereof, the Director, Division of Taxation, shall, as soon as may be reasonably possible after this act becomes operative, prescribe an alternative schedule of dates for such implementation.

Approved August 4, 1975.

CHAPTER 171

AN ACT to amend the "Financial Business Tax Law (1946)," approved April 26, 1946 (P. L. 1946, c. 174) and to amend and supplement the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162) and repealing sections 7, 20 and 21 of P. L. 1946, c. 174.

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

1. Section 2 of P. L. 1946, c. 174 (C. 54:10B–2) is amended to read as follows:

C. 54:10B-2 Definitions.

2. Definitions. For the purposes of this act, unless the context otherwise requires:

(a) "Director" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Financial business" shall mean all business enterprise except those organized or operating in a corporate capacity 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, 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.

(c) "Net worth" shall mean:

In the case of a partnership, individual proprietorship, joint venture or any other unincorporated association—the aggregate of the values disclosed by the books of the taxpayer for capital and undivided profits; provided, that there shall be no deduction from assets of debts owing to partners, proprietors or members, as of the close of a tax year.

(d) "Tax year" shall mean the calendar year with respect to which a tax is measured pursuant to this act.

(e) "Taxpayer" shall mean any person, copartnership or association subject to taxation under this act.

2. Section 3 of P. L. 1946, c. 174 (C. 54:10B–3) is amended to read as follows:

C. 54:10B-3 Excise tax imposed.

3. There is hereby imposed upon every person, copartnership and association doing a financial business in this State, an annual excise tax, payable in the year 1970 and in each year thereafter, at the rate of 1½% upon its net worth, less the deductions hereinafter allowed, as of the close of the preceding calendar year, but in no event less than $25.00. Such tax shall also be in lieu of any State franchise tax or of any State or local taxation of, upon or measured by personal property entering into the determination of net worth.

3. Section 4 of P. L. 1946, c. 174 (C. 54:10B–4) is amended to read as follows:

C. 54:10B-4 Acts not constituting the doing of financial business.

4. A person, partnership or association shall not be deemed to be doing financial business, by reason of (1) the maintenance of cash balances with banks or trust companies in this State, or (2) the ownership of shares of stock or securities in this State if such shares or securities are pledged as collateral security, or deposited with one or more banks or trust companies, or brokers who are members of a recognized security exchange, in safe-keeping or custody accounts, or kept in safe deposit boxes, or (3) the taking of any action by any such bank or trust company or broker, which is incidental to the rendering of safe-keeping or custodian service.

4. Section 8 of P. L. 1946, c. 174 (C. 54:10B–8) is amended to read as follows:

C. 54:10B-8 Corporation doing business in more than one state; allocating value of net worth.

8. A taxpayer doing business in more than one state shall allocate the value of its net worth (after allowable deductions) within this State, which allocated value shall be the measure of its tax pursuant to this act, according to the proportion of its gross business in this State to its gross business everywhere during the tax year, determined as the sum of:

(a) Fees, commissions or other compensation for financial services rendered within this State;

(b) Gross profits from trading in stocks, bonds, or other securities managed within this State;

(c) Interest and dividends received on loans, stocks, bonds and other securities managed within this State;

(d) Interest charged to customers, at places of business maintained within this State, for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(e) Any other gross income resulting from the operation of financial business within this State;

divided by the aggregate amount of such items of the taxpayer everywhere.

5. Section 12 of P. L. 1946, c. 174 (C. 54:10B–12) is amended to read as follows:

C. 54:10B-12 Dissolution or liquidation of taxpayer; return and payment of tax.

12. No taxpayer shall dissolve, liquidate or distribute any assets in dissolution or liquidation without having first duly filed its return under this act and paid or secured the tax, interest and penalties due thereon for the preceding tax year and for the year

in which such dissolution or liquidation occurs, as well as all delinquent taxes, interest, and penalties then due. For the purpose of determining the tax due with respect to the year in which dissolution or liquidation occurs, the tax year shall be deemed to have closed on the last day of the month in which the taxpayer ceases to do business in this State; and the amount of tax due hereunder shall be such proportion of the tax for a full tax year as the number of months in the tax year so determined is to 12; provided, that in no event shall the last day of doing business be deemed to have occurred more than 30 days prior to the filing of a duly executed tax return and the payment of the tax due as shown therein for the tax year in which such dissolution or liquidation occurs.

6. Section 17 of P. L. 1946, c. 174 (C. 54:10B–17) is amended to read as follows:

C. 54:10B-17 Form of return.

17. The director shall design a form of return and forms for such additional statements or schedules as he may require to be filed therewith. Such forms shall provide for the setting forth of such facts as the director may deem necessary for the proper enforcement of this act. He shall cause a supply thereof to be printed and shall furnish appropriate blank forms to each taxpayer upon application or otherwise as he may deem necessary. Failure to receive a form shall not relieve any taxpayer from the obligation to file a return under the provisions of this act. Each such return shall be made upon the oath or affirmation of a partner or proprietor and in the case of a taxpayer in liquidation or in the hands of a receiver or trustee, shall be made on the oath or affirmation of the person responsible for the conduct of the affairs of such taxpayer.

7. 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, (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, and (5) the amount of all 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, as of the close of a calendar or fiscal year. 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 each class, if any, of nonvoting stock. 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.

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 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 exclude 50% of the total included in computing such taxable income for Federal income tax purposes;

(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 subsection (k)(1) 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 subsection (k)(1) of this section;

(D) net operating losses sustained during any year or period other than that covered by the report;

(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;

(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.

(l) "Real estate investment trust" shall mean any unincorporated trust or unincorporated 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 deal-

ing 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, 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.

C. 54:10A-38 Distribution of aggregate tax, penalty and interest.

8. (New section) The aggregate amount of tax, penalty and interest payable by financial business corporations pursuant to this act shall upon payment be distributable among the State, the various taxing districts and counties in which taxpayers hereunder have maintained places of business at any time during the tax year. On or before November 1 in each year the director shall determine from receipts allocations contained in tax returns filed subsequent to June 30 of the previous calendar year and prior to July 1 of the current year the aggregate amount of tax, penalty and interest attributable to places of business located in each of the various taxing districts of this State during the tax year. The tax, penalty and interest collected by the director shall be apportioned one-half

to the State, one-quarter to such county and one-quarter to the taxing districts in which the financial business corporation has an office or offices. Each county shall be entitled to receive out of the one-quarter allocated to the counties that proportion thereof which the receipts at all offices of such financial business corporations in such county during the taxpayers' fiscal or calendar year accounting period bear to the total receipts of all offices of such financial business corporations in this State during the taxpayers' fiscal or calendar year accounting period. Each taxing district is entitled to that proportion of one-quarter of the tax collected by the director as the receipts at all offices of such financial business corporations in such district during the taxpayers' fiscal or calendar year accounting period bear to the total receipts of all offices of such financial business corporations in such county during the taxpayers' fiscal or calendar year accounting period. The director shall forthwith certify such apportionment to the State Treasurer who shall upon proper audit transmit to each county treasurer a certificate showing the amounts allocated to the taxing district therein and shall on or before November 10 of the year in which the taxes are payable draw and transmit his warrant upon the State Treasurer in favor of the several county treasurers for the amounts allotted to their several counties. Each county treasurer shall forthwith and not later than December 15 pay to the collector or other proper officer of each taxing district the amount allotted thereto deducting, however, the amount due for county taxes from the taxing district. The amount thus paid to the county and taxing district shall be at the disposal of the proper authorities for public purposes.

C. 54:10A-39 Taxes, penalties and interest not distributable to municipalities.

9. (New section) None of the taxes, penalties and interest collected from financial business corporations pursuant to this act shall be distributable to municipalities pursuant to P. L. 1966, c. 135 as amended and supplemented (C. 54:11D–1 et seq.).

C. 54:10A-40 Amount of taxes to be paid.

10. (New section) During each of the years 1976, 1977 and 1978, each financial business corporation shall pay as taxes under the provisions of the act to which this act is a supplement, the greater of a sum equal to the amount such financial business corporation paid pursuant to the "Financial Business Tax Law" P. L. 1946, c. 174 (C. 54:10B–1, et seq.) in the calendar year 1975, or a sum equal to the total of the taxes payable by such financial business

corporation pursuant to the "Corporation Business Tax Act," P. L. 1945, c. 162 (C. 54:10A–1 et seq.).

Repealer.

11. Sections 7 (C. 54:10B–7), 20 (C. 54:10B–20) and 21 (C. 54:10B–21) of P. L. 1946, c. 174 are repealed.

12. This act shall take effect immediately but shall remain inoperative until Assembly Bill No. 1915 now pending before the Legislature is enacted and becomes operative and shall be applicable to all fiscal and calendar accounting periods ending after December 31, 1974.

Approved August 4, 1975.

CHAPTER 172

AN ACT imposing a tax on capital gains and other unearned income and supplementing Title 54 of the Revised Statutes.

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

C. 54:8B-1 Short title.

1. This act shall be known and may be cited as the "Tax on Capital Gains and Other Unearned Income Act."

C. 54:8B-2 Definitions.

2. Definitions: When used in this act unless the context otherwise requires:

"Taxpayer" means each and every individual resident in this State and every individual nonresident who has earnings received, credited or accrued in any taxable year from unearned income subject to tax pursuant to this act, except that in the case of a nonresident the unearned income shall consist only of capital gains derived from sales and exchanges of real or tangible personal property located in this State;

"Taxable year" means the same accounting period as the taxpayer's taxable year for Federal income tax purposes or that portion of such year as commences after December 31, 1974;

"Dividends" means those dividends taxable for Federal income tax purposes without regard to the dividend exclusion;

"Director" means the Director of the Division of Taxation in the Department of the Treasury;

"Capital asset" means property held by the taxpayer (whether or not connected with his trade or business), but does not include—

(1) Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business;

(2) Property, used in his trade or business, of a character which is subject to the allowance for depreciation provided in regulations promulgated by the director;

(3) A copyright, a literary, musical, artistic composition, a letter or memorandum, or similar property, held by—

(A) A taxpayer whose personal efforts created such property;

(B) In the case of a letter, memorandum, or similar property, a taxpayer for whom such property was prepared or produced; or

(C) A taxpayer in whose hands the basis of such property is determined, for purposes of determining gain from a sale or exchange, in whole or part by reference to the basis of such property in the hands of a taxpayer described in subparagraph (A) or (B);

(4) Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in paragraph (1); or

(5) An obligation of the United States or any of its possessions, or of a State or territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding 1 year from the date of issue.

"Gains from the sale or exchange of capital assets" means net gains as defined by regulation of the director which shall be consistent with definitions prescribed for Federal income tax purposes, after due allowance for losses and holding periods, except that in such computation, all gains shall be considered to be short-term gains, but not nonrecognition of gains, all as provided under Federal Income Tax Law, except that no deduction shall be allowed for losses carried over from years prior to 1975 provided a taxpayer reporting capital gains on the installment basis for Federal income tax purposes need not include in his investment income

installments, except for interest, derived from transactions completed before January 1, 1975;

"Resident" means an individual: (1) who is domiciled in this State; provided, if an individual maintains no permanent place of abode in this State, and maintains a permanent place of abode elsewhere, and spends in the aggregate not more than 30 days of the taxable year in this State, he shall be deemed not a resident; or (2) who is not domiciled in this State but maintains a permanent place of abode in this State and is in this State for an aggregate of more than 183 days of the taxable year, unless he, not being domiciled in this State, is in the Armed Forces of the United States;

"Interest" means that interest taxable for Federal income tax purposes, except that it shall not include interest which the State is prohibited from taxing under the Constitution or the Statutes of the United States on obligations of the State of New Jersey or its political subdivisions but which shall include interest on obligations of other governments or political subdivisions thereof;

"Person" means the taxpayer or any pledgee, assignee, receiver, referee, trustee, conservator, guardian or other fiduciary of the taxpayer acting for the taxpayer.

"Royalties" means gross royalties as defined by regulations of the director consistent with those prescribed for Federal income tax purposes, less deductions allowed which are attributable to property held for the production of the royalties.

"Unearned income" means dividends, gains from the sale or exchange of capital assets, interest, royalties, income from an interest in an estate or trust pursuant to regulations of the director and compensation derived from a partnership or corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for personal services actually rendered.

C. 54:8B-3 Imposition of tax.

3. Imposition of tax.

a. A tax is hereby imposed upon unearned income earned, received or constructively accrued or credited to the taxpayer during his taxable year, subject to the exemptions allowed under this act. The exemptions allowed under this act shall first be deducted from the total unearned income subject to tax and the remainder shall be subject to the rate schedule set forth in this section. There shall then be deducted from the amount of tax so determined the tax on interest and dividends at one-half the rates set forth in this section.

If unearned income is:	The tax is:
Not over $1,000	1.5% of the taxable income
Over $ 1,000 but not over $ 3,000	$ 15 plus 2.0% of excess over $ 1,000
Over 3,000 but not over 5,000	55 plus 2.5% of excess over 3,000
Over 5,000 but not over 7,000	105 plus 3.0% of excess over 5,000
Over 7,000 but not over 9,000	165 plus 3.5% of excess over 7,000
Over 9,000 but not over 11,000	235 plus 4.0% of excess over 9,000
Over 11,000 but not over 13,000	315 plus 4.5% of excess over 11,000
Over 13,000 but not over 15,000	405 plus 5.0% of excess over 13,000
Over 15,000 but not over 17,000	505 plus 5.5% of excess over 15,000
Over 17,000 but not over 19,000	615 plus 6.0% of excess over 17,000
Over 19,000 but not over 21,000	735 plus 6.5% of excess over 19,000
Over 21,000 but not over 23,000	865 plus 7.0% of excess over 21,000
Over 23,000 but not over 25,000	1,005 plus 7.5% of excess over 23,000
Over 25,000	1,155 plus 8.0% of excess over 25,000

b. Any taxpayer and spouse whose adjusted gross income as defined by the director consistent with section 62 of the Internal Revenue Code plus interest on governmental obligations as defined in section 2 of this act and long-term capital gains otherwise excluded, is less than $15,000.00, or in case of an individual taxpayer is less than $7,500.00, shall not be required to file any return, and is exempt from tax under this act provided, however, that the director may require any person to file an information return.

C. 54:8B-4 Exemption for senior citizens.

4. Exemption for senior citizens. For each individual taxpayer required to pay the tax imposed under this act, there shall be allowed an exemption of $1,000.00 provided, if such individual has attained the age of 65 years on or before the last day of the taxable year there shall be allowed an additional exemption of $1,000.00 and, provided further, if any individual is blind, there shall be allowed an additional exemption of $1,000.00. On a single return filed for husband and wife jointly, the amount of the exemption taken on such return shall be the sum of the exemptions.

C. 54:8B-5 Exemption allowed to senior citizens for gain from sale of home.

5. Exemption allowed senior citizens for gain from sale of home. Every husband and wife, and each other person, described as a taxpayer in this act shall, in addition to the exemptions allowed under the provisions of this act, be allowed an exemption and deduction from the amount of gains from the sale or exchange of capital assets for any taxable year which are subject to the tax imposed hereunder in the amount of any gain for such taxable

year included in net gains from the sale or exchange of capital assets for Federal income tax purposes, arising from the sale of a residence in such taxable year, but only if (A) either of such spouses or both, or said other person, had attained the age of 65 years on the date of such sale and had owned and used such residence as principal residence for at least 5 years of the 8 years immediately preceding the date of such sale and (B) said gain is the first such gain for such taxpayer with respect to the sale of such a residence on or after January 1, 1975. If the exemption provided for in this section is availed of by a taxpayer in or for any taxable year, no such exemption shall be allowed with respect to such taxpayer or a spouse thereof in any subsequent taxable year. For the purposes of this section, the word "sale" means a "sale," "exchange," "transaction" or "event" through which the taxpayer is divested of all interest in his residence.

C. 54:8B-6 Sales and exchanges of property.

6. Sales and exchanges of property.

a. No gain or loss shall be recognized in regard to any sale or exchange made in accordance with rules and regulations of the director which shall be consistent with the provisions of sections 121, 1031, 1033, 1034, 1035 and 1036 of the United States Internal Revenue Code of 1954, as amended.

b. A partnership as such shall not be subject to the tax imposed by this act. Persons who are partners shall be liable for said tax only in their individual capacities in the same manner that individuals are liable for partnership income under the Federal Internal Revenue Code as of January 1, 1976.

c. Any pledgee, assignee, receiver, referee, trustee, conservator, guardian or other fiduciary, whether or not court appointed, shall report any funds which are taxable under this act but said funds shall be taxed to the beneficiary or equitable owners thereof, when received or when the right to receipt accrues.

d. The tax imposed by this act shall not be applicable with respect to any sale or exchange of agricultural animals.

C. 54:8B-7 Estates of deceased persons.

7. Estates of deceased persons. The estate of each deceased person who last dwelt in the State shall be subject to the taxes imposed by this act, upon all unearned income, actually or constructively received by such person in the year of his death, upon which taxes are due and have not already been paid under said act.

C. 54:8B-8 Duties of fiduciary.

8. Duties of fiduciary. Any guardian, receiver, referee, trustee, assignee or other fiduciary, or any officer or agent appointed by any court to conduct the business or conserve the assets of any taxpayer, shall be subject to the tax imposed by this act in the same manner and to the same extent as a taxpayer hereunder.

C. 54:8B-9 Tax return.

9. Tax return. On or before April 15 following the close of each calendar year, in the case of persons reporting on the basis of a calendar year, and on or before the fifteenth day of the fourth month following the close of a fiscal year, in the case of persons reporting on the basis of a fiscal year, each person who earns, receives, accrues or has credited to his account any unearned income shall duly execute and file a tax return with the director, in such form and containing such information as he may prescribe, which return shall truly and accurately set forth the amounts received and the taxpayer's liability under this act; and the full amount of the tax shall be due and payable to the director on or before the date prescribed herein for the filing of the return.

C. 54:8B-10 Failure to file, return or pay tax.

10. Failure to file return or pay tax.

a. Any person failing to file his return when due shall be liable for a penalty of $25.00 which penalty shall be payable to, and recoverable by, the director in the same manner as the tax imposed by this act. If any tax is not paid when the same becomes due, as provided under this act, there shall be added to the amount of the tax, a sum equivalent to 10% thereof, as a penalty, and, in addition thereto, interest at the rate of 1% per month or fraction thereof from the date the tax became due until the same is paid. The director, if satisfied beyond a reasonable doubt that the failure to comply with any provision of this section was due to reasonable cause and was not intentional or due to neglect, may abate or remit the whole or part of any penalty.

b. Any taxpayer willfully failing to file a return required by this act, or filing or causing to be filed or making or causing to be made, or giving or causing to be given any return, representation, information, testimony or statement required or authorized by this act, which is willfully violating any other requirement imposed by this act or by any rule or regulation of the director adopted hereunder, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which

shall be a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both such fine or imprisonment.

C. 54:8B-11 Powers and duties of director.

11. Powers and duties of director. In addition to the powers and duties of the director as set forth generally in Title 54 of the Revised Statutes:

a. The director or his authorized representative may require any taxpayer or other person required to file under this act to submit copies or pertinent extracts of his Federal income tax returns, or of any other tax return made to any agency of the Federal Government, or of this or any other state, or of any statement or registration made pursuant to any State or Federal law pertaining to securities or securities exchange regulations.

b. The director may require all taxpayers to keep such records as he may prescribe, and he may require the production of books, papers, documents and other data, to provide or secure information pertinent to the determination of the tax imposed by this act and the enforcement and collection thereof.

c. The director or any person authorized by him may examine the books, papers, records and equipment of any person liable under the provisions of this act, and may investigate the activities of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid.

C. 54:8B-12 Deficiency assessments.

12. Deficiency assessments.

a. After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interest due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment a sum equivalent to 10% of such assessment or reassessment as a penalty, and, in addition thereto, interest at the rate of 1% for each month or fraction thereof to be calculated from the date the tax was originally due and payable until the date of actual payment. If the director is satisfied that the said deficiency was not deliberate or due to fraud or evasion, he may remit or waive the payment of the penalty provided herein.

(b) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 3 years from the date of the filing of a return or from the original due date of a return, whichever is later; provided, where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing before the expiration of the extended period.

C. 54:8B-13 Collection of tax, penalties and interest.

13. Collection of tax, penalties and interest. The amount of any tax, penalty or interest due and unpaid under the provisions of this act shall be subject to and may be collected under the provisions of the State Tax Uniform Procedure Law (subtitle 9 of Title 54 of the Revised Statutes).

C. 54:8B-14 Abatement of tax.

14. Abatement of tax. When any tax assessed under the provisions of this act has been found to be uncollectible, such tax and penalty or interest assessed in connection therewith may be abated upon the advice and approval of the Attorney General.

C. 54:8B-15 Excess payments.

15. Excess payments. If, within 3 years after the due date of any return, the director, determines that any amount, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the director shall credit the excess amount collected or paid against any amounts then due and payable from the person under this act or any other law administered by the director and the balance shall be refunded to the person or his successors, administrators or executors or any other person legally responsible for the conduct of the affairs of said person.

C. 54:8B-16 Refund claims.

16. Refund claims. Any taxpayer who feels that he has overpaid any taxes due under this act may file a claim for refund in writing with the director within 3 years from the due date for which such overpayment was made stating the specific grounds upon which the claim is founded. Failure to file a claim within the time prescribed in this section constitutes a waiver of any demand against

the State on account of overpayment. Within 30 days after disallowing any claim in whole or in part the director shall serve notice of his action on the claimant.

C. 54:8B-17 Forms.

17. Forms. The director shall design a form of return and forms for such additional statements or schedules as he may require to be filed therewith. Such forms shall provide for the setting forth of such facts as the director may deem necessary for the proper enforcement of this act. He shall cause a supply thereof to be printed and shall furnish appropriate blank forms to each taxpayer upon application or otherwise as he may deem necessary. Failure to receive a form shall not relieve any taxpayer from the obligation to file a return under the provisions of this act. Each such return shall be made upon the oath or affirmation of the taxpayer.

C. 54:8B-18 Extension of time for filing return and paying tax.

18. Extension of time for filing return and paying tax. The director may for reasonable cause extend the time for the filing of any return due under this act and the payment of tax due thereon under such rules and regulations as he shall prescribe. The director may require the filing of a tentative return and the payment of an estimated tax. Any additional tax which may be found to be due on the filing of a final return as allowed by such extension shall bear interest at the rate of 1% per month or fraction thereof from the original due date of such tax to the date of actual payment.

C. 54:8B-19 Enforcement.

19. Enforcement. Regulations. The director shall enforce the provisions of this act and may adopt and enforce rules and regulations relating to the administration and enforcement of this act, which except as otherwise specifically provided in this act, shall be consistent with comparable provisions of the Internal Revenue Code and regulations issued thereunder. The director may prescribe the extent to which any ruling or regulation shall be applied with retroactive effect.

C. 54:8B-20 Report by director; confidential information.

20. Report by director. Confidential information. The director shall publish in his annual report data showing the amount of taxes collected under this act, the amount of penalties assessed under the provisions of this act, and such classifications of taxpayers with such other facts as he deems pertinent and valuable. Such published figures shall not disclose the operations of any taxpayer in such manner as to permit the identification of such taxpayer by

those unassociated with his business. The director, his attorney or agent, or any other officer or employee of the State involved in the administration of this act, shall not make known in any manner the amount or source of the taxes collected under this act or any particular thereof set forth or disclosed in any single return, or permit any return or copy thereof or any book containing any abstract or particular thereof to be seen or examined by any person, except so far as is necessary in carrying out the provisions of this act; except that the director, his attorney or agent may disclose such information or any information contained in any return filed under the provisions of this act, in the County Court or the Superior Court in any case therein pending in which said director, or any other department or agency of the State Government, is a party, or to any officer or department of the State Government when required in the course of duty or when there is reasonable cause to believe that there is infraction of any State law and to any proper officer of the United States Treasury Department or of any other state imposing a gross receipt, income or franchise tax reciprocating in this privilege. Any person who violates any provision of this section shall be fined not more than $1,000.00 or imprisoned not more than 1 year or both such fine and imprisonment.

C. 54:8B-21 Appeal to director.

21. Appeal to director. Any person, aggrieved by the action of the director or his authorized agent in fixing the amount of any tax, penalty or interest provided for by this act may apply to the director, in writing, within 30 days after notice of such action is delivered or mailed to him, for a hearing and a correction of the amount of the tax, penalty or interest so fixed, setting forth the reasons why such hearing should be granted and the amount in which such tax, penalty or interest should be reduced. The director shall promptly consider each such application and may grant or deny the hearing requested. If the hearing is denied, the applicant shall be notified thereof forthwith. If it is granted, the director shall notify the applicant of the time and place fixed for such hearing. After such hearing the director may make such order in the premises as appears to him just and lawful and shall furnish a copy of such order to the applicant. The director may, by notice in writing, at any time within 3 years after the date when any return of any person has been due, order a hearing on his own initiative and require the person filing such return or any other individual whom he believes to be in possession of relevant

information concerning the taxpayer or the person filing such return to appear before him or his authorized agent with any specified books of account, papers or other documents, for examination under oath.

C. 54:8B-22 Severability clause.

22. Severability clause. If any provision of this act, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of the act, which reasonably can be given effect despite the invalidity.

23. Where any tax payment pertains to a fiscal accounting period ending after December 31, 1974 and prior to October 1, 1975, the time for such payment is hereby extended to January 15, 1976 and such payment may be made on or before said date without incurring penalty or interest charges. In the event any such payment is not made on or before January 15, 1976, interest and penalties thereon shall be computed without regard to this extension.

24. Appropriations. It is hereby appropriated to the Division of Taxation in the Department of the Treasury the sum of $250,000.00 or so much thereof as shall be required to carry out the provisions of this act from the effective date hereof through the period ending June 30, 1976.

25. This act shall take effect immediately and shall be applicable with respect to unearned income earned, received or constructively accrued or credited to the taxpayer on or after January 1, 1975.

Approved August 4, 1975.

CHAPTER 173

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1976, and regulating the disbursement thereof," approved June 27, 1975 (P. L. 1975, c. 128).

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

1. The following sums are hereby appropriated out of the General State Fund, for the respective public officers and for the several purposes herein specified:

GENERAL STATE OPERATIONS

LEGISLATIVE BRANCH

Legislative Affairs

72100. Legislature

72110-001.	Senate	$25,000
72110-002.	General Assembly	35,000

72200. Legislative Services

72210-003.	Legislative Services Agency	$40,000

72300. Office of Fiscal Affairs

72310-004.	Administrative Office of the Executive Director	$48,100
72330-004.	Division of Budget Review	41,300
72340-004.	Division of Program Analysis	44,600
	Total, Office of Fiscal Affairs	$134,000

72400. Legislative Commissions

72410-010.	Intergovernmental Relations Commission		$157,450
	Salaries:		
	Officers and employees	($600)	
	Materials and Supplies	(180)	
	Services Other Than Personal	(7,730)	
	Extraordinary:		
	The Council of State Governments	(48,550)	
	Atlantic States Marine Fisheries Commission	(5,300)	
	National Conference of Commissioners on Uniform State Laws	(11,500)	
	Education Commission of the States	(24,750)	
	National Governors' Conference	(21,850)	
	Advisory Commission on Intergovernmental Relations	(1,000)	
	National Conference of State Legislatures	(35,990)	
	Total, Legislative Commissions		$157,450
	Total, Legislative Affairs		$386,450

DEPARTMENT OF THE TREASURY

71200. *Central Management, Planning and Control*

71210-220.	Budget Planning and Control	$50,000
71250-211.	Economic Planning and Research	21,000
	Total Appropriation	$71,000
	Salaries:	
	Officers and employees ($71,000)	

71300. *Tax and Revenue Administration*

71310-240.	Tax Collection and Enforcement	$100,000
71320-240.	Tax Audit Services	65,000
	Total Appropriation	$165,000
	Salaries:	
	Officers and employees ($165,000)	
	Total Appropriation, Department of the Treasury	$236,000

DEPARTMENT OF DEFENSE

13100. *National Guard and Civil Defense*

13120-340.	Management of National Guard Installations	$60,000
13130-340.	Civil Defense Operations and Administration	10,000
	Total Appropriation	$70,000
	Salaries:	
	Officers and employees ($70,000)	
	Total Appropriation, Department of Defense	$70,000

DEPARTMENT OF PUBLIC UTILITIES

34500. *Public Broadcasting*

34510-352.	New Jersey Public Broadcasting Authority	$95,000
	Extraordinary:	
	Programming ($95,000)	
	Total Appropriation, Department of Public Utilities	$95,000

DEPARTMENT OF LABOR AND INDUSTRY

52200. *Manpower Development and Employment Assistance*

52240-380. Vocational Rehabilitation Services ...	$100,000
Extraordinary:	
Sheltered workshop support ..... ($100,000)	
Total Appropriation, Department of Labor and Industry	$100,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

41300. *Resource Management*

41310-400. Water Supply and Flood Plain Management	$500,000
Extraordinary:	
Flood Plain regulation and delineation ..... ($500,000)	
Total Appropriation, Department of Environmental Protection	$500,000

DEPARTMENT OF EDUCATION

31200. *General Assistant Programs for Public Schools*

31210-500. Curriculum Services	$50,000
31250-500. Intermediate School Units as Provided by Law	$1,500,000

The amount hereinabove appropriated shall be expended according to the directive of the Commissioner of Education for County Superintendent offices or such replacement regional educational offices as the State Board of Education shall determine or as shall hereafter be provided by law.

Salaries:	
Officers and employees ..... ($1,550,000)	
Total Appropriation	$1,550,000

32500. *Career Development*

32510-500. General Vocational Education	$553,813
32560-500. Project COED	90,000
Total Appropriation	$643,813

Salaries:	
Officers and employees ..... ($624,392)	
Materials and Supplies ..... (5,300)	
Services Other Than Personal ..... (14,121)	

34100. *Program for the Deaf*

34110-535. Marie H. Katzenbach School for the Deaf		$95,000
Extraordinary:		
Transportation expenses for students (P. L. 1973, c. 311)	($95,000)	
Total Appropriation		$95,000

The amount hereinabove appropriated shall be made available for expenditure during the first term of the school year, and shall not be available after February 1, 1976.

39100. *Department Planning and Management*

39130-500. Planning, Evaluation, Research and Program Development		$747,000
Extraordinary:		
Statewide testing	($747,000)	
Total Appropriation		$747,000

39200. *General Support*

39210-500. Other General Support		$100,000
Salaries:		
Officers and employees	($100,000)	
Total Appropriation		$100,000
Total Appropriation, Department of Education		$3,135,813

Of the amount hereinabove appropriated to the Department of Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Center for Occupational Education, Experimentation and Demonstration (Project COED)	($90,000)
Total Appropriation from State Lottery Fund	($90,000)

DEPARTMENT OF HIGHER EDUCATION

39000. *Department Management and General Support*

39110-540. Administration	$3,500,000
Extraordinary:	
Aid to independent colleges and universities ($2,000,000)	
Schools of professional nursing (1,500,000)	
Total Appropriation	$3,500,000

550. *Glassboro State College*

33110. Instruction	$1,286,000
Total Appropriation	$1,286,000
Salaries:	
Officers and employees ($1,286,000)	

551. *Jersey City State College*

33110. Instruction	$981,000
Total Appropriation	$981,000
Salaries:	
Officers and employees ($981,000)	

552. *Kean College of New Jersey*

33110. Instruction	$1,369,000
Total Appropriation	$1,369,000
Salaries:	
Officers and employees ($1,369,000)	

553. *The William Paterson College of New Jersey*

33110. Instruction	$1,303,000
Total Appropriation	$1,303,000
Salaries:	
Officers and employees ($1,303,000)	

554. *Montclair State College*

33110.	Instruction	$1,515,000
	Total Appropriation	$1,515,000

Salaries:
Officers and employees ..... ($1,515,000)

555. *Trenton State College*

33110.	Instruction	$1,220,000
	Total Appropriation	$1,220,000

Salaries:
Officers and employees ..... ($1,220,000)

556. *Ramapo College of New Jersey*

33110.	Instruction	$450,000
	Total Appropriation	$450,000

Salaries:
Officers and employees ..... ($450,000)

557. *Richard Stockton State College*

33110.	Instruction	$480,000
	Total Appropriation	$480,000

Salaries:
Officers and employees ..... ($480,000)

Rutgers, The State University

570. *General University*

33110.	Instruction	$5,752,000
	Total Appropriation	$5,752,000

572. *Agricultural Experiment Station*

33120.	Research	$7,000,000
33130.	Extension and Public Service	
	Total Appropriation	$7,000,000

573. *College of Medicine and Dentistry of New Jersey*

33110.	Instruction	$531,000
	Total Appropriation	$531,000

574. *New Jersey Institute of Technology*

33110.	Instruction	$537,000
	Total Appropriation	$537,000
	Total Appropriation, Department of Higher Education	$25,924,000

No tuition increases shall be adopted by the Board of Higher Education or the governing boards of the several institutions of higher education for the first semester, or the equivalent school year subdivision, and in no event prior to January 1, 1976.

Of the amount hereinabove appropriated to the Department of Higher Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Aid to independent colleges and universities	($2,000,000)
Schools of professional nursing	(1,500,000)
Total Appropriation from State Lottery Fund	($3,500,000)

DEPARTMENT OF TRANSPORTATION

63200. *Public Transportation Facilities*

63210-600.	Railroad and Bus Operations	$36,000,000
Extraordinary:		
	Bus and railroad subsidies	($36,000,000)
	Total Appropriation, Department of Transportation	$36,000,000

Of the sum provided hereinabove for bus and railroad subsidies not more than $400,000 may be used for administrative expenses.

DEPARTMENT OF INSTITUTIONS AND AGENCIES
Custody, Care and Rehabilitation
12100. *Institutional Services*
731. *State Prison, Trenton*

12170.	Education Program—Garden State School District	$50,000
	Total Appropriation	$50,000

Salaries:
Officers and employees ..... ($50,000)

732. *State Prison, Rahway*

12170.	Education Program—Garden State School District	$50,000
	Total Appropriation	$50,000

Salaries:
Officers and employees ..... ($50,000)

733. *State Prison, Leesburg*

12170.	Education Program—Garden State School District	$50,000
	Total Appropriation	$50,000

Salaries:
Officers and employees ..... ($50,000)

734. *Youth Correctional Institution, Bordentown*

12170.	Education Program—Garden State School District	$50,000
	Total Appropriation	$50,000

Salaries:
Officers and employees ..... ($50,000)

735. *Youth Reception and Correction Center, Yardville*

12170.	Education Program—Garden State School District	$50,000
	Total Appropriation	$50,000

Salaries:		
Officers and employees	($50,000)	
737. *Correctional Institution for Women, Clinton*		
12170. Education Program—Garden State School District		$50,000
Total Appropriation		$50,000
Salaries:		
Officers and employees	($50,000)	
738. *Youth Correctional Institution, Annandale*		
12170. Education Program—Garden State School District		$50,000
Total Appropriation		$50,000
Salaries:		
Officers and employees	($50,000)	
739. *Training School for Boys, Skillman*		
12170. Education Program—Garden State School District		$50,000
Total Appropriation		$50,000
Salaries:		
Officers and employees	($50,000)	
740. *Training School for Boys, Jamesburg*		
12170. Education Program—Garden State School District		$50,000
Total Appropriation		$50,000
Salaries:		
Officers and employees	($50,000)	
Mental Retardation		
25100. *Residential Functional Services*		
767. *Hunterdon State School*		
25110. Resident Care and Habilitation		$800,000
25190. Institutional Administration and Support Services		300,000
Total Appropriation		$1,100,000

Salaries:
Officers and employees ..... ($1,100,000)

25200. *Other Agency Services*

25290-760.	Management and General Support	$1,400,000
	Total Appropriation	$1,400,000

Extraordinary:
Patient employees ..... ($1,400,000)

Mental Health

26100. *Institutional Services*

777. *Greystone Park Psychiatric Hospital*

26120.	Inpatient Care and Health Services	$460,000
26190.	Administration and Support	60,000
	Total Appropriation	$520,000

Salaries:
Officers and employees ..... ($520,000)

781. *Marlboro Psychiatric Hospital*

26120.	Inpatient Care and Health Services	$600,000
26190.	Administration and Support	120,000
	Total Appropriation	$720,000

Salaries:
Officers and employees ..... ($520,000)

790. *Arthur Brisbane Child Center at Allaire*

26120.	Inpatient Care and Health Services	$500,000
26190.	Administration and Support	250,000
	Total Appropriation	$750,000

Salaries:
Officers and employees ..... ($750,000)

792. *Diagnostic Center at Menlo Park*

26130.	Special Diagnostic Services	$500,000
	Total Appropriation	$500,000

Salaries:
Officers and employees ..... ($500,000)

52600. *Social Services for Youth and Families*

52630-717. Social Services		$750,000
Total Appropriation		$750,000
Salaries:		
Officers and employees	($220,000)	
New positions	(210,000)	
Extraordinary:		
Children in crisis	(250,000)	
Social service initiative	(70,000)	
Total Appropriation, Department of Institutions and Agencies		$6,190,000

Of the amount hereinabove appropriated to the Department of Institutions and Agencies, the sum hereinafter set forth is hereby appropriated from the State Lottery Fund:

To provide educational services to patients, inmates and residents through the Garden State School District	($450,000)
Total Appropriation from the State Lottery Fund	($450,000)

INTER-DEPARTMENT ACCOUNTS

78240-943. *Salary and Other Benefits*

Extraordinary:	
To the Director of the Division of Budget and Accounting for allotment to the various agencies for salary increments	$12,113,287
Total Appropriation, Inter-Departmental Accounts	$12,113,287

Any sums appropriated to the several departments for salaries may be made available for salary adjustments therein, arising from various exigencies of the State service and for salary increments as the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting shall de-

termine. Any salary adjustment or increment is payable at the beginning of a biweekly pay period.

Total Appropriation, General State Operations $84,755,550

STATE AID

DEPARTMENT OF THE TREASURY

77200. *State Subsidies and Services—State Aid*

77230-240. Reimbursements—Senior citizens' tax deductions $7,000,000

Total Appropriation, Department of the Treasury $7,000,000

Extraordinary:

State reimbursement to municipalities for one-half of the senior citizens' tax deductions ..... ($7,000,000)

There are hereby appropriated such additional sums as may be required for State reimbursement to municipalities for one-half of the senior citizens' tax deduction.

DEPARTMENT OF HEALTH

23200. *Local Health Services*

23210-360. Local Health Services $2,329,456

The unexpended balance as of June 30, 1975 in this account is appropriated.

The capitation is set at no more than $2.00 for the calendar year 1976 as required by C26:2F–1 et seq.

Total Appropriation, State Aid, Department of Health $2,329,456

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300. *Resource Management—State Aid*

41330-400. Marine Lands Management $500,000

Total Appropriation $500,000

Extraordinary:
Shore protection projects, contingent upon no less than 50% participation by local governments (State share) (C12:6A–1 et seq.) ($500,000)

From the amount provided herein for shore protection projects (C12:6A–1 et seq.), a sum not to exceed $300,000 shall be made available, without matching, for exploratory work to locate borrow material for beachfill, for shore protection demonstration projects, to protect the beach and property at State-owned parks and to maintain and repair existing shore protection jetties and groins heretofore construction with State aid.

DEPARTMENT OF EDUCATION

31100. *Financial Assistance to Local School Districts*

31110-500.	State School Incentive Equalization Aid	$118,400,000
31120-500.	Special Education	11,083,006
31150-500.	Pupil Transportation	7,948,658
31160-500.	Aid for Non-Public Education	641,250
31170-500.	Adult and Continuing Education	630,036
31190-500.	Other Grants-in-Aid	797,050
	Total Appropriation	$139,500,000

Grants-in-Aid:
Minimum aid portion of equalization incentive aid ($118,400,000)
Special education program (11,083,006)
Pupil transportation (7,948,658)
Aid to nonpublic education (641,250)
High School equivalency (320,058)

Adult education	(263,356)
Evening schools for foreign-born residents	(46,622)
Children resident in institutions	(245,492)
Children resident on State-owned property	(90,864)
Public school safety act	(460,694)

The provisions of the "State School Aid Law" (NJS 18A:58–1, et seq.) notwithstanding, each school district which does not receive incentive equalization current expense aid shall receive for the 1975-76 school year that portion of minimum aid which equals 80% of the amount that such district received for the school year 1974-75.

32100. *Programs for the Disadvantaged and Handicapped—State Aid*

32110-500. Programs for the Disadvantaged and Handicapped	$900,000
Total Appropriation	$900,000

Grant-in-Aid:

Pilot project for preschool education for the handicapped	($900,000)

The amount hereinabove appropriated shall be made available for expenditure during the first half of the 1975-76 school year only.

32500. *Career Development—State Aid*

32510-500.	General Vocational Education	$6,379,975
32520-500.	Aid for Part-time County Vocational Schools	1,705,950
	Total Appropriation	$8,085,925

Extraordinary:
Career development ($1,839,975)

Grants-in-Aid:
Vocational education (4,000,000)
District and regional vocational schools (1,705,950)
Work-study program (450,000)
Schools for industrial education (PL 1971, c. 430) (90,000)

Of the sum appropriated for Career Development—State Aid, nor more than $250,000 may be used for administrative expenses.

Total Appropriation, Department of Education $148,485,925

Of the amount hereinabove appropriated to the Department of Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:

Adult and Continuing Education:
High school equivalency ($160,029)
Adult Education (131,678)
Evening schools for foreign-born residents (23,311)

Total Appropriation from State Lottery Fund ($315,018)

DEPARTMENT OF HIGHER EDUCATION

Department Management and General Support

39200. *General Support—State Aid*

39210-540.	Support Services	$8,800,000

Total Appropriation, Department of Higher Education	$8,800,000
Grants-in-Aid for County Colleges:	
Operational Costs ($8,800,000)	
Of the amount hereinabove appropriated to the Department of Higher Education, the sums hereinafter set forth are hereby appropriated from the State Lottery Fund:	
Grants-in-Aid for county colleges ($8,800,000)	
Total Appropriation from State Lottery Fund ($8,800,000)	

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Mental Health

26900. *Management and General Support—State Aid*

26910-770. Community Services	$500,000
Total Appropriation	$500,000
Extraordinary:	
Establishment, development, improvement and expansion of Community Mental Health Services ($500,000)	

Income Security and Human Resource Development

52500. *Provision of Income Maintenance to Public Indigents—State Aid*

52530-715. Income Maintenance	$1,200,000
Total Appropriation	$1,200,000
Extraordinary:	
Payments for Supplementary Security Income (State Share) ($1,200,000)	

52600. *Social Services for Youth and Families—State Aid*

52620-717. Residential Services	$1,500,000
Total Appropriation	$1,500,000
Extraordinary:	
Payment of Child Care costs (State Share) (C30:4c-1 et seq.) ($1,500,000)	

Total Appropriation, Department of Institutions and Agencies	$3,200,000

DEPARTMENT OF COMMUNITY AFFAIRS

42100. *Community Development Management—State Aid*

42130-800. Local Government Services	$12,000,000
Total Appropriation, Department of Community Affairs	$12,000,000

Grants in Aid:

Safe and clean neighborhoods ..... ($12,000,000)

The amount provided hereinabove for Safe and clean neighborhoods shall be available to those municipalities qualifying for municipal aid, pursuant to PL 1975, c. 68, for the purpose of improving safety and cleanliness of neighborhoods; provided, however, that each recipient municipality match its allocation with an equal amount; and provided further, that no municipality receive more than $1 million.

Total Appropriation, State Aid	$182,315,381

CAPITAL CONSTRUCTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300-400. *Resource Management*

Capital Construction:

Protection and maintenance, Delaware and Raritan Canal	$750,000
Total Appropriation	$750,000
Total Appropriation, Capital Construction	$750,000
Grand Total Supplemental Appropriation	$267,820,931

2. The following items in PL 1975, c. 128 are amended to read as follows:

CAPITAL CONSTRUCTION

DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61100. *State Highway Facilities—State Highway Construction*

The sums provided herein for State Highway Construction shall be set forth in a construction program, by route number within the Program Elements of the appropriation, by the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting, after consultation with the Sub-committee on Transfers of the Joint Appropriations Committee, and shall not be expended or contracted for without the approval of the Governor.

3. This act shall take effect immediately and be retroactive to July 1, 1975.

Approved August 4, 1975.

CHAPTER 174

AN ACT to amend the "Unsatisfied Claim and Judgment Fund Law," approved May 10, 1952 (P. L. 1952, c. 174).

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

1. Section 28 of P. L. 1952, c. 174 (C. 39:6–88) is amended to read as follows:

C. 39:6-88 Fund to be held in trust.

28. Fund to be held in trust. All sums paid to the director as Unsatisfied Claim and Judgment Fund Fees and as additional charges against owners of uninsured motor vehicles shall be remitted to the treasurer within 30 days after the receipt of the same. All sums received by the treasurer pursuant to any of the provisions of this act shall become part of the fund, and shall be held by the treasurer in trust for the carrying out of the purposes of

this act and for the payment of the cost of administering this act. Said fund may be invested and reinvested in the same manner as other State funds and shall be disbursed according to the order of the treasurer, as custodian of the fund. Whenever the Unsatisfied Claim and Judgment Fund Board certifies to the State Treasurer that the assets of the fund exceed amounts required to satisfy claims pending and anticipated for the succeeding 12 months the State Treasurer, as custodian of the fund, shall transfer the excess to the General State Fund.

2. This act shall take effect immediately.

Approved August 4, 1975.

CHAPTER 175

AN ACT to repeal the "Motor Vehicle Liability Security Fund Act," approved May 10, 1952 (P. L. 1952, c. 175, C. 39:6–92 et seq.) and providing for the disposition of amounts remaining in the Motor Vehicle Liability Security Fund.

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

Repeals C. 39:6-92 to C. 39:6-104.

1. P. L. 1952, c. 175, the "Motor Vehicle Liability Security Fund Act," is repealed.

2. Upon certification by the Commissioner of Insurance that all claims pending before him for payment from the Motor Vehicle Liability Security Fund have been approved or settled and certified for payment or otherwise determined, the State Treasurer, as custodian of the fund, shall transfer all amounts remaining in the fund to the General State Fund.

3. This act shall take effect immediately.

Approved August 4, 1975.

CHAPTER 176

AN ACT to amend and supplement "An act fixing fees to be imposed upon the recording of deeds transferring title to real property and providing penalties for the violations thereof," approved June 3, 1968 (P. L. 1968, c. 49) (C. 46:15–5 et seq.).

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

1. Section 1 of P. L. 1968, c. 49 (C. 46:15–5) is amended to read as follows:

C. 46:15-5 Definitions.

1. As used in this act:

(a) "Deed" means a written instrument entitled to be recorded in the office of a county recording officer which purports to convey or transfer title to a freehold interest in any lands, tenements or other realty in this State by way of grant or bargain and sale thereof from the named grantor to the named grantee. A leasehold interest for 99 years or more, shall be treated as a "freehold" for the purpose of this act. Instruments providing for common driveways, for exchanges of easements or rights-of-way, for revocable licenses to use, to adjust or to clear defects of or clouds on title, to provide for utility service lines such as drainage, sewerage, water, electric, telephone or other such service lines, or to quitclaim possible outstanding interests, shall not be "deeds" for the purposes of this act.

(b) The terms "county recording officer" and "office of the county recording officer" mean the register of deeds and mortgages in counties having such an officer and office, and the county clerk and his office in the other counties.

(c) "Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title. The amount of liens for real property taxes, water or sewerage charges for the current or any subsequent year, or by

way of added assessment or other adjustment, as well as of other like liens or encumbrances of a current and continuing nature ordinarily adjusted between the parties according to the period of ownership shall be excluded as an element in determining the consideration, notwithstanding that such amount is to be paid by the grantee.

In the case of a leasehold interest as defined in paragraph (a) of this section, the consideration shall be in the amount of the assessed value of the property at the date of the transaction for the purpose of levying local real property taxes adjusted to reflect the true value in accordance with the county percentage level established for the current year.

(d) "Blind person" means a person whose vision in his better eye with proper correction does not exceed 20/200 as measured by the Snellen chart or a person who has a field defect in his better eye with proper correction in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20°.

(e) "Disabled person" means any resident of this State who is permanently and totally disabled, unable to engage in gainful employment, and receiving disability benefits or any other compensation under any Federal or State law.

(f) "Senior citizen" means any resident of this State of the age of 62 years or over.

(g) "New construction" means any conveyance or transfer of property upon which there is an entirely new improvement not previously occupied or used for any purpose.

2. Section 3 of P. L. 1968, c. 49 (C. 46:15–7) is amended to read as follows:

C. 46:15-7 Additional recording fees.

3. In addition to the recording fees imposed by P. L. 1965, c. 123, s. 2 (C. 22A:4–4.1) a fee is imposed upon grantors, at the rate of $1.75 for each $500.00 of consideration or fractional part thereof recited in the deed, which fee shall be collected by the county recording officer at the time the deed is offered for recording.

Every deed subject to the additional fee required by this act, which is in fact recorded, shall be conclusively deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated, or that the correct amount of such additional fee, if any, shall not have been paid, and no such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable;

but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

3. Section 4 of P. L. 1968, c. 49 (C. 46:15–8) is amended to read as follows:

C. 46:15-8 Disposition of proceeds.

4. The proceeds of the fees collected by the county recording officer, as authorized by this act, shall be accounted for and remitted to the county treasurer. An amount equal to 28.6% of the proceeds so collected shall be retained by the county treasurer for the use of the county and the balance shall be paid to the State Treasurer for the use of the State. Payments shall be made to the State Treasurer on the tenth day of each month following the month of collection.

C. 46:15-10.1 Certain title transfers exempt from fee.

4. (New section) The following transfers of title to real property shall be exempt from payment of $1.25 of the $1.75 fee imposed upon grantors by this act:

(a) The sale of any one- or two-family residential premises which are owned and occupied by a senior citizen, blind person, or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife no exemption shall be allowed if the property being sold is jointly owned and one or more of the owners is not a senior citizen, blind person, or disabled person.

(b) The sale of property upon which there is new construction.

The director shall promulgate rules, regulations and forms of certification or otherwise necessary to carry out the provisions of this section. Any fee collected on any such transfer pursuant to this act shall be remitted to the county treasurer for the use of the county.

5. This act shall take effect on September 1, 1975.

Approved August 4, 1975.

CHAPTER 177

AN ACT concerning taxation with respect to penalties and interest to be assessed in conjunction with the administration and enforcement of certain State tax laws and revising portions of the statutory law.

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

1. R. S. 54:49–3 is amended to read as follows:

Interest on delinquent taxes.

54:49–3. Any taxpayer who shall fail to pay any State tax on or before the day when the same shall be required by law to be paid shall pay in addition to the tax, unless otherwise provided in the law imposing such tax, interest on said tax at the rate of 1½% for each month or fraction thereof that the same remains unpaid, to be calculated from the date the tax was originally due until the date of actual payment. In addition thereto, if the director is empowered by the law imposing such tax to grant an extension of time in which the tax shall be paid, the taxpayer shall be liable for the payment of interest on the unpaid tax at the rate of 9% per annum from the date that such tax was originally due to the date of actual payment; provided that if such unpaid tax is not paid within the time fixed under the extension, the interest on such unpaid tax shall be computed at the rate of 1½% per month or fraction thereof from the date the tax was originally due to the date of payment.

2. R. S. 54:49–4 is amended to read as follows:

Late filing penalties additional.

54:49–4. In addition thereto any taxpayer failing to file a return with the director within the time prescribed under the act imposing such tax shall be liable to a late filing penalty of $2.00 for each day that such return is delinquent, plus a penalty of 5% per month or fraction thereof of the total tax liability not to exceed 25% of such tax liability. If any tax be not paid within the time prescribed under the act imposing such tax, there shall be added to the amount of the tax a sum equivalent to 5% thereof, as a penalty.

3. R. S. 54:49–6 is amended to read as follows:

Deficiency assessment.

54:49–6. After a report is filed under the provisions of any State tax law, the commissioner shall cause the same to be examined and may make such further audit or investigation as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under such law, he shall assess the additional taxes, penalties of 5% of the tax, and interest at the rate of 1½% per month or fraction thereof from the date the tax was originally due to the date of payment, due the State from such taxpayer, give notice of such assessment to the taxpayer, and make demand upon him for payment.

4. R. S. 54:49–8 is amended to read as follows:

Payment of assessments; fifteen-day period.

54:49–8. All taxes, penalties and interest assessed pursuant to the provisions of sections 54:49–5 and 54:49–7 of this Title, unless earlier payment is provided by law, shall be paid within 15 days after notice and demand shall have been mailed to the taxpayer by the commissioner.

5. R. S. 54:49–9 is amended to read as follows:

Penalty for nonpayment of assessments.

54:49–9. If such taxes, penalties and interest so assessed pursuant to sections 54:49–5 and 54:49–7 of this Title shall not be paid within the said 15 days, there shall be added to the amount of assessment, in addition to interest as already provided and any other penalties provided by law, a sum equivalent to 5% of the tax.

6. R. S. 54:49–11 is amended to read as follows:

Waiver of penalty and interest.

54:49–11. If the failure to pay any such tax when due is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any penalty, and may remit or waive the payment of any interest charge in excess of the rate of ¾ of 1% per month.

7. Section 53 of P. L. 1961, c. 32 (C. 54:8A–53) is amended to read as follows:

C. 54:8A-53 Penalties; abatement or remission of penalty and interest.

53. Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the Division of Taxation determines that the failure to comply with any provision of this act was excusable under the

circumstances, it may abate or remit such part or all of the penalty as shall be appropriate under such circumstances.

With respect to taxes paid not later than October 1, 1962, the Division of Taxation may also abate or remit such part or all of the interest as shall be appropriate under such circumstances.

8. Section 48 of P. L. 1971, c. 222 (C. 54:8A–105) is amended to read as follows:

C. 54:8A-105 Penalties; interest; abatement or remission.

48. Penalties; interest; abatement or remission. Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the Division of Taxation determines that the failure to comply with any provision of this act was excusable under the circumstances, it may abate or remit such part or all of the penalty as shall be appropriate under such circumstances.

9. Section 17 of P. L. 1945, c. 162 (C. 54:10A–17) is amended to read as follows:

C. 54:10A-17 Period other than covered by report to federal treasury department or less than 12 calendar months; failure to file or make payment; penalties.

17. (a) If the period covered by the report under this act is other than the period covered by the report to the United States Treasury Department or is a period of less than 12 calendar months, the commissioner may, under regulations prescribed by him, determine the entire net worth and entire net income of the taxpayer in such manner as shall properly reflect its entire net worth and entire net income for the period covered by its report under this act.

(b) Any taxpayer which shall fail to file its return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. The commissioner, if satisfied that the failure to comply with any provision of this act was excusable, may abate or remit the whole or part of any penalty.

10. Section 19 of P. L. 1945, c. 162 (C. 54:10A–19) is amended to read as follows:

C. 54:10A-19 Extension of time; interest.

19. The commissioner may grant a reasonable extension of time for the filing of returns or the payment of tax or both, under such rules and regulations as he shall prescribe, which rules and regula-

tions may require the filing of a tentative return and the payment of an estimated tax. If the time for filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the corporation shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the date the tax was originally due to the date of actual payment.

11. Section 10 of P. L. 1947, c. 50 (C. 54:10A–19.1) is amended to read as follows:

C. 54:10A-19.1 Deficiency assessment or reassessment; interest; limitations; extension of period; liability agreements.

10. (a) After a final return in due form is filed, the commissioner shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interest due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment interest at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the commissioner is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

(b) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such

additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

(c) The director is authorized to enter into a written agreement with any taxpayer relating to the liability of such taxpayer in respect of any tax, fee, penalty or interest heretofore or hereafter imposed by this act, which agreement shall be final and conclusive, and except upon a showing of fraud, malfeasance, or misrepresentation of a material fact:

(a) the case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of this State, and

(b) in any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, cancellation, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

12. Section 15 of P. L. 1946, c. 174 (C. 54:10B–15) is amended to read as follows:

C. 54:10B-15 Filing of returns; extension of time; interest.

15. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such conditions, rules and regulations as he shall prescribe, but no such extension shall be granted beyond December 1 of the year in which the tax is due. If the time for filing the return shall be extended, the payment of the tax shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in addition to the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the time of payment under the extension.

13. Section 5 of P. L. 1973, c. 31 (C. 54:10D–5) is amended to read as follows:

C. 54:10D-5 Extension of time; interest.

5. Extension of time; interest. The director may grant a reasonable extension of time for the filing of the returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax. If the time for filing the return shall be extended, the payment of the portion

of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the date the tax was originally due to the date of actual payment.

14. Section 16 of P. L. 1973, c. 31 (C. 54:10D–16) is amended to read as follows:

C. 54:10D-16 Deficiency assessment or reassessment; extension of period.

16. Deficiency assessment or reassessment; extension of period. a. After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interest due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment interest at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the director is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

b. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period.

The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

15. Section 14 of P. L. 1973, c. 170 (C. 54:10E–14) is amended to read as follows:

C. 54:10E-14 Proration of adjusted entire net income for period different from calendar year or federal return; failure to file return or make payment; penalties and interests.

14. a. If the period covered by a report under this act is less than 12 calendar months and is other than the period reported on for Federal income tax purposes, the taxpayer may prorate its adjusted entire net income by dividing such adjusted entire net income by the number of calendar months, or parts thereof, covered by the Federal income tax return and multiplying the result by the number of calendar months, or parts thereof, covered by the short period return. For purposes of this section, a part of a month shall be deemed to be a month.

b. Any taxpayer which shall fail to file its return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. The director, if satisfied that the failure to comply with any provision of this act was excusable, may abate or remit the whole or part of any penalty.

16. Section 18 of P. L. 1973, c. 170 (C. 54:10E–18) is amended to read as follows:

C. 54:10E-18 Filing of returns or payment of tax; extension of time; interest.

18. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax. If the time for filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the corporation shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be com-

puted at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the date the tax was originally due to the date of actual payment.

17. Section 12 of P. L. 1966, c. 136 (C. 54:11A–12) is amended to read as follows:

C. 54:11A-12 Audit or investigation of return; deficiency; assessment of additional taxes; interest; limitation.

12. (a) After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interests due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment interest at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the director is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

(b) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

18. Section 13 of P. L. 1966, c. 136 (C. 54:11A–13) is amended to read as follows:

C. 54:11A-13 Extension of time for filing returns or payments; interest.

13. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment

of an estimated tax. If the time for filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the date the tax was originally due to the date of actual payment.

19. Section 17 of P. L. 1966, c. 136 (C. 54:11A–17) is amended to read as follows:

C. 54:11A-17 Penalty for failure to file return or pay tax; interest.

17. (a) Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. The director, if satisfied that the failure to comply with any provision of this act was excusable, may abate or remit the whole or part of any penalty. All penalties and interest shall be added to and become part of the tax and shall be enforceable and collectible in the same manner as the tax or pursuant to the penalty enforcement law (chapter 58 of Title 2A of the New Jersey Statutes) in a summary manner.

(b) The taxes, fees, interest and penalties imposed by this act, from the time the same shall be due, shall be a personal debt of the taxpayer to the State, recoverable in any court of competent jurisdiction in the name of the State. Such debt shall not be a lien on property of the taxpayer except upon entry of judgment or filing of a certificate of debt as provided by law.

20. Section 19 of P. L. 1966, c. 136 (C. 54:11A–19) is amended to read as follows:

C. 54:11A-19 Director's additional powers.

19. In addition to any other powers granted to the director, he is hereby authorized and empowered:

1. To make, adopt, amend and enforce uniform rules and regulations appropriate to the carrying out of this act and the purposes

thereof, including uniform rules and regulations for ascertaining whether property is real or personal and for identifying and determining such property;

2. To extend, for cause shown, the time of filing any return for a period not exceeding 2 months; and for cause shown, to remit penalties but not interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes;

3. To delegate his functions hereunder in whole or in part, to any employee or employees of the Division of Taxation;

4. To require any owner of property subject to tax under this act, to keep detailed records of all such property and other facts relevant in determining the amount of tax due and to furnish such information upon request to the director;

5. To assess, determine, revise and readjust the taxes imposed by this act;

6. To make such provision as he deems necessary for the administration of the taxes imposed by this act including the reporting, assessment, collection, determination and refund of such taxes.

21. Section 9 of P. L. 1966, c. 137 (C. 54:11B–9) is amended to read as follows:

C. 54:11B-9 Failure to file return or pay tax; penalties and interest.

9. Any taxpayer failing to file its return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. The director, if satisfied that the failure to comply with any provision of this section was excusable, may abate or remit the whole or part of any penalty.

22. Section 16 of P. L. 1966, c. 137 (C. 54:11B–16) is amended to read as follows:

C. 54:11B-16 Extension of time for filing of return or payment of tax; interest.

16. The director may grant a reasonable extension of time for the filing of returns or the payment of tax, or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax, but no such extension shall be granted for a period of more than 3 months after the time for filing the return. If the time of filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the taxpayer shall pay, in

addition to the unpaid portion of the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, from the date the tax was originally due to the date of actual payment.

23. Section 17 of P. L. 1966, c. 137 (C. 54:11B–17) is amended to read as follows:

C. 54:11B-17 Examination of return; deficiency; assessment or reassessment; limitation.

17. (a) After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interest due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment interest at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the director is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

(b) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing before the expiration of the extended period.

24. Section 20 of P. L. 1966, c. 137 (C. 54:11B–20) is amended to read as follows:

C. 54:11B-20 Director's powers.

20. The director is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this act and the purposes thereof;

(b) To extend, for cause shown by general regulation or individual authorization, the time of filing any return for a period not exceeding 6 months on such terms and conditions as he may require; and for cause shown, to remit penalties but not interest computed at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. In the case of a general regulation, the director shall have the authority to waive interest;

(c) To delegate his functions hereunder to any officer or employee of his division such of his powers as he may deem necessary to carry out efficiently the provisions of this act, and the person or persons to whom such power has been delegated shall possess and may exercise all of the power and perform all of the duties herein conferred and imposed upon the director.

25. Section 10 of P. L. 1966, c. 133 (C. 54:11C–10) is amended to read as follows:

C. 54:11C-10 Director's additional powers.

10. In addition to the powers granted to the director in this act, he is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this act and the purposes thereof;

2. To extend, for cause shown by general regulation or individual authorization, the time of filing any return for a period not exceeding 3 months on such terms and conditions as he may require; and for cause shown, to remit penalties but not interest computed at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes;

3. To delegate his functions hereunder to any officer or employee of his division such of his powers as he may deem necessary to carry out efficiently the provisions of this act, and the person or persons to whom such power has been delegated shall possess and may exercise all of the power and perform all of the duties herein conferred and imposed upon the director;

4. To audit, reaudit, revise and adjust the return of any taxpayer as the director may deem necessary.

26. Section 11 of P. L. 1966, c. 133 (C. 54:11C–11) is amended to read as follows:

C. 54:11C-11 Penalty for failure to file return or pay tax; additional penalties; certificate of director deemed presumptive evidence.

11. (a) Any taxpayer failing to file a return or to pay any tax to the director within the time required by this act shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

(b) Any person failing to file a return required by this act, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, which is willfully false, or failing to file a registration certificate and such data in connection therewith as the director by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this act, or assigning or transferring such certificate of authority, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both such fine and imprisonment.

(c) The certificate of the director to the effect that a tax has not been paid, that a return or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this act, shall be presumptive evidence thereof.

27. Section 19 of P. L. 1973, c. 170 (C. 54:10E–19) is amended to read as follows:

C. 54:10E-19 Examination of return; deficiency; assessment or reassessment; limitation; return under Corporation Business Tax Act; agreements relating to liability.

19. a. After a final return in due form is filed, the director shall cause the same to be examined and may make such further audit or investigation or reaudit as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this act, he shall assess or reassess the additional taxes, penalties and interests due the State, give notice of such assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment, interest

at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. If the director is satisfied that the said deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

b. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period may be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

c. After a final return in due form is filed for an accounting period under this act, the director may, within 5 years of the date of filing such return, require the taxpayer to file a proper return under the Corporation Business Tax Act (C. 54:10A–1 et seq.) and pay any additional tax due thereon, if he shall determine that the taxpayer was properly subject to tax under said Corporation Business Tax Act for such accounting period.

d. The director is authorized to enter into a written agreement with any taxpayer relating to the liability of such taxpayer in respect of any tax, fee, penalty or interest heretofore or hereafter imposed by this act which agreement shall be final and conclusive, and except upon a showing of fraud, malfeasance, or misrepresentation of a material fact:

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee or agent of this State; and

(2) In any suit, action or proceeding, such agreement or any determination, assessment, collection, payment, cancellation, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

28. Section 9 of P. L. 1952, c. 227 (C. 54:16A–9) is amended to read as follows:

C. 54:16A-9 Delinquent taxes; interest.

9. If any tax or portion thereof provided by this act shall remain unpaid beyond the due date therefor the delinquent company or delinquent component or components shall be liable for interest charges as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

29. Section 10 of P. L. 1950, c. 101 (C. 54:18A–21) is amended to read as follows:

C. 54:18A-21 Failure to file return; ascertainment of tax; interest.

10. In case any life insurance company of this State, required by this act to file a return, fails to make the same within the time limited by law the Commissioner of Banking and Insurance shall from sources available to him determine upon and report to the Director of the Division of Taxation, a reasonable estimate of the basis upon which the annual franchise tax may be determined and the Director of the Division of Taxation shall ascertain and fix the amount of the annual franchise tax on the basis so furnished to him by the Commissioner of Banking and Insurance. The amount of the franchise tax so fixed shall stand as the tax to be paid by such life insurance company as provided in section 9 of this act.

If the annual franchise tax imposed by this act upon any life insurance company of this State shall not have been paid on or before the date when due in any specified year, the amount due and unpaid shall bear interest from and after such date until paid, at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, such interest to be collected by the county and municipality with the franchise tax payable as herein provided.

30. Section 53 of P. L. 1941, c. 291 (C. 54:29A–53) is amended to read as follows:

C. 54:29A-53 Interest.

53. Taxes heretofore imposed pursuant to any law for the taxation of property used for railroad and canal purposes or hereafter imposed pursuant to this act, or any unpaid portion thereof, shall bear interest from and after the date upon which they became or may become due and delinquent at the rate as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes, notwithstanding the prosecution of any action or proceeding, including a proceeding in lieu of prerogative writ.

31. Section 26 of P. L. 1966, c. 30 (C. 54:32B–26) is amended to read as follows:

C. 54:32B-26 Penalties and interest.

26. Penalties and interest. (a) Any person failing to file a return or to pay or pay over any tax to the director within the time required by this act shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

(b) Any person failing to file a return or failing to pay or pay over any tax required by this act, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, which is willfully false, or willfully failing to file a bond required by this act, or failing to file a registration certificate and such data in connection therewith as the director by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this act, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in subsection (a) of section 12, or willfully failing to collect the tax from a customer, or referring or causing reference to be made to this tax in a form or manner other than that required by this act, or failing to keep any records required by this act, shall, in addition to any other penalties herein or elsewhere prescribed, be a disorderly person.

(c) The certificate of the director to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this act shall be presumptive evidence thereof.

32. R. S. 54:39–27 is amended to read as follows:

Monthly report of fuels sold or used; tax levied; sales between distributors; penalty.

54:39–27. Every distributor and gasoline jobber shall, on or before the next to the last business day of each month, render a report to the commissioner, stating the number of gallons of fuel sold or used in this State by him during the preceding calendar month. A tax of $0.08 per gallon on each gallon so reported, except diesel fuel, and a tax of $0.08 per gallon on each gallon of diesel fuel so reported, used, offered for sale, or sold for use to propel motor vehicles with diesel type engines on the public highways shall be paid by each distributor and gasoline jobber, such

payment to accompany the filing of the report. Such report shall contain such further information as the commissioner may require. Under such regulations as the commissioner may prescribe, sales of fuel and diesel fuel may be made by one licensed distributor or gasoline jobber to another licensed distributor or gasoline jobber free of such tax. If any distributor or gasoline jobber shall fail, neglect or refuse to file the report within the time prescribed by this section, the commissioner shall note such failure, neglect or refusal upon his records, and shall estimate the sales, distribution and use of said distributor or gasoline jobber, assessing the tax thereon, adding to said tax a penalty of 20% thereof for failure, neglect or refusal to report, and such estimate shall be prima facie evidence of the true amount of tax due to the commissioner from such distributor or gasoline jobber; provided, that if a good and sufficient cause or reason is shown for such delinquency, the commissioner may remit or waive the payment of the whole or any part of the penalty as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public, anything contained in section 54:50–8 to the contrary notwithstanding.

33. R. S. 54:39–64 is amended to read as follows:

Special permit; bond; report; tax payable; violations; penalties.

54:39–64. (a) Any person importing fuels, as herein defined, into this State, for the purpose of selling same incidental to his principal business of buying and selling fuels in this State or for the purpose of consuming the same, or for the purpose of blending the same with other fuels upon which the tax provided for in this chapter has been prepaid, or is properly owing to the State, shall be required to obtain a special permit (special license A) from the Director of the Division of Taxation and shall furnish bond as provided in this chapter. Such person shall be required to file a report with the director, disclosing the amount of fuel so imported, and such additional information as the director may require for the proper administration of this chapter, within 5 days from the receipt of such fuels. Upon application to the director, the period within which such reports shall be filed may be extended to a period of 60 days, if it shall be deemed advisable by the director. A tax, at the rate per gallon specified in section 54:39–27 of this Title, on the total number of gallons so imported, together with any

unpaid tax on such other fuels, shall be paid to the director and accompany the report.

Every person importing fuel into this State shall be presumed to have sold, consumed or to have blended such fuel, and proof of such importation shall be prima facie evidence that such fuel is taxable, as provided herein.

Any person violating any provisions of this subsection (a) shall be guilty of a misdemeanor.

(b) Any person purchasing motor fuel on which there has been no charge made to him of the motor fuel tax thereon, if the same be thereafter used or sold for use in the operation of a motor vehicle upon the highways, shall be required to obtain a special license B from the director and shall be required to pay a tax, at the rate per gallon specified in section 54:39–27 of this Title, on the total number of gallons so used or sold for use. Such person shall, on or before the fifteenth day of each month, render a report to the director, stating the number of gallons of fuel purchased, used or sold for use in this State by him during the preceding calendar month and such additional information as the director may require. The tax, as herein provided, shall be paid to the director and accompany such report.

Any person who, having purchased motor fuel on which there has been no charge made to him of the motor fuel tax thereon, shall thereafter use or sell such motor fuel for use in the operation of a motor vehicle upon the highways without having first secured a special license B from the director, shall, in the absence of a prior conviction, be liable to a penalty of $25.00 for each offense but not in excess of $100.00 for an aggregate number of offenses not exceeding five; a penalty of $25.00 for each offense but not in excess of $250.00 for an aggregate number of offenses in excess of five; provided, however, that in the event of a prior conviction the penalty shall be $100.00 for each offense. Any person who, after conviction, shall fail to forthwith pay any of the foregoing penalties imposed against him, shall be imprisoned for a period of not less than 10 nor more than 30 days.

Any person not holding a special license B who shall fail to file the report required by this subsection (b) on the day it shall be due, shall forfeit as a penalty an amount as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Any such person who shall fail to pay the tax required by this subsection (b) on the day when it shall be due shall forfeit as a penalty an amount equivalent to 20% of the tax due. In addi-

tion to such penalty, such person shall pay interest on the tax due at the rate of 1½% for each month or fraction thereof that the tax remains unpaid, to be calculated from the date the tax was originally due until the date of actual payment.

Any holder of a special license B who shall fail to file the report required by this subsection (b) on the day it shall be due, shall forfeit as a penalty an amount as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Any holder of a special license B who shall fail to pay the tax required by this subsection (b) on the date when it shall be due shall forfeit as penalties and interest an amount as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

The director, if satisfied that the failure to file the report or pay the tax was excusable, may remit or waive the payment of the whole or part of any penalty and the payment of any interest charge as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

All penalties and interest assessed pursuant to the provisions of this subsection (b) shall be payable forthwith after notice and demand shall be mailed by the director to the person concerned. If payment be not made within 15 days thereafter, the penalty and interest shall be sued for in the manner set forth in sections 54:39–59 and 54:39–60 of the Revised Statutes.

(c) This section, including subsections (a) and (b) shall not apply to distributors duly licensed in accordance with the provisions of this chapter.

34. Section 205 of P. L. 1948, c. 65 (C. 54:40A–7) is amended to read as follows:

C. 54:40A-7 Reports required; penalty required for not filing reports.

205. Reports required; penalty required for not filing reports.

Every licensed distributor shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes on hand on the first and last days of the calendar month immediately preceding the month in which such report is required; together with such information concerning the amount of stamps purchased, used, and on hand during the report period; together with any other information for the report period that the director shall prescribe.

Every licensed manufacturer shall file with the director on or before the twentieth day of each month, a report in such form as the director shall prescribe, which report shall disclose the number of cigarettes sold, subject to the cigarette tax, for the calendar month immediately preceding the month in which such report is required; together with any other information for the report period that the director shall prescribe.

Every licensed manufacturer's representative, wholesale and retail dealer, upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Every licensed consumer who has acquired cigarettes for use, storage or consumption subject to the tax shall, on or before the twentieth day of the month following receipt of such cigarettes, complete and file with the director, in such form as the director shall prescribe, a report showing the amount of cigarettes so received. Said report shall be accompanied by a remittance for the full amount of the tax due.

Any person, other than a licensed distributor, who transports unstamped cigarettes upon the public highways, roads, or streets of this State or who stores unstamped cigarettes in this State upon notice from the director, shall file with the director a report in such form, and on such dates, as the director shall prescribe.

Any person who shall fail to file any report on the day when it shall be due, shall forfeit as a penalty, an amount as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. The director, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of said penalty.

35. R. S. 54:44–1 is hereby amended to read as follows:

When tax due and payable; penalties; exception.

54:44–1. The taxes imposed by this subtitle shall be due and payable at the time of the first sale or delivery, as the case may be, in this State. In case the tax so imposed has not been paid or secured by the person making the sale or delivery, or causing the delivery to be made, the purchaser or the person accepting delivery shall also be liable to the tax and the payment thereof. The commissioner, upon such terms and conditions as he may prescribe, may permit a postponement of payment until a subsequent resale thereof and in any case may permit a postponement to a date not later than the fifteenth day of the month next following the month

in which the sales or resales or deliveries so taxed were made. If any tax be not paid when the same becomes payable as herein provided, there shall be added to the amount of the tax a sum equivalent to the penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Nothing herein contained shall be construed to relieve any subsequent seller of liability to pay the tax upon any sale or delivery should payment thereof not have been made. When alcoholic beverages are delivered into a United States Customs or United States Internal Revenue warehouse under Federal bond the commissioner may further postpone and by rule and regulation fix the time and method of payment of the tax. The commissioner, if satisfied that the failure to comply with any provisions of this section was excusable, may remit the whole or part of any penalty as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

36. R. S. 54:45–1 is amended to read as follows:

Reports to director; payment of tax; penalty for failure to file.

54:45–1. Every person who, within this State, shall manufacture, distribute, transport, store, warehouse, import, offer for sale or sell any alcoholic beverages or who shall purchase, transfer, sell or agree to sell warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages, or who is the holder of a license permitting the doing of any such acts shall file with the director a report on such form as the director shall prescribe. Any such report shall be verified by oath whenever the director shall so require. Every such report shall accurately and truthfully disclose the amount of alcoholic beverages manufactured, distributed, transported, stored, warehoused, withdrawn from storage, imported, purchased and sold, and the number and kind of warehouse receipts, receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages purchased, transferred, sold and agreed to be sold by such person during the preceding 2 months, and such other information as the director may require. Such report shall be filed on or before the fifteenth day following each 2-month period. Holders of plenary retail consumption licenses, seasonal retail consumption licenses, plenary retail distribution licenses, limited retail distribution licenses and club licenses, issued pursuant to the provisions of Title 33 of the Revised Statutes or any other relative law of this State and the holders of permits, issued pursuant to the provisions of Title 33 of

the Revised Statutes, authorizing the manufacture of wine for personal consumption only, shall not be required to file a report. Every such person shall pay to the director upon the filing of such report the amount of tax which shall be due from such person by reason of sales or deliveries of alcoholic beverages, unless previously paid.

Any such person who shall fail to file any such report on the day when it shall be due shall forfeit as a penalty an amount as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. Such penalty shall not continue to accrue after the suspension or revocation of the license of any such person. Any such person who shall fail to pay any such tax on the day when it shall be due shall forfeit as a penalty an amount as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes.

The director, if satisfied that the failure to comply with any provision of this section was excusable, may remit the whole or any part of any penalty herein imposed.

37. R. S. 54:45–5 is amended to read as follows:

Arbitrary assessment; deficiency assessment; payment; penalties; protest; hearing.

54:45–5. a. If any taxpayer shall fail to make a report as herein required, the commissioner may make an estimate of the taxable liability of such taxpayer from any information he may obtain and, according to such estimate so made by him, assess the taxes, penalties and interest due the State from such taxpayer, give notice of such assessment to the taxpayer, and make demand upon him for payment.

b. After a report is filed under the provisions of this subtitle, the commissioner shall cause the same to be examined and may make such further audit or investigation as he may deem necessary, and if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this subtitle, he shall assess the additional taxes, penalties and interest due the State from such taxpayer, give notice of such assessment to the taxpayer, and make demand upon him for payment.

c. All taxes, penalties and interest assessed by the commissioner pursuant to the provisions of paragraphs "a" and "b" of this section shall be paid within 15 days after notice and demand shall have been mailed to the taxpayer by the commissioner. If such taxes, penalties and interest, so assessed, shall not be paid within the 15 days, there shall be added to the amount of the assessment

a sum equivalent to the penalties as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. All such additional penalties shall be payable to and recoverable by the commissioner in the same manner as if the penalties were taxes imposed by this subtitle. If the failure to pay the taxes, penalties and interest so assessed when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any such additional penalty.

d. If the commissioner finds that a taxpayer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual proceedings to assess or collect such tax, unless such proceedings be brought without delay, the commissioner may immediately make an arbitrary assessment as hereinbefore provided in paragraph "a" of this section, whether or not any report is then due by law, and may proceed under such arbitrary assessment to collect the tax, or compel the posting of security for the payment of the same, and thereafter he shall cause notice of such finding to be given to such taxpayer, together with a demand for an immediate report and immediate payment of such tax. All taxes, assessed pursuant to the provisions of this paragraph "d," shall be payable forthwith after notice and demand shall have been mailed to the taxpayer by the commissioner. If such payment be not made within 15 days thereafter, there shall be added to the amount of the tax so assessed a sum equivalent to the penalties and interest as provided in the State Tax Uniform Procedure Law, subtitle 9 of Title 54 of the Revised Statutes. All such penalties and interest shall be payable to, and recoverable by, the commissioner in the same manner as if the penalty or interest were a tax imposed by this subtitle. If failure to pay the taxes, penalties and interest so assessed when required to be paid is explained to the satisfaction of the commissioner, he may remit or waive the payment of the whole or any part of any penalty or of any interest herein imposed.

e. If any taxpayer shall be aggrieved by any finding or assessment of the commissioner, he may, within 30 days of receipt of the notice of assessment or finding, file a protest in writing signed by himself or his duly authorized agent, which shall be under oath, and shall set forth the reason therefor, and may request a hearing. Thereafter the commissioner shall grant a hearing to the taxpayer, if the same shall be requested. He may make an order confirming,

modifying or vacating any such finding or assessment. The filing of any such protest shall not abate penalties for nonpayment, nor shall it stay the right of the commissioner to collect the tax in any manner herein provided, unless the taxpayer shall furnish security of the kind and in the amount satisfactory to the commissioner.

38. This act shall take effect immediately and shall be applicable to returns and taxes due on and after October 1, 1975 or the first day of the calendar quarter following enactment, whichever is later.

Approved August 4, 1975.

CHAPTER 178

A SUPPLEMENT to the "Unincorporated Business Tax Act," approved June 17, 1966 (P. L. 1966, c. 137).

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

C. 54:11B-24 Temporary annual excise tax imposed.

1. In addition to the tax imposed by section 3 of P. L. 1966, c. 137 (C. 54:11B–3) there is hereby imposed a temporary tax for the use of the State upon every individual or other unincorporated entity engaged in an unincorporated business an annual excise tax, measured by the gross receipts of such unincorporated business, and allocated to the State as hereinafter provided at the rate of ⅛ of 1%.

C. 54:11B-25 Applicability of tax.

2. The tax imposed by this supplementary act shall be applicable with respect to gross receipts received or accrued on and after January 1, 1975, and shall be applicable to taxpayers reporting on the basis of the calendar year 1975 and fiscal years ending on and after December 31, 1974 and not later than June 30, 1976.

C. 54:11B-26 Director's powers.

3. The Director of the Division of Taxation is hereby authorized and empowered to make, adopt and amend rules and regulations applied to the carrying out of this act and the purposes thereof.

C. 54:11B-27 Payment.

4. The tax imposed by this supplementary act shall be payable in the same manner and at the same time as provided for in the act to which this act is a supplement.

C. 54:11B-28 Effective date.

5. This act shall take effect immediately and except with respect to collection, administration and enforcement shall expire June 30, 1976.

Approved August 4, 1975.

CHAPTER 179

AN ACT appropriating certain revenues for general State purposes.

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

1. Notwithstanding the allocation of the tax revenues as provided by P. L. 1966, c. 135 (C. 54:11D–1 et seq.) there is hereby appropriated from said revenues for general State purposes for the fiscal year 1975-76 the sum of $25,000,000.00.

2. This act shall take effect immediately.

Approved August 4, 1975.

CHAPTER 180

AN ACT concerning motor vehicles, and revising parts of the statutory law, and providing for an appropriation.

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

1. R. S. 39:2–10 is amended to read as follows:

Records and seal; authentication of documents.

39:2–10. The director shall keep a record of all his official acts, shall preserve copies of all decisions, rules and orders made by him and shall adopt an official seal. Copies of any act, rule, order or decision made by him and of any paper filed in his office may be authenticated under such seal, at a cost not to exceed $5.00 for each

authentication, and when so authenticated shall be evidence the same as the original.

2. R. S. 39:3–8 is amended to read as follows:

Fees for registration of passenger automobiles; license of semitrailers and trailers.

39:3–8. The applicant for registration for passenger automobiles shall pay to the director for each registration a fee of $15.00 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of $24.00 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of $45.00 for each vehicle having a manufacturer's shipping weight in excess of 3,800 pounds. The director shall determine the manufacturer's shipping weight for each passenger automobile on the basis of the information contained in the certificate of origin, the application for registration or for renewal of registration, or the records of the division, or any or all of these; in any case in which the manufacturer's shipping weight of any particular passenger automobile is unavailable, or in doubt or dispute, the director may require that such automobile be weighed on a scale designated by him, and such actual weight shall be considered the manufacturer's shipping weight for the purposes of this section; but in all cases the director's determination of the manufacturer's shipping weight of any such automobile shall be final. One dollar of each fee herein, shall be the inspection fee fixed in section 39:8–2 of this Title, and payment of the fees herein provided shall constitute payment of the said inspection fee.

The director may also license private utility and house type semitrailers and trailers with a gross load not in excess of 2,000 pounds at a fee of $5.00 per annum and all other such utility and house type semitrailers and trailers at $10.00 per annum. Application for such registration shall be made on a blank to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the commercial transportation of goods, wares and merchandise, or for hire.

No private utility or house type semitrailer or trailer with an outside width of more than 96 inches, a maximum height of 13 feet 6 inches, a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet, and a maximum length for a trailer and its towing vehicle of more than 50 feet, shall be operated on any

highway in this State, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. The application for such permit shall be accompanied by a fee fixed by the director. A special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, for the purposes of this section, there shall not be included in the dimensional limitations safety equipment such as mirrors or lights, provided such appliances do not exceed the overall limitations established by the director by rule or regulation.

3. R. S. 39:3–10.1 is amended to read as follows:

Transportation of passengers for hire; special license to drive motor vehicle or trackless trolley.

39:3–10.1. No person shall drive any motor vehicle or trackless trolley with a capacity of more than 6 passengers and used for the transportation of passengers for hire, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce, or any bus used to transport children to and from school pursuant to sections N. J. S. 18A:39–1 et seq., unless specially licensed so to do by the director. Such license shall not be granted until the applicant therefor is at least 21 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, 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 section 39:3–10 of this Title. A fee of $25.00 shall be collected by the director for the initial issuance of a special bus license. The annual renewal fee shall be $4.00.

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 12 months after the issuance of the special license.

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.

The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

4. R. S. 39:3–13 is amended to read as follows:

Learner's permit; scope and effect; fee.

39:3–13. The director may, in his discretion, issue to a person over 17 years of age a written permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become an automobile driver or a motorcycle operator, to operate a motor vehicle or motorcyle, as the case may be, for a specified period of not more than 60 days, while in the company and under the supervision of a licensed automobile driver or licensed motorcycle driver, as the case may be. The permit shall be sufficient license for the person to operate an automobile or motorcycle in this State during the period specified, while in the company of and under the control of a licensed automobile driver or licensed motorcycle driver, as the case may be, of this State. Such person, as well as the licensed driver, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. No written permit shall be issued unless the person applying therefor shall pay the sum of $5.00 to the director, or an officer, employee or agent of the division, which sum shall be remitted by the director with the other funds collected in his division to the State Treasurer, in accordance with the provisions of this subtitle.

No examination for a driver's license shall be given unless the applicant has first secured a learner's permit.

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of added fee upon application made by the holder thereof where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

5. Section 2 of P. L. 1974, c. 162 (C. 39:3–19.2) is amended to read as follows:

C. 39:3-19.2 School vehicles; fees; exemptions.

2. The Director of Motor Vehicles shall have the authority to issue upon application therefor a license plate for school vehicles marked "School Vehicle Type I" or "School Vehicle Type II" as the application may indicate is warranted in accordance with the definition of these vehicles contained in R. S. 39:1–1 for the annual registration period beginning July 1 effective through June 30.

No fee shall be charged the United States Government, the State of New Jersey, a local school district, a regional school district, or a county vocational or technical school upon application for a Type I or Type II school vehicle license plate.

All other applicants for license plates herein authorized of the "School Vehicle Type I" kind shall pay an annual registration fee of $140.00. All other applicants for license plates herein authorized of the "School Vehicle Type II" shall pay an annual registration fee of $40.00.

6. R. S. 39:3–20 is amended to read as follows:

Trucks, road tractors or truck tractors, and tandem three-axle vehicles for waste disposal; fees; "constructor" registration plates; weight limitations.

39:3–20. An applicant for registration for trucks, road tractors and truck tractors shall pay to the director a fee based on the gross weight of the vehicle and load including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X" or "Z." Trailer plates shall have the letter "T." The fee for trucks, road tractors and truck tractors shall be paid in accordance with the following:

When the gross weight of vehicle and load, including the gross weight of all vehicles and load of any combination of vehicles of which the truck, road tractor or truck tractor is the drawing vehicle in such combination of vehicles, is 5,000 pounds or less, the minimum registration fee shall be $50.00 and where greater than 5,000 pounds, the registration fee shall be $50.00 for the first 5,000 pounds and $8.50 for each additional 1,000 pounds or portion thereof.

An applicant for registration for trailers and semitrailers shall pay to the director a fee of $18.00 for each such vehicle.

At the discretion of the director, an applicant for registration for a trailer may be provided the option of registering such vehicle for a period of 4 years. In the event that the applicant for registration exercises the 4-year option, a fee of $64.00 for each such vehicle shall be paid to the director in advance.

If any trailer registered for a 4-year period is sold or withdrawn from use on the highways, the director may, upon surrender of the vehicle registration and plate, refund $16.00 for each full year of unused prepaid registration.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for automobile commercial vehicles, trailers, semitrailers, and tractors providing for the gross weight of vehicle and load over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section. In no event shall a vehicle or combination of vehicles, operating as a unit, registered under this section and using "constructor" registration plates exceed a maximum gross weight, inclusive of load, of 70,000 pounds.

In addition to the registrations authorized to be issued pursuant to the aforesaid provisions of this section, the director shall issue registrations for tandem three-axle vehicles having a weight and load not exceeding 60,000 pounds, upon application to the director and proof to his satisfaction that the applicant is actually engaged in the performance of solid waste disposal or collection functions and holds a certificate of convenience and necessity therefor issued by the Board of Public Utility Commissioners.

The applicants for "constructor" registration plates and registration plates for vehicles performing solid waste disposal or collection functions authorized herein shall pay therefor on each vehicle at the rate of $16.00 per 1,000 pounds of gross weight of vehicle and load for said constructor vehicles and at the rate of $18.00 per 1,000 pounds of gross weight of vehicle and load for said solid waste disposal vehicles.

Vehicles registered and using "constructor" registration plates may not be operated at a distance greater than 30 miles from the point established as a headquarters for the particular construction operation and such vehicles, except as hereafter provided, must comply with the speed limitations of Title 39 of the Revised Statutes. Such vehicles when carrying a gross weight of vehicle and load less than 50% of the certificate of registration shall comply with applicable speed laws and shall not move along a highway at a speed greater than 40 miles per hour. When carrying a gross weight of vehicle and load in excess of 50% of the certificate of registration, such vehicle shall comply with applicable speed laws and shall not move along a highway at a speed greater than 30 miles per hour.

Vehicles performing solid waste disposal or collection functions and registered therefor pursuant to the provisions of this section, may 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, and no such vehicle shall be driven over any bridge in this State or over any interstate bridge owned or maintained in whole or in part by this State, upon which or immediately adjacent thereto there is posted in a conspicuous place a sign stating the gross weight the bridge will carry, if the gross weight of any such vehicle and the load is greater than the gross weight stated on the sign.

It shall be unlawful for any vehicle registered under this act having gross weight of load and vehicle including the gross weight of all vehicles and load in any combination of vehicles in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

In the event that a truck, road tractor or truck tractor registered under this act is found on a highway in combination with a trailer or semitrailer duly registered in any other state or Federal district which imposes registration weight fees on such trailers or semitrailers, the drawing vehicle of the combination registered under this act shall have a gross weight registration equal to at least one-half of the combined gross weight of all the vehicles and load in the combination of vehicles. If it does not, the operation of said vehicles on the highways of this State shall be unlawful.

The 5% allowance provided by section 5 of P. L. 1950, c. 142 (C. 39:3–84.3) shall be applicable as heretofore to all registered weight limitations provided in this section, except that in no event shall the gross weight of any vehicle or combination of vehicles, including load, exceed the Federal maximum of 80,000 pounds or as such may be amended from time to time. In the case of a truck, road tractor or truck tractor registered under this act in combination with a trailer or semitrailer duly registered in any other State or Federal district which imposes registration weight fees on such trailers or semitrailers, known as a mixed combination, the 5% allowance shall be applied by adding to the registered weight of the drawing vehicle registered under this act 5% of said registered weight. If the resulting sum is equal at least to one-half the combined weight of the mixed combined gross weight of the mixed combination, then the mixed combination shall be in compliance with the registration requirements of this section.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State Treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either section 39:3–84 or 39:4–75 of this Title.

7. Section 1 of P. L. 1973, c. 90 (C. 39:3–22a) is amended to read as follows:

C. 39:3-22a Reduction of fees on or after October 1.

1. If application is made for the registration of a motor vehicle, other than a passenger automobile or motorcycle, or for the registration of a commercial motor vehicle, trailer, semitrailer, tractor or omnibus, except "constructor" vehicles and vehicles performing solid waste disposal or collection function, on or after October 1 in a registration year beginning April 1 and ending the following March 31, the applicant shall pay only one-half of the registration fee provided for in the class to which such vehicle belongs.

8. R. S. 39:3–28 is amended to read as follows:

Licenses and registrations indexed; certified copies of applications as evidence; destruction of applications and copies.

39:3–28. The director shall cause all applications for registration and drivers' licenses to be alphabetically indexed, and any original application or copy thereof, whether made by photography, micrograph or otherwise, certified to be a true copy under the hand of the director shall be received as evidence in any court to prove the facts contained therein. For each certified copy so issued the director shall collect a fee of $5.00.

The director may destroy all records of registration certificates or drivers' licenses and their alphabetical indices when such registrations or drivers' licenses applicable thereto have expired, after having made copies of such records by means of photography, micrograph or otherwise. Such copies made by photography, micrograph or otherwise may be destroyed when they have been on file in the office of the director for a period of 3 years, or more.

9. Section 2 of P. L. 1959, c. 56 (C. 39:3–33.4) is amended to read as follows:

C. 39:3-33.4 Fees for courtesy and personalized marks.

2. The director is authorized to charge an additional fee for the issuance of such particular identifying mark in such amount as he may fix from time to time but not in excess of $15.00 for identifying marks defined by the director to be courtesy marks,

and not in excess of $50.00 for identifying marks defined by the director to be personalized marks, and the amount of such fee shall accompany the application.

10. R. S. 39:4–26 is amended to read as follows:

Moving heavy machinery, apparatus, etc.; registration fee; permits; reciprocity.

39:4–26. A person may move along or across a public road or highway, road building machinery, vehicles, traction engines, rollers, structural units incapable of dismemberment or other apparatus or machinery of unusual size or weight, on trailers or semitrailers, after registering the trailers or semitrailers with the Director of Motor Vehicles and paying him a registration fee of $200.00 and obtaining a permit therefor from the director for the State highways traversed by them, or from the county supervisor or supervisors of roads of the county or counties for the county roads traversed by them or from the duly authorized official or officials of the municipality or municipalities for the municipal roads traversed by them, subject to the provisions of this article, provided, however, that the provisions for registration and registration fee shall not apply to such vehicles duly registered in any other State or Federal district which grants exemption from registration and registration fee to vehicles properly registered in New Jersey under provisions of this article, traversing the roads of said other State or Federal district.

A trailer or semitrailer, having a width in excess of 96 but not more than 144 inches, used to transport divisible loads for industrial processing or storage may be registered with the director at a fee of $200.00. A trailer or semitrailer so registered may be operated on any public highway, except limited access highways, provided the distance operated on the highway is not more than 1,000 feet from the point of entrance to the point of exit and further provided that a permit valid for the duration of the registration year is obtained from the director. Such movements may be made at any hour of any day of the year and no escort vehicles shall be required. The limitation as to distance operated shall not apply when the vehicle is empty and proceeding to or from an inspection, service, maintenance, or repair facility.

The director, board of chosen freeholders and a municipality, may be regulation in the case of the director and by resolution in the case of the board of freeholders or municipality, adopt general rules and regulations with respect to the issuance and use of permits, but not contrary to those stated above, and may

impose reasonable fees therefor provided that no permit shall be issued unless the said director, county supervisor or authorized municipal official is reasonably satisfied as to the financial responsibility of the applicant for permit to meet any claims for damages which may arise and reasonable evidence of such financial responsibility is filed with the said director, supervisor or municipal official.

11. R. S. 39:4–30 is amended to read as follows:

Exceptions to application of article; "temporary" or "in-transit" registration plates.

39:4–30. Nothing in this article shall apply to any road building machinery, vehicle, traction engine, steam roller or other apparatus or machinery running upon railroad or street railway tracks, or a private railroad or railway, spur track or switch, nor shall a license hereunder be required for any road building machinery, vehicle, traction engine, steam roller or other apparatus or machinery while actually used in any type of construction; provided, further, however, that any such road building machinery, vehicle, traction engine, roller or other apparatus or machinery of the kind may be operated or drawn, subject to the following conditions:

Any person, partnership or corporation may, with regard to such road building machinery, vehicle, traction engine, roller or other apparatus or machinery of the kind owned or controlled by it, obtain general registration and registration plates therefor of the style and kind provided for in this article, with the word "temporary" or "in-transit" stated thereon, but only if the director is satisfied as to the financial responsibility of such person, partnership or corporation to meet any claim for damages arising out of an accident and satisfactory evidence of such responsibility has been filed with him.

The annual fee for the issuance of a certificate of registration, or duplicates thereof and five sets of "temporary" or "in-transit" plates bearing a number, corresponding to the number on the certificate of registration shall be $100.00.

Such plates can be placed on any such road building machinery, vehicle, traction engine, roller or other apparatus or machinery, owned or operated by the person, partnership or corporation to whom the registration is issued, only in moving to and from the location of any type of construction.

12. Section 20 of P. L. 1952, c. 173 (C. 39:6–42) is amended to read as follows:

C. 39:6-42 Certified abstract of operating record.

20. Upon the request of any insurance company, any person furnishing any financial responsibility or any surety on a bond herein provided for, the director shall furnish such company person or surety a certified abstract of the operating record of any person subject to the provisions of this act. If there is no record of his conviction of a violation of a provision of law relating to the operation of motor vehicles or of an injury or damage caused by him as herein provided, the director shall so certify. The director shall collect $1.00 for each uncertified abstract and a fee of $5.00 for each certified abstract of the operating record of any person subject to the provisions of this act.

13. R. S. 39:7–3 is amended to read as follows:

Methods of service; notice; fees and expenses of service.

39:7–3. Service of process upon the director shall be made by leaving the original and a copy of the summons and two copies of the complaint, with a fee of $5.00 in the hands of the director, or someone designated by him in his office, or, in the following actions, by serving the same, as follows: (a) if the action is commenced in the County Court of any county other than Mercer county, then the sheriff or other authorized person, or (b) if the action is commenced in the county district court of any county other than Mercer county, then the clerk of the court may serve the director by mailing such papers to him by registered mail, with the said fee. Such service shall be sufficient service upon the nonresident chauffeur, operator or owner, if

a. Notice of such service and a copy of the summons with a copy of the complaint are forthwith sent by registered mail to the defendant by the director, or someone designated by him in his office; and

b. Defendant's return receipt and the affidavit of the director, or such person in his office acting for him, of the compliance herewith, including a statement of the date of such mailing and of the receipt of the return card, are appended to the original of the summons and the other copy of the complaint and filed in the office of the clerk of the court wherein the action may be pending; or

c. Notice of such service with a copy thereof and the original and a copy of the summons and two copies of the complaint are forthwith sent by registered mail by the director, or the person in his office acting for him, to the sheriff or other process server in the jurisdiction in which the defendant resides, with directions

that such sheriff or process server, or someone acting for such sheriff or process server, shall serve the same upon the defendant in the same manner that service is legally effected in that jurisdiction, and the return of such sheriff or process server, or the person acting for such sheriff or process server in such jurisdiction, shall be appended to or endorsed upon the original summons and a copy of the complaint and returned to the director, and thereafter filed in the office of the clerk of the court wherein the action may be pending in this State; or

d. Notice of such service and a copy of the summons and complaint may be served on the defendant personally by any official or private individual wherever such service may be made, and, upon service being so made, an affidavit shall be made by the person effecting such service, showing the person served and the time and place of such service, which affidavit shall be appended to the original summons and one copy of the complaint and returned to the director, and be thereafter filed in the office of the clerk of the court wherein the action may be pending in this State; or

e. Notice of such service and a copy of the summons and complaint may be served on the defendant in any other manner that the court in which the cause is pending shall deem sufficient and expedient.

If, by direction of plaintiff, notice of service is given as provided by paragraph "c." of this section, plaintiff shall, in addition to the fee of $5.00 required by the first paragraph of this section, deposit with the director sufficient money to effectuate the same.

Upon giving notice to the defendant of the service of process as required by this chapter where service of process is made upon the director, he shall file with the clerk of the court his certificate of the notice given.

If notice of service is given as provided by paragraph "d." of this section, plaintiff shall pay the cost thereof.

14. R. S. 39:7–5 is amended to read as follows:

Fees and expenses as taxable costs.

39:7–5. The fee of $5.00 paid by the plaintiff to the director at the time of service and the cost of giving notice as provided in this chapter shall be taxed in plaintiff's costs if he prevails in the action.

15. R. S. 39:10–11 is amended to read as follows:

Submitting evidence of purchase; recording; certificate of ownership; fee; creation of security interest; penalty.

39:10–11. The purchaser of a motor vehicle in this State shall, within 10 days after its purchase, submit to the director evidence of the purchase. Upon presentation to the director of the certificate of origin, or certificate of ownership, or bill of sale issued prior to October 1, 1946, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee of $4.00 for the issuance and filing thereof.

B. In the case of a sale subject to a security interest, a certificate of ownership, with the name and address of the holder of the encumbrance or secured party or his assignee recorded thereon, shall be delivered to the holder of the encumbrance or secured party or his assignee and a copy thereof shall be delivered to the buyer. The director shall collect a fee of $4.00 for his services in issuing a certificate and copy thereof, and for making a record of and filing the record of the transaction pursuant to this subsection.

C. Except as hereinafter in this section otherwise expressly provided, whenever a security interest is created in a motor vehicle, other than a security interest which is required to be noted on the certificate of origin or the certificate of ownership as provided in sections 39:10–8 and 39:10–9 of this Title, there shall be filed with the director, the certificate of ownership of the motor vehicle, together with a financing statement on a form prescribed by the director. The director shall make and file a record of the transaction and shall issue a certificate of ownership recording the name and address of the secured party or his assignee thereon, and shall deliver it to the secured party or his assignee. A copy of the certificate of ownership so issued shall be delivered to the buyer. The director shall collect a fee of $4.00 for his services in issuing a certificate and copy thereof and for making a record of and filing the record of the transaction pursuant to this subsection.

D. The financing statement required to be filed pursuant to subsection C. hereof shall be signed only by the buyer, shall not be required to be acknowledged or proved, and shall show, in addition to such matters as the director may require for the proper identification of the motor vehicle affected, the date of the security agreement, and the names and addresses of the parties thereto. Nothing in this section 39:10–11 contained shall be construed as requiring that the security agreement or a copy thereof, or any

proof of execution thereof other than that contained in the financing statement, shall be presented to the director. When the buyer is a corporation, it shall be sufficient if the financing statement is signed by any officer thereof, or by any agent designated by the corporation for that purpose, and it shall not be necessary that the financing statement recite the authorization of the agent. When there is more than one buyer, it shall be sufficient if the financing statement is signed by any one of them.

E. Nothing in subsections C. and D. of this section shall apply to security interests in motor vehicles which constitute inventory held for sale, but such interests shall be subject to chapter 9 of Title 12A of the New Jersey Statutes, nor shall anything in the said subsections apply to interests in personal property subject to chapter 28 of the Title, Property (46:28–4 et seq.).

F. In addition to the fees elsewhere in this section provided for, there shall be paid to the director a fee of $1.00 for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest where the motor vehicle is subject to a lien or encumbrance or a security interest as provided in section 39:10–14 of this Title.

G. Notwithstanding any other provision in this section contained, when any dealer licensed under the provisions of section 39:10–19 of this Title is the purchaser of a motor vehicle in this State, he shall, within 10 days after its purchase, submit to the director the evidence of purchase. Upon presentation of the certificate of ownership with proper assignment and certification of the seller to the director, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to such purchaser and the director shall collect a fee of $2.00 for the issuing and filing thereof.

H. Any purchaser of a motor vehicle who fails to comply with the provisions of this section shall pay to the director a penalty of $10.00 plus the issuing and filing fee.

I. The failure of any person to comply with the requirements of this section shall not constitute a misdemeanor within the provisions of section 39:10–24 of this Title, nor shall such failure affect the validity of any instrument creating or reserving a security interest in a motor vehicle, as between the parties to such instrument.

J. The notation of the name and business or residence address of a secured party or his assignee, on the certificate of origin or on the certificate of ownership, as provided in sections 39:10–8 and 39:10–9 of this Title, and the presentation to the director in

accordance with section 39:10–11 of this Title, of the certificate of origin or certificate of ownership so noted, and the compliance with the requirements of subsections C. and D. of section 39:10–11 of this Title, shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided in this chapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

16. R. S. 39:10–12 is amended to read as follows:

Lost paper; duplicate certificate; false statements in application.

39:10–12. If certificate of ownership, or title papers, are lost, the director may, upon proof of certification or otherwise in the manner required by him and if satisfied of the bona fides of the application, prepare a certificate of ownership, certify it and authorize its use in place of the original, with the same effect as the original. The director shall collect a fee of $4.00 for this duplicate certificate.

A person who falsely states, in any application to the director for a duplicate certificate of ownership, that a certificate of ownership, or title papers, are lost, shall be subject to a fine of not less than $200.00 nor more than $500.00 or imprisonment for a term not exceeding 30 days or both.

17. R. S. 39:10–14 is amended to read as follows:

Notations; index; certificates; security interests; fees; furnishing information from records.

39:10–14. A. The director shall, on the record or abstract of every motor vehicle registered with him, which is subject to a security interest of which notice is required to be filed with him, make a notation of the existence of such security interest and shall index the same under the name of the owner of record of the vehicle so long as the security interest remains unterminated of record.

B. Upon request from any person, the director shall issue a certificate showing names and addresses of the parties to any contract of conditional sale or chattel mortgage or other instrument, or to any financing statement, the name and address of the holder of the lien or liens under such contract, chattel mortgage or other instrument or of the secured party, the date thereof or of the financing statement, the date of filing, the make, model, identification number or numbers of the motor vehicle, and, if the condition in the contract of conditional sale, or chattel mortgage

has been performed or the security interest has been terminated, a statement to that effect, for which he shall be entitled to a fee of $2.00.

C. For a full certified copy of any instrument showing a lien on or a security interest in a motor vehicle the director shall be entitled to a fee of $5.00 for the certificate plus $0.50 for each copy of any paper certified.

D. When evidence of satisfaction of any contract of conditional sale or chattel mortgage or other instrument, or evidence of the termination of a security interest, as aforesaid, shall be presented to the director, he shall make a notation thereof on the record of the sale of such motor vehicle showing that the condition in the contract of conditional sale or chattel mortgage has been performed or the security interest has been terminated; provided, however, that the evidence of satisfaction of a chattel mortgage on a motor vehicle executed after September 1, 1951 shall be submitted by the county recording officer on a form prescribed by the director, unless the chattel mortgage is one that is not required, under the provisions of this section R. S. 39:10–11, to be presented to and recorded by the director.

E. The director, his agents, and employees of the Division of Motor Vehicles shall not incur any personal liability in carrying out the provisions of this section or in furnishing any information provided herein from the records of the Division of Motor Vehicles.

18. R. S. 39:10–16 is amended to read as follows:

Defective or improper title papers; procedure to correct.

39:10–16. If the title papers or certificate of ownership are defective or improper, or if the motor vehicle was purchased and its sale consummated in another State or country, in accordance with the laws of such State or country regulating the sale of motor vehicles, and not made for the purpose of evading the provisions of this chapter, the bona fide owner of the motor vehicle may apply to the director to correct the defects, or permit the title papers to be received.

The director shall, upon such proof as he requires showing that it is just and equitable that the defects be corrected or that the title papers or certificate of ownership be received, with or without hearing, determine the truth and merits of the application and whether the holder appears to be the bona fide owner of the motor vehicle, and may issue his certificate correcting the defects or permitting the title papers or certificate of ownership

to be so recorded and filed. The person submitting the papers shall pay to the director a fee of $4.00 for the issuing and filing of the certificate.

Before issuing the certificate the director may, in his discretion, require the person to advertise in a newspaper having a general circulation in the county where he resides, for the space of 2 weeks, at least once a week, making three insertions in all, a notice briefly stating that the person has applied to the director to correct defects in the motor vehicle title papers or to receive the title papers out of time, or as the case may be, giving a description of the motor vehicle as provided in section 39:10–8 of this Title, and that if anyone desires to be heard in opposition thereto he may do so by appearing before the director on a date and at a place named, or communicating with him prior thereto. He shall also serve like notice on local police, State Police and any other person or agency, as prescribed by the director personally or by registered mail. Proofs of the publication and service shall be submitted to the director. The director, his agent or inspector may have the notice advertised or served at the cost and expense of that person.

19. Section 3 of P. L. 1964, c. 81 (C. 39:10A–3) is amended to read as follows:

C. 39:10A-3 Issuance of junk title certificate; grounds.

3. If the public agency taking possession of a motor vehicle pursuant to this act shall, in its report thereof to the director, certify on an application prescribed by him that such motor vehicle is incapable of being operated safely or of being put in safe operational condition except at a cost in excess of the value thereof, the division shall, without further certification or verification, issue to the public agency for a fee of $2.00 a junk title certificate thereto, with proper assignment thereon, which shall be assigned and delivered to the purchaser of the vehicle at public sale.

20. R. S. 39:11–8 is amended to read as follows:

Fees.

39:11–8. An applicant for the license shall pay to the director a fee of $50.00 for the examination of the proposed location of each motor vehicle junk yard or business and a license fee therefor to the director of $100.00. No license shall be effective for more than 1 year from the date of issue.

21. Section 2 of P. L. 1951, c. 216 (C. 39:12–2) is amended to read as follows:

C. 39:12-2 License required; fee; exemption from fee; loss, mutilation or destruction of certificate.

2. No person shall engage in the business of conducting a drivers' school without being licensed therefor by the Director of Motor Vehicles. Application therefor shall be in writing and contain such information therein as he shall require. If the application is approved, the applicant shall be granted a license upon the payment of a fee of $250.00; provided, however, no license fee shall be charged for the issuance of a license to any board of education, school board, public, private or parochial school, which conducts a course in driver education, approved by the State Department of Education. A license so issued shall be valid during the calendar year. The annual fee for renewal shall be $100.00. The director shall issue a license certificate or license certificates to each licensee, one of which shall be displayed in each place of business of the licensee.

In case of the loss, mutilation or destruction of a certificate, the director shall issue a duplicate upon proof of the facts and the payment of a fee of $3.00.

22. Section 5 of P. L. 1951, c. 216 (C. 39:12–5) is amended to read as follows:

C. 39:12-5 Instructor's license.

5. No person shall be employed by any such licensee to give instruction in driving a motor vehicle or motorcycle, unless he shall be licensed to act as such instructor by the director.

Application therefor shall be in writing and shall contain such information as the director shall require.

The initial fee for an instructor's license shall be $75.00 and a fee for an annual renewal thereof shall be $30.00. The license so issued shall be valid for the calendar year within which it is issued, and renewals shall be for succeeding calendar years.

C. 39:3-10a Fee for restoration of suspended or revoked license.

23. (New section) The Director of Motor Vehicles may charge a fee of $20.00 for the restoration of any license which has been suspended or revoked by reason of the licensee's violation of any of the provisions of Title 39 or any regulation adopted pursuant thereto. The director may promulgate such regulations hereunder as he may deem necessary.

24. There is hereby appropriated to the director the sum of $251,000.00 to implement the provisions of this act.

25. This act shall take effect on January 1, 1976.

Approved August 4, 1975.

CHAPTER 181

AN ACT to amend "An act concerning civilian defense and disaster control during emergency," approved May 23, 1942 (P. L. 1942, c. 251), as said title was amended by P. L. 1953, c. 438, and making an appropriation therefor.

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

1. Section 3 of P. L. 1942, c. 251 (C. App. A:9–35) is amended to read as follows:

C. App. A:9-35 Cooperation and agreements with federal authorities.

3. (a) In carrying out the provisions of this act the Governor shall cooperate with the civil, military and naval authorities of the United States and of other states for the purpose of enforcing the defense and emergency policies of the Federal Government and shall conform to the laws, orders, rules and regulations of the civilian, military and naval authorities of the Federal Government.

(b) The Governor or his designated representative is hereby authorized to enter into such agreements with the Federal Government or an agency thereof as he shall deem necessary to obtain available emergency or defense assistance from the Federal Government or its agencies and to do all other acts or things necessary or convenient to secure such assistance including but not limited to entering into an agreement with the Federal Government, or any officer or agency thereof, pledging the State to participate in the funding of and to make financial assistance grants to individuals or families and where State funds are not immediately available, to accept an advance of the State share from the Federal Government to be repaid when the State is able to do so. Such agreement may specify (1) that the State will agree to hold and save the United States free from damages which may arise out of the construction, repairs, improvements or rehabilitation; and the maintenance of works and projects undertaken by the Federal Government or its agencies in connection with any such agreement, other than claims arising from the tortious acts or agents or employees of the Federal Government and (2) that the State will provide, free of cost to the United States, all lands, easements, rights-of-way and other areas within the State of New Jersey required in connection with the project undertaken by the Federal

Government or its agencies in respect of such agreement, and for the maintenance thereafter of such project. Any such provisions to hold and save the Federal Government free from damages shall not be construed to waive the sovereign immunity of the State in any situation wherein such immunity would otherwise be present. Such sums as may be required, whether in payment of the cost of necessary legal proceedings, as compensation to property owners, or in furtherance of the provisions herein authorized for such agreements, shall be charged against any special or emergency appropriation made by the Legislature in connection with the project which is the subject matter of the agreement with the Federal Government or its agencies.

2. (New section) There is appropriated from the General State Fund to provide the State's share of grants available to individuals or families under the "Disaster Relief Act of 1974," Public Law 93–288, 88 Stat. 143, an amount not in excess of $200,000.00.

3. This act shall take effect immediately.

Approved August 4, 1975.

CHAPTER 182

AN ACT concerning disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes.

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

C. 2A:170-90.3 Definitions.

1. As used in this act:

a. The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, income from trust funds, profits, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

b. The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt, and specifically includes any order of the Superior Court, County Court, or county district court, directing that an execution issue against earnings as herein defined.

C. 2A:170-90.4 Employer not to discharge employee for reason of garnishment.

2. No employer may discharge any employee or take any other disciplinary action affecting the terms, conditions, or rights of employment of any employee, by reason of the fact that his earnings have been subjected to garnishment for one, or more than one indebtedness.

C. 2A:170-90.5 Violation of act.

3. Whoever willfully violates this act shall be a disorderly person.

4. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 183

AN ACT regulating the use of the telephone in certain cases, and supplementing chapter 170 of Title 2A of the New Jersey Statutes.

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

C. 2A:170-20.11 Disclosures by persons who solicit funds or sell merchandise.

1. Any person who solicits funds or a contribution of any kind, or who sells or offers for sale any goods, wares, merchandise or services, by telephone, shall clearly, affirmatively and expressly disclose at the time said person initially contacts the prospective contributor or buyer, the following:

a. In the case of a solicitation, sale or offer for sale for charitable purposes, or any solicitation, sale, or offer which is represented or implied in any way as being for charitable purposes;

(1) The name and address of each organization or fund on behalf of which all or any part of the money collected will be utilized for charitable purposes;

(2) If there is no organization or fund, the manner in which the money collected will be utilized for charitable purposes;

(3) The amount, stated as a percentage of the total purchase price, that will be given to the organization or fund;

(4) If there is no organization or fund, the amount, stated as a percentage of the total purchase price, that will be used for charitable purposes;

(5) The nontax-exempt status of the organization or fund, if the organization or fund for which the money or funds are being solicited does not have a charitable tax exemption under both Federal and State law;

(6) The percentage of the total purchase price which may be deducted as a charitable contribution under Federal law.

b. In the case of any other solicitation, sale or offer for sale:

(1) The identity of the person making the solicitation;

(2) The trade name of the person represented by the person making the solicitation;

(3) The kind of goods or services being offered for sale.

C. 2A:170-20.12 Violation of act.

2. Any person who violates this act or any person who causes another to violate this act is a disorderly person.

3. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 184

AN ACT subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utility Commissioners with respect to such service and supplementing Title 48 of the Revised Statutes, and repealing "An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes," approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62–85.1).

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

C. 40:62-85.2 Supplying municipality deemed public utility.

1. Whenever any municipality solely owning or controlling waterworks or its own water supply is supplying water to the inhabitants of, or to other consumers of water within, any other municipality, the supplying municipality shall with respect to such service be subject to the jurisdiction, regulation and control of the Board of

Public Utility Commissioners in the same manner and to the same extent as are the services of public utilities and to that extent and for that purpose such supplying municipality shall be deemed to be a public utility.

C. 40:62-85.1 Repealed.

2. "An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes," approved June 18, 1947, is repealed.

3. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 185

AN ACT to amend and supplement "An act providing for the registration of physical therapists, prescribing penalties for violations, and amending section 45:9–21 of the Revised Statutes," approved December 16, 1963 (P. L. 1963, c. 169).

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

1. Section 2 of P. L. 1963, c. 169 (C. 45:9–37.1) is amended to read as follows:

C. 45:9-37.1 Definitions.

2. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Board" means the State Board of Medical Examiners which shall enforce and administer the provisions of this act.

(b) "Advisory committee" means the physical therapy advisory committee as described in section 10 of this act.

(c) "Physical therapy" or "physiotherapy" shall mean and include treatment of a human being by the use of exercise, massage heat, cold, water, radiant energy, electricity, or sound for the purpose of correcting or alleviating any physical condition or preventing the development of any physical disability; or the performance of appropriate tests and measurements, authorized by the State Board of Medical Examiners, to assess the extent of body malfunction provided, however, that physical therapy shall not include radiology or electrosurgery.

(d) "Physical therapist" shall mean a person who practices physical therapy, under the direction and supervision of a licensed physician, or a person who renders physical therapy services upon the direction of a licensed physician.

(e) "Physical therapist assistant" shall mean a person who assists, under the direction of a registered physical therapist, the physical therapist in the practice of physical therapy and who performs such procedures delegated to him that are commensurate with his education and training.

2. Section 3 of P. L. 1963, c. 169 (C. 45:9–37.2) is amended to read as follows:

C. 45:9-37.2 Practice of physical therapy limited to registered persons; supervision of assistants; rules and regulations.

3. (a) No person shall practice, nor hold himself out to be able to practice physical therapy in this State, unless he is registered in accordance with the provisions of this act. No person shall act, nor hold himself out as being able to act as a physical therapist assistant unless he is registered in accordance with the provisions of this act.

No physical therapist shall supervise more physical therapist assistants at any one time than in the opinion of the board can be adequately supervised. Under usual circumstances the maximum number of physical therapist assistants that may be supervised by any physical therapist shall be two except that, upon application to the board, the board may permit the supervision of a greater number of physical therapist assistants by a physical therapist if, in the opinion of the board, there would be adequate supervision and the public health and safety would be served. In no case, however, shall the total number of physical therapist assistants exceed twice the number of physical therapists regularly employed by a facility.

(b) The board, on its own motion or after consultation with the physical therapy advisory committee, shall establish rules and regulations for the administration of this act.

3. Section 4 of P. L. 1963, c. 169 (C. 45:9–37.3) is amended to read as follows:

C. 45:9-37.3 Qualifications of applicants for registration; program of education.

4. An applicant for registration as a physical therapist or physical therapist assistant shall submit to the board evidence, in such form as the board may prescribe, that the applicant is of good moral character; and that he has completed a program of education approved by the board.

An approved program for physical therapists shall include the following: (a) a minimum of 60 academic semester credits or its equivalent from a recognized college, including courses in the biological and physical sciences; or a diploma from an accredited school of professional nursing and in addition (b) an accredited course in physical therapy education which has provided adequate instruction in the basic sciences, clinical sciences, and physical therapy theory and procedures as determined by the advisory committee and approved by the board. An approved program for physical therapist assistants shall be at least a 2-year program offered by a college accredited by a recognized accrediting agency and including such elementary or intermediate courses in the anatomical, biological, and physical sciences as may be prescribed by the advisory committee and approved by the board.

4. Section 5 of P. L. 1963, c. 169 (C. 45:9–37.4) is amended to read as follows:

C. 45:9-37.4 Examination.

5. The board shall give an examination to applicants who comply with section 4. The board shall also have the authority to accept alternate ways by which an applicant may be qualified to take the physical therapist assistant examination. The examination shall include a written examination which shall test the applicants' knowledge of the basic and clinical sciences as they relate to physical therapy, and physical therapy theory and procedures; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy or to act as a physical therapist assistant, as the case may be. Examinations shall be held within the State at least once a year, at such time and place as the board shall determine.

C. 45:9-37.4a Registration of applicant.

5. (New section) The board shall register each applicant who passes the examination in accordance with standards fixed by it and who is not disqualified to be registered under the provisions of section 8 of the act hereby supplemented.

C. 45:9-37.4b Registration of persons licensed by another state; fee.

6. (New section) On payment to the board of a fee of $50.00, and on submission of a written application on forms provided by the board, the board shall register without examination a person who is registered or otherwise licensed as a physical therapist or as a physical therapist assistant by another state of the United States, its possessions, or the District of Columbia, if the requirements

for licensure or registration in such state, possession or district were at the date of his registration or license by such state substantially equal to the requirements set forth in this act.

C. 45:9-37.4c Temporary registration.

7. (New section) Upon submission of a written application on forms provided by it, the board shall issue a temporary registration to a person who has applied for registration under the provisions of section 4, of the act hereby supplemented, and who is, in the judgment of the board, eligible to take the examination provided for in section 5 of the act hereby supplemented. Such temporary registration shall be available to an applicant only with respect to his first application for registration under section 4 and such registration shall expire when the board makes a final determination with respect to said application.

C. 45:9-37.4d Applicants who hold foreign diplomas; period of service; written examination.

8. (New section) (a) An applicant whose application is based on a diploma issued to him by a foreign physical therapy school shall furnish documentary evidence satisfactory to the board, that he has completed in a physical therapy school or schools a resident course of professional instruction equivalent to that required in section 4 of the act hereby supplemented for a physical therapy applicant.

(b) Applicants under this section shall satisfactorily complete a period of service not to exceed 1 year under the continuous direction and immediate supervision of a physical therapist registered by the board in a physical therapy service and in an institution both of which have been approved by the board for providing such a period of service. The board may waive all or any portion of the required period of service based on guidelines developed by the board.

(c) Before a registration may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) but must pass the written examination as provided under section 5 prior to commencing the period of service, and may be required to pass an oral examination at the completion of the period of service if such period of service has not been completed to the satisfaction of the supervising registered physical therapist. The requirements to pass the written examination shall not apply to an applicant who at the time of his application has passed, to the satisfaction of the board, an examination for licensing or registration in another state,

district or territory of the United States that is, in the opinion of the board, comparable to the examination given in this State.

(d) Nothing contained in this section shall prohibit the board from disapproving any foreign physical therapy school nor from denying the applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this chapter for a physical therapist applicant.

9. Section 6 of P. L. 1963, c. 169 (C. 45:9–37.5) is amended to read as follows:

C. 45:9-37.5 Application fee; renewal.

6. Each initial application under this act shall be accompanied by a fee of $50.00. Registrations under this act shall expire biennially on January 31 and shall be renewed upon application and payment of a fee of $20.00 if said fee is not paid by that date, the registration shall automatically expire. A registration which has thus expired may within 5 years of its expiration date, be renewed on the payment to the board of the sum of $10.00 for each year or part thereof during which the registration was ineffective and the restoration fee of $10.00. After said 5-year period such registration may be renewed only by complying with the provision herein relating to the issuance of an original registration.

10. Section 8 of P. L. 1963, c. 169 (C. 45:9–37.7) is amended to read as follows:

C. 45:9-37.7 Refusal, suspension or revocation of registration.

8. The board, after due notice and hearing, may refuse to register any applicant, or may refuse to renew the registration of any registered person, or may suspend or revoke the registration of any registered person:

(a) Who practiced physical therapy other than upon the direction of a physician licensed to practice medicine and surgery in this State or in the case of practice as a physical therapist assistant has practiced other than under the direction of a registered physical therapist;

(b) Who is habitually drunk or who is addicted to the use of narcotic drugs;

(c) Who has been convicted of violating any State or Federal narcotic law;

(d) Who the board shall find to be guilty of immoral or unprofessional conduct;

(e) Who has been convicted of any crime involving moral turpitude;

(f) Who the board shall find to be guilty of gross negligence as a physical therapist or physical therapist assistant, or whose conduct as a registered physical therapist or physical therapist assistant is detrimental to the best interests of the public; except that said person shall have the right of appeal on all matters of law and fact to the appropriate courts of this State;

(g) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;

(h) Who has been declared insane by a court of competent jurisdiction and who has not thereafter been lawfully declared sane;

(i) Who has treated or undertaken to treat ailments of human beings otherwise than by physical therapy and as authorized by this act; or

(j) Who has violated the provisions of this act or the rules or regulations adopted hereunder.

11. Section 9 of P. L. 1963, c. 169 (C. 45:9–37.8) is amended to read as follows:

C. 45:9-37.8 Records and register of board.

9. The board shall keep a record of its proceedings under this act and a register of all persons registered under it. The register shall show the name of every living person registered under this act, his last known place of practice and last known place of residence, and the date and number of his registration. The board shall compile annually a list of registered physical therapists and registered physical therapist assistants authorized to practice physical therapy in the State and shall make such list available, upon request, to the superintendent of every hospital and to every person authorized to practice medicine, surgery, chiropractic, osteopathy and physical therapy in this State.

12. Section 10 of P. L. 1963, c. 169 (C. 45:9–37.9) is amended to read as follows:

C. 45:9-37.9 Physical therapy advisory committee; membership; appointment; vacancy; expenses.

10. (a) There is hereby created in the Division of Consumer Affairs of the Department of Law and Public Safety, under the State Board of Medical Examiners, a physical therapy advisory committee. The committee shall consist of five members, four of whom shall be registered physical therapists of this State having at least 5 years experience in the practice of physical therapy in the State of New Jersey immediately prior to appointment. The members of the committee shall be appointed by the Governor.

Members shall be appointed for terms of 3 years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. A vacancy in the office of any member shall be filled for the unexpired term only.

(b) The advisory committee shall meet at least twice a year and shall also meet upon the call of the board or of the Attorney General. The advisory committee shall carry out the responsibilities assigned to it under this act and such matters as the board may require. The Attorney General shall provide the advisory committee with such facilities and personnel as shall be required for the proper conduct of its business.

The board, with the approval of the Attorney General, 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.

(c) There is hereby appropriated to the Department of Law and Public Safety, for the purposes of administering this act, all fees and revenues received by the board from the effective date of this act until June 30, 1964. The expenditure of such appropriation shall be authorized by the Attorney General with the approval of the Director of the Division of Budget and Accounting.

13. Any person who is registered as a physical therapist in this State upon the effective date of this act shall be entitled to continue to practice physical therapy under his current registration until the expiration thereof and to have his registration renewed as herein provided without making a new application for an original registration and without examination.

14. This act shall take effect immediately but shall remain inoperative until the first day of the third calendar month following approval except that any appointment provided for herein and any action necessary to effectuate this act may be made and taken prior thereto.

Approved August 16, 1975.

CHAPTER 186

AN ACT providing for the appointment of alternate members to county planning boards in certain cases, and supplementing chapter 27 of Title 40 of the Revised Statutes.

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

C. 40:27-1.1 Appointment of alternate members to county planning board.

1. The board of chosen freeholders may, by resolution, provide for the appointment of alternate members to the county planning board in accordance with the following:

a. Where the county planning board consists of six members or less, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint one alternate citizen member;

b. Where the county planning board consists of more than six members, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint two alternate citizen members. These members shall be designated by the director as "Alternate No. 1" and "Alternate No. 2" and shall participate in the planning board's decision in rotation during the absence or disqualification of any citizen member;

c. Where the county engineer is a member of the planning board, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint the assistant or deputy county engineer to serve as an alternate to the county engineer;

d. The director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint a member of the board of chosen freeholders to serve as an alternate to the two freeholder members.

Alternate members shall be appointed for terms to expire at the same time as the terms of the regular members for whom they are alternates. An alternate member shall be entitled to sit with and participate as a member in any hearing before the board. Any alternate member who has attended the full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular member for whom he is an alternate.

2. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 187

AN ACT to amend the "Home Repair Financing Act," approved June 9, 1960 (P. L. 1960, c. 41).

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

1. Section 2 of P. L. 1960, c. 41 (C. 17:16C–63) is amended to read as follows:

C. 17:16C-63 Home repair contracts; form and contents.

2. Every home repair contract:

(a) Shall be in writing and contain the entire agreement between the owner and the home repair contractor;

(b) Shall state the names and addresses of all parties, the dates when executed by the parties and contain a description of the goods and services;

(c) Shall be completed in full without any blank spaces to be filled in after the contract is signed by the owner, except for serial number or identifying marks which are not available for the description of the goods at that time;

(d) Shall contain the following notice in 10-point bold type or larger, directly above the space provided for the signature of the owner:

"NOTICE TO OWNER

Do not sign this contract in blank.

You are entitled to a copy of the contract at the time you sign.

Keep it to protect your legal rights.

Do not sign any completion certificate or agreement stating that you are satisfied with the entire project before this project is complete. Home repair contractors are prohibited by law from requesting or accepting a certificate of completion signed by the owner prior to the actual completion of the work to be performed under the home repair contract."

(e) Shall state that workmen's compensation and public liability insurance are carried by the home repair contractor and applicable to the work to be performed under the contract or if the home repair contractor is qualified as a self-insurer pursuant to Title 34; and

(f) If the home repair contractor is precluded from purchasing workmen's compensation under chapter 15 of Title 34 of the Revised Statutes, he shall state that he does not carry workmen's compensation insurance.

2. Section 5 of P. L. 1960, c. 41 (C. 17:16C–66) is amended to read as follows:

C. 17:16C-66 Certificate of completion; request or acceptance prior to completion of work prohibited; notice.

5. No home repair contractor shall request or accept a certificate of completion signed by the owner prior to the actual completion of the work to be performed under the home repair contract.

Every such home repair completion certificate or agreement shall contain the following notice in 10-point bold type or larger, directly above the space provided for the signature of the owner.

"NOTICE TO OWNER

Do not sign this completion certificate or any agreement stating that you are satisfied with the entire project before this project is complete. Home repair contractors are prohibited by law from requesting or accepting a certificate of completion signed by the owner prior to the actual completion of the work to be performed under the home repair contract."

3. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 188

A SUPPLEMENT to the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84, C. 43:15A–1 et seq.) as said short title was amended by P. L. 1971, c. 213.

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

1. Notwithstanding the provisions of the act to which this act is a supplement and the provisions of P. L. 1968, c. 23 (C. 43:3C–1 et seq.), a member who was receiving a retirement allowance or pension from another State-administered system and who subsequently was enrolled as a member of the Public Employees' Re-

tirement System and who has continued to receive his retirement allowance or pension while establishing credit in the retirement system for his service with the State or other participating employer, shall be permitted to retire and receive a retirement allowance from the system reflecting his years of service up to April 30, 1968. The retirement allowance, without option, shall be based on his final average compensation for the period ending April 30, 1968 calculated in the same manner as any other service retirement allowance for someone who retired effective May 1, 1968, with benefits to begin on the first of the month following the filing of a proper application therefor. Any benefit payable in the event of death following retirement is likewise to be calculated in the same manner as was true for anyone who retired May 1, 1968. The retired member shall receive a refund of all of his contributions to the system subsequent to April 30, 1968.

2. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 189

AN ACT concerning housing police in certain cities of the second class with a population of more than 140,000 inhabitants.

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

C. 40A:14-146.2 Housing police officer; appointment; civil service status.

1. Notwithstanding any provision of law to the contrary relating to the qualifications required for appointment to any municipal police force, any person holding position or employment as a housing guard or housing patrolman on the effective date of this act in any city of the second class with a population of more than 140,000 inhabitants in any county of the second class who was appointed to such position of employment after examination in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes, may be appointed by any such city under the title of housing police officer and shall be certified as such by the Civil Service Commission without further examination. Such person shall, from the effective date of this act, hold his position or

employment subject to and in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes.

C. 40A:14-146.3 Powers of housing police officer.

2. Any such housing police officer, who has successfully completed a police training course or program approved by the Police Training Commission, shall have all the powers conferred by law on police officers in the enforcement of the laws of this State or municipal ordinances, including the power to apprehend offenders.

C. 40A:14-146.4 Retainment in retirement system.

3. Any housing guard or housing patrolman on the effective date of this act appointed as a housing police officer pursuant to the provisions thereof shall be retained in the retirement system of which he is then a member, notwithstanding the provisions of P. L. 1944, c. 255, s. 3 (C. 43:16A-3).

4. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 190

AN ACT regarding campaign practices and supplementing chapter 34 of Title 19 of the Revised Statutes.

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

C. 19:34-64 Short title.

1. This act shall be known and may be cited as the "Fair Campaign Practices Act."

C. 19:34-65 Performance of functions to impede campaign of candidate on behalf of another candidate prohibited.

2. No person shall perform any function in the campaign of a candidate for public office or party position for the purpose of impeding the campaign of such candidate while concealing that he is actually acting under the instructions of, or on behalf of, another candidate or such other candidate's paid or volunteer campaign staff.

C. 19:34-66 Dissemination of election advertisement for purpose of impeding campaign of candidate; exceptions.

3. No person shall knowingly produce, transmit or disseminate any election advertisement, literature or other mass communication

in any medium, including but not limited to newspapers, magazines, printed circulars, television, radio, movies, telephone, telegraph, billboards and signs, which purports to or appears to originate from, or be on behalf of, the campaign of a candidate for public office or party position, for the purpose of impeding the campaign of such candidate while failing to reveal specifically in such communication that he is acting under the instructions of, or on behalf of, another candidate or such other candidate's paid or volunteer campaign staff; provided, however, that this section shall not apply to any owner, manager, editor, publisher, reporter or employee of any newspaper, magazine, periodical or other publication or of any radio or television station who, in the course of his duties, publishes or broadcasts any such advertisement, literature or mass communication.

C. 19:34-67 Inducing person to violate act for money or other valuable consideration prohibited.

4. No person shall directly or indirectly, by himself or through any other person acting in his behalf, knowingly give, lend, or agree, offer or promise to give or lend, any money or other valuable consideration, office, place, employment or thing to any person to induce him to violate section 2 or section 3 of this act.

C. 19:34-68 Violation of act.

5. Any person who shall violate any of the provisions of this act shall be a disorderly person.

6. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 191

AN ACT requiring notice to mortgagees of building code violations.

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

C. 55:13A-20.1 Short title.

1. This act shall be known and may be cited as the "Violation Disclosure Act."

C. 55:13A-20.2 Notice of filing of action.

2. Whenever the Attorney General files an action in the Superior Court, on behalf of the Commissioner of Community Affairs, pur-

suant to section 6 (C. 55:13A–6) of the "Hotel and Multiple Dwelling Law" P. L. 1967, c. 76 or the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) following the failure of an owner of a building subject to the Hotel and Multiple Dwelling Law to abate violations of the regulations promulgated pursuant to the law after receipt of notices and orders to terminate violations as required by the law or the failure of the owner to pay a civil penalty assessed pursuant to the laws after receipt of notice and order to pay penalty the Commissioner of Community Affairs shall cause to be forwarded, by regular first class mail, to any mortgage holder of record a notice of filing of the action and copies of any notices and orders which provide the cause for said action. The mortgage holder of record shall be any holder of record as filed with the municipal clerk pursuant to P. L. 1974, c. 50 (C. 46:8–27 et seq.).

3. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 192

AN ACT to amend the "Redevelopment Agencies Law," approved June 14, 1949 (P. L. 1949, c. 306).

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

1. Section 6 of P. L. 1949, c. 306 (C. 40:55C–6) is amended to read as follows:

C. 40:55C-6 Redevelopment agencies; regional redevelopment agencies; creation; additional commissioner.

6. Any governing body may by ordinance create a body corporate and politic to be known as the "..... Redevelopment Agency," inserting the name of the municipality creating such agency. Such agency shall be an instrumentality of the municipality creating it. Thereupon the governing body shall appoint five commissioners of the agency and the mayor shall appoint one commissioner of the agency. The commissioners who are first appointed shall be designated to serve for the following terms: one for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and two for terms of 5 years and until their respective successors are appointed and have qualified.

The mayor of a municipality which has heretofore created a redevelopment agency consisting of five members appointed by the governing body, shall forthwith appoint one additional commissioner for a 5-year term.

Thereafter each commissioner shall be appointed as aforesaid for a term of 5 years, and until his successor is appointed and has qualified. Any vacancy occurring in the office of commissioner, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term only.

The governing body of two or more municipalities may, by similar ordinances, create a public body corporate and politic to be known as "..... Regional Development Agency" with such additional designation as may be provided in such ordinances. Such regional agency shall constitute an instrumentality of the municipalities creating it. Each such governing body shall appoint two persons as commissioners of the regional agency so created, one to serve for a term of 3 years and one to serve for a term of 5 years, and until their successors have been appointed and have qualified. Thereafter each commissioner shall be appointed as aforesaid for a term of 5 years and until his successor is appointed and has qualified. The governing body of the municipality which has the greatest population of any of the municipalities creating such regional agency shall appoint one additional person as commissioner of the agency to serve for a term of 5 years and until his successor is appointed and has qualified. Any vacancy occurring in the office of commissioner, from any cause, shall be filled in the same manner as the original appointment but for the unexpired term only.

Upon the creation of any such agency, the municipality or municipalities creating the same shall, in writing, notify the Commissioner of Community Affairs of the same.

In addition to the commissioners hereinabove referred to, each agency shall include one additional commissioner, in the case of a municipal redevelopment agency, and two additional commissioners in the case of a regional agency who shall be appointed by the Commissioner of Community Affairs who shall hold office at the pleasure of the commissioner, and who shall be entitled to vote as commissioners of the agency and to all other privileges as such commissioners. Any such additional commissioner may be removed from office at any time and a new appointment made by the Commissioner of Community Affairs. Any vacancy occurring in the office of such additional commissioners, from any cause, shall be

filled in the same manner as the original appointment but for the unexpired term only.

2. This act shall take effect 30 days after its enactment.

Approved August 16, 1975.

CHAPTER 193

AN ACT to amend the title of "An act to authorize housing authorities to clear blighted areas and prevent blight; to acquire real property and make it available for redevelopment by private enterprise or by public agencies in accordance with approved redevelopment plans; and to confer necessary powers on housing authorities, cities and other public bodies, and to make obligations issued by housing authorities in connection with redevelopment projects legal investments and security for deposits; to enable the advance preparation of projects so they can provide jobs and stimulate industry when necessary in the period of reconversion; and to authorize the creation of an advisory board to housing authorities composed of representatives of business, real estate, home financing and other interests," approved June 14, 1949 (P. L. 1949, c. 300), so that the same shall read "An act to authorize housing authorities to clear blighted areas and prevent blight; to acquire real property and make it available for redevelopment by private enterprise or by public agencies in accordance with approved redevelopment plans; to initiate and carry out any work or undertaking which a redevelopment agency created pursuant to the Redevelopment Agencies Law is authorized to initiate and carry out; and to confer necessary powers on housing authorities, cities and other public bodies, and to make obligations issued by housing authorities in connection with redevelopment projects legal investments and security for deposits; to enable the advance preparation of projects so they can provide jobs and stimulate industry when necessary in the period of reconversion; and to authorize the creation of an ad-

visory board to housing authorities composed of representatives of business, real estate, home financing and other interests," 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. 1949, c. 300 is amended to read as follows:

An act to authorize housing authorities to clear blighted areas and prevent blight; to acquire real property and make it available for redevelopment by private enterprise or by public agencies in accordance with approved redevelopment plans; to initiate and carry out any work or undertaking which a redevelopment agency created pursuant to the Redevelopment Agencies Law is authorized to initiate and carry out; and to confer necessary powers on housing authorities, cities and other public bodies, and to make obligations issued by housing authorities in connection with redevelopment projects legal investments and security for deposits; to enable the advance preparation of projects so they can provide jobs and stimulate industry when necessary in the period of reconversion; and to authorize the creation of an advisory board to housing authorities composed of representatives of business, real estate, home financing and other interests.

2. Section 4 of P. L. 1949, c. 300 (C. 55:14A–34) is amended to read as follows:

C. 55:14A-34 Redevelopment project.

4. Any housing authority now or hereafter established pursuant to the Local Housing Authorities Law and any amendments thereto, may, when authorized by ordinance of the governing body of the municipality, which said governing body is hereby authorized to adopt, initiate and carry out any work or undertaking (hereafter called a "redevelopment project") which a redevelopment agency created pursuant to the Redevelopment Law is authorized to initiate and carry out. In initiating and carrying out such redevelopment projects, the local housing authority so designated may exercise any and all powers conferred on redevelopment agencies by said Redevelopment Agencies Law (P. L. 1949, c. 306, C. 40:55C–1 et seq.) or any other law.

3. Section 8 of P. L. 1949, c. 300 (C. 55:14A–38) is amended to read as follows:

C. 55:14A-38 Rights, powers, privileges and immunities of housing authority.

8. In undertaking such redevelopment projects a housing authority shall have the rights, powers, privileges and immunities that such authority has under the Local Housing Authorities Law, the Redevelopment Agencies Law (P. L. 1949, c. 306, C. 40:55C–1 et seq.), and any other provision of law relating to redevelopment projects and any other provision of law relating to slum clearance and housing projects for persons of low income (including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by eminent domain or purchase, and to do any and all things necessary to carry out projects) in the same manner as though all the provisions of law applicable to slum clearance and housing projects were applicable to redevelopment projects undertaken under this act; provided, however, that the power to acquire real property by eminent domain conferred upon any housing authority shall not be exercised to acquire any property or interest in property owned or used by any public utility (as defined in R. S. 48:2–13) in furnishing any commodity or service which by law it is authorized to furnish; and provided further, that nothing contained in section 55:14A–8 added to the Revised Statutes by P. L. 1938, c. 19 shall be construed as limiting the power of an authority, in the event of a default by a purchaser or lessee of land in a redevelopment plan, to acquire property and operate it free from the restrictions contained in said sections.

4. This act shall take effect immediately.

Approved August 16, 1975.

CHAPTER 194

AN ACT to supplement the "New Jersey Medical Assistance and Health Services Act" (P. L. 1968, c. 413) and making an appropriation therefor.

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

C. 30:4D-20 "Pharmaceutical assistance to the aged" program established.

1. The commissioner shall establish a program which shall be known as "Pharmaceutical Assistance to the Aged."

C. 30:4D-21 Eligibility.

2. Any resident of this State 65 years of age and over whose annual income is less than $9,000.00 shall be eligible for "Pharmaceutical Assistance to the Aged" if he is not otherwise qualified for assistance under the act to which this act is a supplement.

C. 30:4D-22 Content and application of program.

3. The program of "Pharmaceutical Assistance to the Aged" shall consist of payments or reimbursements for 80% of the costs of prescription drugs of eligible persons which exceed:

a. 1.5% of annual income for eligible persons whose annual income is more than a level of income which would qualify them for assistance under the act to which this act is a supplement, hereinafter referred to as the "assistance level," but less than 1⅓ times said assistance level; or

b. 1.5%of 1⅓ times said assistance level plus 5% of the difference between annual income and 1⅓ times said assistance level for eligible persons whose annual income falls between 1⅓ times said assistance level and $9,000.00.

For purposes of this act, "prescription drugs" means all legend drugs and insulin.

C. 30:4D-23 Persons ineligible; supplemental assistance.

4. Any otherwise eligible person whose prescription drug costs are wholly covered by any other plan of assistance or insurance shall be ineligible for assistance under the provisions of this act. Any otherwise eligible person whose prescription drug costs are covered in part by any other plan of assistance or insurance may receive supplemental assistance under the provisions of this act.

C. 30:4D-24 Establishment of system of payments and determination of eligibility.

5. The commissioner shall by regulation establish a system of payments or reimbursements and a system for determining eligibility, including provisions for submission of proof of expenditures for prescription drugs, actual and anticipated annual income, and evidence of complete or partial coverage of prescription drug costs by any other assistance or insurance plans.

6. This act shall take effect immediately.

Approved August 21, 1975.

CHAPTER 195

AN ACT concerning certain improvements of property on which a municipality holds a tax sale certificate, and amending P. L. 1942, c. 54.

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

1. Section 1 of P. L. 1942, c. 54 (C. 54:5–53.1) is amended to read as follows:

C. 54:5-53.1 Possession by municipality; rents and profits to be credited; redemption; collection of rents and profits.

1. Whenever a municipality has heretofore or shall hereafter become the purchaser of any real property at any tax sale and the certificate of sale has been or shall be recorded in the manner provided by chapter 5 of Title 54 of the Revised Statutes, such municipality shall be entitled to immediate possession of the property sold and described in the certificate and to all the rents and profits thereof while the holder thereof, until redemption, but all rents and profits collected by such municipality shall be credited, except as hereinafter provided, on the amount due upon said certificate of tax sale and for subsequent taxes, assessments or other municipal charges assessed against said lands and when the total amount due for the same, including all interests and costs, has been paid, the said lands shall be redeemed from said tax sale.

Whenever a municipality shall take possession of any property pursuant to the provisions of this section, the collector of taxes or other officer thereof, whose duty it shall be to collect taxes therein, or such other officer as may be designated by the governing body of a municipality, shall take possession of said property and collect the rents and profits thereof for said municipality and, with the approval of the governing body of said municipality, may designate any competent person to act as the agent of said municipality for the collection of the rents and profits of said property and for the management of the same and such person shall account promptly to such collector or other officer, and the collector or other officer shall account promptly to the municipality, for the rents and profits so collected.

No fees shall be allowed to such collector or other officer from the rents and profits collected from such property but he shall be

allowed such expenses in connection with the operation and management thereof, including proper compensation to said agent, as the governing body of such municipality may deem necessary to secure the greatest income therefrom. Any moneys collected from any such property which is not needed for its operation and management, shall be used to remove or remedy any violations of the standards of fitness for human habitation as are set forth in State or local housing or health codes or regulations, or any other conditions dangerous to life, health or safety; provided that if a determination is made by a designated public officer that the abatement of code violations is economically unfeasible due to the structural unsoundness of the structure or building involved, said public officer shall proceed to require or to cause the closing or demolition of such structure or building, or any part thereof, pursuant to the provisions of P. L. 1942, c. 112 (C. 40:48–2.3 et seq.). A record of all expenditures made pursuant to this act shall be kept by the collector of taxes or such other officer as may be designated by the governing body of the municipality.

Such municipality and its officers, agents or employees shall not be liable or accountable to the owner or to any other person having an interest in said property for failure to collect rents or profits therefrom but said officers, agents or employees shall remain so liable and accountable to said municipality and such municipality and its officers, agents or employees shall not be liable for injury to said property or to the person or property of any other person from the use of the property for the purposes of this section, any law to the contrary notwithstanding.

2. This act shall take effect immediately.

Approved August 21, 1975.

CHAPTER 196

AN ACT providing immunity to civil defense units, volunteer fire companies and volunteer first aid, rescue or emergency squads providing service for the control and extinguishment of fires or emergency public first aid and rescue services from liability to respond in damages in certain cases.

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

C. 2A:53A-13.1 Immunity from liability to respond in damages in certain cases.

1. No volunteer fire company or volunteer first aid, rescue or emergency squad, civil defense unit, incorporated or unincorporated, which provides services for the control and extinguishment of fires or emergency public first aid and rescue services, or both, shall be liable in any civil action to respond in damages as a result of any acts of commission or omission arising out of and in the course of the rendition in good faith of any such services by any member of the volunteer fire company or the volunteer first aid, rescue or emergency squad, or civil defense unit, and in the case of a volunteer fire company within which a first aid or rescue squad has been created, by any authorized active volunteer, first aid or rescue squad worker therefor notwithstanding that he is not a member of the volunteer fire company. No such immunity from liability shall extend to the operation of any motor vehicle in connection with the rendering of any such services.

2. This act shall take effect immediately.

Approved August 21, 1975.

CHAPTER 197

AN ACT concerning group life insurance and supplementing article I of 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. 17B:27-1.1 Deliverance or issuance of group life insurance policy in New Jersey.

1. Notwithstanding the provisions of N. J. S. 17B:27–1 or any other law with respect to the delivery or issuance for delivery in the State of a policy of group life insurance to the contrary, a policy of group life insurance may be delivered or issued for delivery in this State to insure any group which, in the opinion of the commissioner, may be insured for group life insurance in accordance with sound underwriting principles. The commissioner shall make said opinion available in writing to all interested parties indicating reasons for or against such deliverance or issuance.

2. This act shall take effect immediately.

Approved August 26, 1975.

CHAPTER 198

AN ACT to amend "An act to provide for the qualification and certification of municipal finance officers, authorizing the creation by ordinance of the office of municipal finance officer, and supplementing chapter 46 of Title 40 of the Revised Statutes," approved January 20, 1972 (P. L. 1971, c. 413).

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

1. Section 1 of P. L. 1971, c. 413 (C. 40A:9–140.1) is amended to read as follows:

C. 40A:9-140.1 Definitions.

1. As used in this act:

a. "Director" means the Director of the Division of Local Government Services.

b. "Municipal finance officer" means a municipal director of finance, municipal comptroller or municipal treasurer who is not a member of the governing body of a municipality.

c. "Local unit" means a municipality or a utility owned by a single municipality or owned jointly by one or more municipalities, which together, do not comprise a county.

2. Section 2 of P. L. 1971, c. 413 (C. 40A:9–140.2) is amended to read as follows:

C. 40A:9-140.2 Municipal finance officer; application for certification; qualifications.

2. Commencing on the effective date of this act, the Director of the Division of Local Government Services, hereinafter referred to as the director, shall accept applications for certification as municipal finance officer. An applicant shall present to the director written application on forms provided by the Division of Local Government Services, showing that the applicant is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a certificate or diploma issued after at least 4 years of study in an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education of this State as fully equivalent, and has graduated from a 4-year course at a college of recognized standing, with a major course of study in business administration, accounting or some related subject. An applicant who does not

meet the college education requirement may substitute experience in a position as director of finance, comptroller or treasurer in any local unit on a year-for-year basis. Every applicant shall also furnish proof that he has received certificates indicating satisfactory completion of, or has been the instructor of, complete training courses in municipal current fund accounting, municipal capital and trust fund accounting, municipal utility fund accounting, municipal budget preparation and control, and principles of financial management, or such other training courses as are certified as their equivalent by Rutgers University, The State University of New Jersey, and approved by the Division of Local Government Services.

3. Section 4 of P. L. 1971, c. 413 (C. 40A:9–140.4) is amended to read as follows:

C. 40A:9-140.4 Registered municipal accountant; issuance of certificate; fee.

4. Notwithstanding the qualifications established in section 1 of this act, a municipal finance officer certificate shall be issued to any person who is licensed as a registered municipal accountant in the State of New Jersey who shall make application as required in section 1 of this act, and who shall furnish proof that he has received a certificate indicating satisfactory completion or instruction of a training course in principles of financial management, or such other training course as is certified as its equivalent by Rutgers University, The State University of New Jersey, and approved by the Division of Local Government Services of the State, upon payment of a fee of $25.00 to the order of the Treasurer of the State of New Jersey.

4. This act shall take effect immediately.

Approved September 1, 1975.

CHAPTER 199

AN ACT to amend the "Health Care Facilities Planning Act," approved May 10, 1971 (P. L. 1971, c. 136).

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

1. Section 2 of P. L. 1971, c. 136 (C. 26:2H–2) is amended to read as follows:

C. 26:2H-2 Definitions.

2. The following words or phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

a. "Health care facility" means the facility or institution whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for the sheltered care of adult persons and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

b. "Health care service" means the preadmission, out-patient, in-patient and post-discharge care provided in or by a health care facility, and such other items or services as are necessary for such care, which are provided by or under the supervision of a physician for the purpose of health maintenance organizations, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, including, but not limited to, nursing service, home care nursing and other paramedical service, ambulance service, service provided by an intern, resident in training or physician whose compensation is provided through agreement with a health care faclity, laboratory service, medical social service, drugs, biologicals, supplies, appliances, equipment, bed and board, but excluding services provided by a physician in his private practice or by practitioners of healing solely by prayer, and services provided by volunteer first aid, rescue and ambulance squads as defined in the "New Jersey Highway Safety Act of 1971," P. L. 1971, c. 351.

c. "Construction" means the erection, building, or substantial acquisition, alteration, reconstruction, improvement, renovation, extension or modification of a health care facility, including its equipment, the inspection and supervision thereof; and the studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto.

d. "Board" means the Health Care Administration Board established pursuant to this act.

e. "Government agency" means a department, board, bureau, division office, agency, public benefit or other corporation, or any other unit, however described, of the State or political subdivision thereof.

f. "State Health Planning Council" means the existing State Health Planning Council formed under the provisions of Federal Law 89–749, as amended and supplemented.

g. "Comprehensive area-wide health planning agency" means an officially recognized health planning agency formed under the provisions of Federal Law 89–749, as amended and supplemented.

h. "Area planning council" means a voluntary, nonprofit organization composed of persons representative of hospitals, nursing homes, and consumers of medical care services, formed for the purpose of planning the health facilities in a definite geographical area which is recognized by the commissioner through referral of applications for certificate of need as provided by this act.

i. "Department" means the State Department of Health.

j. "Commissioner" means the State Commissioner of Health.

2. This act shall take effect immediately.

Approved September 2, 1975.

CHAPTER 200

AN ACT concerning State aid to education and supplementing Title 18A of the New Jersey Statutes.

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

1. For the school year 1975-76 supplementary State aid shall be paid to any county vocational school which qualifies for such aid calculated as follows: an amount determined by subtracting the formula aid paid in 1974-75 from the product found by multiplying the formula aid for the school year 1975-76, calculated in accordance with N. J. S. 18A:58–8, by the quotient obtained by dividing the total formula aid paid to county vocational schools for the school year 1974-75 by the total formula aid for county vocational schools for the school year 1975-76 calculated in accordance with N. J. S. 18A:58–8.

2. This act shall take effect immediately.

Approved September 11, 1975.

CHAPTER 201

AN ACT to authorize the parking authority of the city of Wildwood, in the county of Cape May, New Jersey to plan, construct, reconstruct, acquire, improve, maintain, operate or lease convention halls and related facilities, to issue bonds therefor and exercise powers with respect thereto pursuant to the Parking Authority Law, and authorizing the governing body of the city of Wildwood, in the county of Cape May, to appoint additional members to said authority and to provide for their compensation.

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

Private act.

1. The parking authority of the city of Wildwood, in the county of Cape May, New Jersey is hereby authorized and empowered, and among any of its other powers heretofore or hereafter granted under the Parking Authority Law, being P. L. 1948, c. 198, as amended and supplemented, to plan, construct, reconstruct, acquire, improve, own, maintain, operate or lease, either in a capacity of lessor or lessee, one or more convention halls and related facilities, and as and for a corporate purpose under said law, and to exercise any and all powers applicable thereto, under and pursuant to said law, whether in conjunction with, or as a part of, or independent of, any parking projects or facility now or hereafter owned or operated by said authority. It is the intended purpose of the aforesaid grant of power that the said authority shall exercise with respect thereto each and every power thereto applicable granted under and pursuant to said law.

2. a. For the purpose of raising funds to pay all or part of the cost of any of its convention halls or related facilities or for the purpose of funding or refunding any of its bonds issued therefor, said authority shall have power to authorize or provide for the issuance of bonds by resolution (in this act sometimes referred to as "bond resolution") which shall (1) describe in brief and general terms sufficient for reasonable identification the convention hall or related facilities or part thereof (in this act sometimes called "project") to be constructed or acquired, or describe the bonds which are to be funded or refunded (if any); (2) state

the cost or estimated cost of the project (if any); and (3) provide for the issuance of the bonds in accordance with this section.

b. Upon adoption of a bond resolution, said authority shall have power to incur indebtedness, borrow money and issue its bonds for the purpose of financing the project or of funding or refunding the bonds described therein. Such bonds shall be authorized by the bond resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates within such maximum rate, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium), as the bond resolution may provide.

c. Such bonds may be sold by the authority at public or private sale at such price or prices as the authority shall determine.

d. Said authority may cause a copy of any bond resolution adopted by it to be filed for public inspection in its office and in the office of the clerk of the city of Wildwood and may thereupon cause to be published in each newspaper published or circulating in said city a notice stating the fact and date of such adoption and the places where such bond resolution has been so filed for public inspection and also the date of the first publication of such notice and also that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts provided for by the bond resolution shall be commenced within 20 days after the first publication of such notice. If any such notice shall at any time be published and if no action or proceeding questioning the validity or proper authorization of bonds provided for by the bond resolution referred to in said notice, or the validity of any covenants, agreements or contracts provided for by said bond resolution shall be commenced or instituted within 20 days after the first publication of said notice, then all residents and taxpayers and owners of property in said city and all other persons whatsoever shall be barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceedings, questioning the validity or proper authorization of such bonds, or the validity of any such covenants, agree-

ments or contracts, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

e. Any provision of any law to the contrary notwithstanding, any bond issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code of the State, and each holder or owner of such a bond, or of any coupon appurtenant thereto, by accepting such bond or coupon is and shall be fully negotiable within the meaning and for all purposes of said Uniform Commercial Code.

3. a. Any bond resolution of said authority providing for or authorizing the issuance of any bonds to finance costs of acquisition, construction, reconstruction or improvement of a project may contain provisions, and said authority, in order to secure the payment of such bonds and in addition to its other powers, shall have power by provision in such bond resolution to covenant and agree with the several holders of such bonds, as to:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) The construction and completion, or replacement, of all or any part of the project or any related facilities of the authority;

(3) The use, regulation, mortgaging, operation, maintenance, insurance, leasing or disposition of all or any part of the project or any related facilities of the authority, or restrictions on the exercise of the powers of the authority to dispose, or to limit or regulate the use, of all or any part of such project or related facilities;

(4) Payment of the principal of or interest on the bonds or of any other obligations, and the sources and methods thereof, the rank or priority of any such bonds or obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

(5) The use and disposition of any moneys of the authority, including revenues (in this act sometimes called "facility revenues") derived or to be derived from the operation or rental of all or any part of the project or any related facilities of the authority, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(6) Pledging, setting aside, depositing or trusteeing all or any part of the facility revenues or other moneys of the authority to secure the payment of the principal of or interest on the bonds or

of any other obligations or the payment of expenses of operation or maintenance of the project or related facilities, and the powers and duties of any trustee with regard thereto;

(7) The setting aside out of the facility revenues or other moneys of the authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(8) Determination or definition of the facility revenues or of the expenses of operation and maintenance of the project or related facilities;

(9) The rents, admission fees or other charges for occupancy, use or services of , or admission to, its project or related facilities or any part thereof, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of facility revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

(10) The assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the project or related facilities of said authority or any obligations having or which may have a lien on any part of the facility revenues;

(11) Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of said authority;

(12) Vesting in a trustee or trustees within or without the State such property, rights, powers and duties in trust as said authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to paragraph b. of this section, and limiting or abrogating the right of such holders to appoint a trustee pursuant to said paragraph b. of this section or limiting the rights, duties and powers of such trustee;

(13) Payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or contract with the holders of the bonds;

(14) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

(15) Any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of the bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between said authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by appropriate action, suit or proceeding in any court of competent jurisdiction, or by proceeding in lieu of prerogative writ.

b. If the bond resolution of said authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of such series shall be entitled to the benefits of this paragraph of this section, then in the event that there shall be a default in the payment of principal of or interest on any bonds of such series after the same shall become due whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or in the event that said authority shall fail or refuse to comply with the provisions of this act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any such bonds, and such failure or refusal shall continue for a period of 30 days after written notice to said authority of its existence and nature, the holders of 25% in aggregate principal amount of the bonds of such series then outstanding, by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of such series for the purposes provided in this paragraph. Such trustee may and upon written request of the holders of 25% in aggregate principal amount of the bonds of such series then outstanding shall, in his or its own name:

(1) By any action, writ, proceeding in lieu of prerogative writ, or other proceeding, enforce all rights of the holders of such bonds, including the right to require said authority to charge and collect rents, admission fees or other charges adequate to carry out any contract as to, or pledge of, facility revenues, and to require said authority to carry out and perform the terms of any contract with the holders of such bonds or its duties under this act;

(2) Bring an action upon all or any part of such bonds or interest coupons or claims appurtenant thereto;

(3) By action, require said authority to account as if it were the trustee of an express trust for the holders of such bonds;

(4) By action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; or

(5) Declare all such bonds due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to said authority and, if all defaults shall be made good, then with the consent of the holders of 25% of the principal amount of such bonds then outstanding, annul such declaration and its consequences. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of such series in the enforcement and protection of their rights. In any action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any facility revenues of said authority pledged for the payment or security of bonds of such series.

c. If the bond resolution of said authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of such series shall be entitled to the benefits of paragraph b. of this section and shall further provide in substance that any trustee appointed pursuant to said paragraph or having the powers of such a trustee shall have the powers provided by this paragraph c., then such trustee, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the project and related facilities of said authority, and such receiver may enter upon and take possession of such project and related facilities and, subject to any pledge or contract with the holders of such bonds, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of such project and related facilities and proceed with such acquisition, construction, operation, maintenance or reconstruction which said authority is under any obligation to do, and operate, maintain and reconstruct such project and related facilities and fix, charge, collect, enforce and receive the charges and all facility revenues thereafter arising subject to any pledge thereof or contract with the holders of such bonds relating thereto and perform the public duties and carry out

the contracts and obligations of said authority in the same manner as the authority itself might do and under the direction of the court.

d. Neither the members of said authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds issued pursuant to this act shall not be in any way a debt or liability of the State or of any county or municipality and shall not create or constitute any indebtedness, liability or obligation of the State or of any such county or municipality, either legal, moral or otherwise, and nothing in this act contained shall be construed to authorize said authority to incur any indebtedness on behalf of or in any way to obligate the State or any county or municipality.

4. Said authority, to provide for the public recreation, benefit and welfare, shall, in addition to any other powers conferred by this or any other act, for the effectuation of its corporate purposes under this act shall have the following powers:

a. To acquire, hold, use and dispose of its facility charges, facility revenues and other moneys;

b. To acquire, rent, hold, use and dispose of other personal property;

c. To acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for said purposes, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;

d. To make agreements of any kind with any governmental agency or person, partnership or corporation for the use or operation of, or to lease to any governmental agency or person, partnership or corporation, all or any part of a convention hall or related facilities for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

e. To borrow money and issue negotiable bonds and provide for and secure the payment of any bonds and the rights of the holders thereof in accordance with this act, and to purchase, hold and dispose of any bonds;

f. To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of said authority from any governmental agency or person, partnership or corporation, and to make and perform agreements and

contracts and to do any and all things necessary or useful and convenient in connection with the procuring acceptance or disposition of such gifts or grants;

g. To determine the location, type and character of any convention hall and related facilities and all other matters in connection with all or any part of any convention hall or related facility which it is authorized to own, construct, establish, effectuate or control;

h. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for admission to and the use, services, maintenance and operation of any convention hall or related facility owned or controlled by it, and to amend the same;

i. To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any governmental agency, person, partnership or corporation;

j. To acquire, purchase, construct, lease, operate, maintain and undertake any convention hall project or related facilities and to fix and collect facility charges for the use or services thereof or admission thereto; and

k. To 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 to carry out any power expressly given in this act.

5. Said authority is hereby authorized to fix, charge and collect rents, admission fees or other charges (in this act sometimes referred to as "facility charges") in connection with, or for occupancy, use or services of, or otherwise relating to any convention hall or any part thereof or any related facility owned or controlled by it.

6. The facility charges with respect to any convention hall or related facility or property of an authority shall comply with the terms of any lease or other agreement of the authority with regard to such convention hall, facility or property, and the facility charges fixed, charged and collected by said authority may be so adjusted that the revenues of the authority will, together with other income of the authority, at all times be adequate to pay all expenses of the authority, including the expenses of operation and maintenance of any convention hall, related facility or other property owned or controlled by the authority, including insurance, improvements,

replacements, reconstruction and any other required payments, and to pay the principal of and interest on any bonds, and to maintain such reserves or sinking funds for any of the foregoing purposes as may be required by the terms of any lease or other agreement of the authority or as may be deemed necessary or convenient and desirable by the authority.

7. The governing body of said city of Wildwood is hereby authorized to appoint, by resolution, four additional persons as commissioners of the authority. Such additional commissioners shall be designated to serve for terms of 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter, such commissioners shall be appointed as aforesaid for a term of 5 years except that all vacancies shall be filled for the expired term.

8. The governing body of said city of Wildwood may by ordinance provide that the members of the authority may receive compensation for their services within annual or other limitations to be stated in such ordinance, and in that event, each member may receive from the authority such compensation for his services as the authority may determine within the limitations stated in such ordinance. The said annual or other limitations stated in any such ordinance may be amended by subsequent ordinance, but no reduction of any such limitation shall be effective as to any member of the authority then in office except with the written consent of the authority. No members of the authority may receive any compensation for his services except as provided in this section.

9. This act shall take effect upon the due adoption of an ordinance of said city of Wildwood for the purpose of adopting same.

Approved September 11, 1975.

CHAPTER 202

AN ACT to authorize the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of $110,000,000.00 for the researching, planning, acquiring, developing, constructing, and maintaining water supply, waste water treatment and shore protection facilities, and for the delineation and marking of flood hazard areas; providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

1. This act shall be known and may be cited as the "Water Resources Bond Act."

2. The Legislature finds and determines that—

a. The conservation and development of our water resources to provide adequate supplies of wholesome water are essential to the health, welfare, commerce and prosperity of the people of the State.

b. The State's growing population and expanding industrial development and the inadequacy of sewerage systems and facilities contributes to a major extent to the pollution of the waters of this State.

c. The future construction of sewerage systems must be consistent with solving existing water quality problems and proper land-use planning procedures, and priority should be given to investment in developed areas with existing problems.

d. The adverse effects of inadequate sanitary public sewerage facilities upon every citizen of New Jersey require a comprehensive approach in order to achieve a healthful environment for all.

e. The State's coastal rivers are threatened with substantial damage resulting from erosion and storms and stronger remedial action to alleviate these conditions is in the public interest.

f. The expansion of existing efforts to delineate and mark flood hazard areas is of vital public importance, and these efforts shall

be completed with the funds to be obtained from the bonds authorized by this act.

3. As used in this act unless the context indicates another different meaning or intent:

a. "Bonds" means the bonds authorized to be issued, or issued, under this act;

b. "Commissioner" means the Commissioner of Environmental Protection;

c. "Construct" and "construction" mean, in addition to the usual meaning thereof, acts of construction, reconstruction, replacement, extension, improvement and betterment;

d. "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a project and of all or any real or personal property, agreements and franchises deemed by the department to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, cost of geological and hydrological services, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof and the placing of the same in operation, and also such provision for reserves for working capital, operating, maintenance or replacement expenses and for payment or security of principal of or interest on bonds during or after such acquisition or construction as the State Comptroller may determine, and also reimbursements to the State General Fund, or to any other fund from which moneys may have been transferred to the State General Fund, of any moneys theretofore expended for or in connection with such project;

e. "Department" means the Department of Environmental Protection;

f. "Flood plain" means the relatively flat area adjoining the channel of a natural stream, which has been or may be hereafter covered by floodwater;

g. "Floodway" means the channel of a natural stream and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or floodflow of any natural stream;

h. "Flood hazard area" means the floodway and any additional portions of the flood plain, as shall be determined by the commissioner according to the standards set forth in P. L. 1962, c. 19 (C. 58:16A–50 et seq.).

i. "Net revenues" means any or all revenues received by the department from the operation of a project or any part thereof, in excess of the operating expenses thereof and provision for such reasonable reserves therefor as the State Comptroller may require or approve;

j. "Operating expenses" means, in addition to the usual meanings thereof, all costs and expenses of operating, maintaining, managing, repairing and reconstructing a project and each and every part thereof including, without limiting the generality of the foregoing, administrative expenses, premiums on insurance, including use and occupancy insurance and casualty insurance, costs of collection of any revenues, legal and engineering expenses, financing expenses, payments to employee retirement, insurance, health and hospitalization funds, expenses, liabilities and compensation of fiduciaries, and any other expenses required to be paid for or with respect to proper operation or maintenance of such project;

k. "Project" means any work relating to water supply, waste water treatment, and shore protection facilities, and to the delineation and marking of flood hazard areas;

l. "Real property" means lands, within or without the State, and improvements thereof or thereon, any and all rights-of-way, water, riparian and other rights, any and all easements, and privileges in real property, and any right or interest of any kind or description in, relating to or connected with real property;

m. "Shore protection facilities" means and refers to the real property and the plants, structures, machinery, and equipment and other property, real, personal, and mixed, acquired, constructed, or operated, or to be acquired, constructed, or operated in whole or in part by or in behalf of the State or a political subdivision or subdivisions of the State or any agency of the State or of a political subdivision or subdivisions thereof, includng but not limited to bulkheads, seawalls, breakwaters, groins, jetties, beach fills, dunes, and any or all appurtenant structures and work for the purposes of preventing or repairing damage caused by erosion and storms, preventing erosion of the shore, and stabilizing inlets and estuaries;

n. "Water supply facilities" means and refers to the real property and the plants, structures, machinery and equipment and other

property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated in whole or in part by or on behalf of the State, or a political subdivision or subdivisions of the State or any agency of the State or of a political subdivision or subdivisions thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering or transmitting of water, and for the preserving and protecting of these resources and facilities and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof;

o. "Waste water treatment facilities" means the plants, structures and personal property acquired, constructed or operated or to be acquired, constructed or operated in whole or in part by or on behalf of the State or a political subdivision or subdivisions of the State or any agency of the State or of a political subdivision or subdivisions thereof, including pumping and ventilating stations, sewage treatment systems, plants and works, connections, outfalls, interceptors, trunk lines, and other personal property, and appurtenances necessary or useful and convenient for the treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil, or industrial wastes to preserve and protect natural water resources and facilities;

4. Bonds of the State of New Jersey are hereby authorized to be issued in the aggregate principal amount of $110,000,000.00 for the purposes of researching, planning, acquiring, developing, constructing and maintaining water quality, water supply, waste water treatment and shore protection plans, facilities and programs, and for the purpose of delineating and marking of flood hazard areas. The amount used for waste water treatment facilities shall not exceed $75,000,000.00.

5. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act. The commissioner shall review and consider the findings and recommendations of the report of the Governor's Commission to Evaluate the Capital Needs of New Jersey in the administration of the provisions of this act.

6. Said bonds shall be serial bonds and known as "Water Resources Bonds" and as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and

be paid not later than 35 years from the date of its issuance but may be issued in whole or in part for a shorter term.

Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile-signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. a. Such bonds shall recite that they are issued for the purposes set forth in section 4 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1975, and that it received the approval of the majority of votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in

conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Water Resources Fund."

15. a. The moneys in said "Water Resources Fund" are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 4 of this act, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the "Water Resources Fund" such sum as he may deem necessary said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the "Water Resources Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such

series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggreate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and

collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1975 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	WATER RESOURCES BOND ISSUE Shall the act entitled "An act to authorize the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of $110,000,000.00 for the researching, planning, acquiring, developing, constructing, and maintaining water supply, waste water treatment and shore protection facilities, and for the delineation and marking of flood hazard areas; providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election," be approved?
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

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The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. There is hereby appropriated the sum of $5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 22.

24. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

25. This section and sections 22 and 23 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved September 12, 1975.

CHAPTER 203

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $112,000,000.00 for human services facilities, their construction, reconstruction, development, extension, improvement, rehabilitation, and equipment; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

1. This act shall be cited as the "New Jersey Human Services Facilities Construction Bond Act of 1975."

2. The Legislature hereby finds that:

a. It is the public policy of the State of New Jersey to provide a safe and humane facilities for persons who require institutionalization.

b. The Governor's Commission to Evaluate the Capital Needs of New Jersey has found that funds must be provided now to restore those institutional facilities that will be continued in use, and thereby reverse the patterns of wasting capital resources through the shortsighted inadequate maintenance of State properties.

c. The Governor's Commission to Evaluate the Capital Needs of New Jersey has endorsed the need for financing of priority projects aimed at relieving overcrowded conditions in mental retardation institutions, providing vocational training facilities for blind persons, repairing State institutions which will continue to be in use, and aiding in the construction of community based facilities so as to provide viable alternatives to institutionalization.

3. Except as the context may otherwise require:

a. "Human services facilities" shall mean (1) buildings, structures and facilities under the supervision and control of the State Department of Institutions and Agencies for mental, charitable, hospital, training and correctional purposes; and (2) buildings, structures, and facilities necessary for the operation of county, municipal, or private nonprofit programs for the mentally retarded, the mentally ill, the developed mentally disabled, the aged, and for persons in correctional institutions.

b. "Construction of human services facilities" means the planning, erection, acquisition, improvement, rehabilitation, reconstruction, development and extension of public buildings, including all equipment and facilities necessary to the operation thereof and includes the acquisition of land necessary for said purposes.

c. "Commissioner" means the Commissioner of the Department of Institutions and Agencies.

4. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act.

5. Bonds of the State of New Jersey in the sum of $112,000,000.00 are hereby authorized for the construction of human services facilities.

6. Said bonds shall be serial bonds and known as "Human Services Facilities Construction Bonds" and, as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance, but may be issued in whole or in part for a shorter term.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

9. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

10. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

11. a. Such bonds shall recite that they are issued for the purposes set forth in section 5 of this act and that they are issued in pursuance of this act and that the act was submitted to the people of the State at the general election held in the month of November, 1975, and that it received the approval of the majority of votes cast for and against it at such election. Such recital in

said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

12. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

13. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

14. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

15. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Human Services Facilities Construction Fund."

16. a. The moneys in said "Human Services Facilities Construction Fund" are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise herinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the "Human Services Facilities Construction Fund" such sum as he may deem necessary, said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the "Human Services Facilities Construction Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General Fund.

17. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

18. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of

said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

19. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

20. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

21. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal

taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection b. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

22. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the

year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

23. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1975 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	HUMAN SERVICES FACILITIES BOND ISSUE Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $112,000,000.00 for human services facilities, their construction, reconstruction, development, extension, improvement, rehabilitation, and equipment; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election be approved?"
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

24. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

25. There is hereby appropriated the sum of $5,000.00 to the Secretary of State for expenses in connection with the publication of notice pursuant to section 23 of this act.

26. This section, and sections 23 and 25 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 23 of this act.

Approved September 12, 1975.

CHAPTER 204

AN ACT concerning elections and amending R. S. 19:31–2 and R. S. 19:32–2.

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

1. R. S. 19:31–2 is amended to read as follows:

Commissioner of registration; employees; civil service; evening and out-of-office registration; registration of high school students; expenses; powers and duties.

19:31–2. In all counties having a superintendent of elections, the superintendent of elections is hereby constituted the commissioner of registration and in all other counties the secretary of the county board is hereby constituted the commissioner of registration.

The commissioner of registration in all counties having a superintendent of elections, and the county board in all other counties, shall have complete charge of the permanent registration of all eligible voters within their respective counties.

The commissioner of registration in counties of the first class having a superintendent of elections and having less than 800,000 inhabitants, and the county board in all other counties, shall have power to appoint temporarily, and the commissioner of registration in counties of the first class having more than 800,000 inhabitants shall have power to appoint on a permanent, or temporary basis, such number of persons, as in his or its judgment may be necessary in order to carry out the provisions of this Title. All persons appointed by the commissioner of registration in counties of the first class having more than 900,000 inhabitants according to the 1970 Federal census to serve for terms of more than 6 months in any 1 year shall be in the classified service of the civil service and shall be appointed, and hold their positions, in accordance with the provisions of Title 11, Civil Service. All persons appointed by the commissioner of registration in counties of the first class having more than 800,000 but less than 900,000 inhabitants according to the 1970 Federal census to serve for terms of more than 6 months in any 1 year, other than the chief deputy and chief clerk and confidential secretary and chief custodian, shall be in the classi fied service of the civil service and shall be appointed and hold their positions, in accordance with the provisions of Title 11, Civil

Service. Persons appointed by the commissioner of registration in such counties to serve for terms of 6 months or less in any 1 year and persons appointed by the commissioner of registration, or by the county board of elections, in other counties, shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service.

In each county the commissioner of registration shall submit to the Secretary of State on or before February 15 of each year a plan providing for evening registration for the primary election and on or before July 1 plans providing for evening and out-of-office registration for the general election, which plans shall be subject to approval by the Secretary of State. Evening registration shall be made available in the office of each commissioner of registration between the hours of 4 p.m. and 9 p.m. for at least 6 working days immediately preceding the close of registration, in each municipality having a population in excess of 12,000 persons according to the most recent United States census between the hours of 4 p.m. and 9 p.m. for at least 3 working days immediately preceding the close of registration, and in each municipality having a population of less than 12,000 persons between the hours of 4 p.m. and 9 p.m. on the day of the close of registration for the primary and general elections and for municipal elections. Such plan for out-of-office registration may include door-to-door registration, and shall include the schedule and route to be followed by any out-of-office registration units, as well as a description of the number and nature of units to be used, and such further pertinent information as the Secretary of State may by rule or regulation require. Out-of-office registration shall be made available pursuant to such plan in each municipality having a population in excess of 12,000 persons according to the most recent United States census. Nothing in this section shall preclude the commissioner from providing pursuant to plan evening registration or out-of-office registration in excess of the requirements of this section, or shall preclude or in anyway limit out-of-office registration conducted by persons or groups other than the commissioner.

On or before the last school day on which a person may register to be entitled to vote in the ensuing primary election, the commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall arrange for and conduct registration in each public and nonpublic high school in the county, of all students who are eligible

to register to vote in the ensuing election. School officials shall cooperate with efforts to register students in such schools.

The commissioner of registration in counties having a superintendent of elections, and the county board in all other counties, shall provide such printed forms, blanks, supplies and office telephone and transportation equipment and shall prescribe such reasonable rules and regulations not inconsistent with those of the Secretary of State as are necessary in the opinion of the commissioner or county board to carry out the provisions of this Title and any amendments or supplements thereto.

Subject to the limitations set forth in chapter 32 of this Title as hereby amended all necessary expenses incurred, as and when certified and approved by the commissioner of registration in counties having a superintendent of elections, and by the county board in all other counties, shall be paid by the county treasurer of the county.

Nothing in the provisions of subtitle 2 of the Title, Municipalities and Counties (40:16–1 et seq.), shall in anywise be construed to affect, restrict or abridge the powers herein conferred on the commissioners in counties having a superintendent of elections, and upon the county boards in all other counties.

All powers granted to the commissioner in all counties not having superintendents of elections by the provisions of this Title are hereby conferred on the county board in such counties and any and all duties conferred upon the commissioner in all counties not having a superintendent of elections by the provisions of this Title shall only be exercised and performed by such commissioner under the instructions and directions of and subject to the approval of the county board of such counties.

2. R. S. 19:32–2 is amended to read as follows:

Deputy; clerk; secretary and other assistants; civil service; salaries; expenses.

19:32–2. Each superintendent may appoint a chief deputy, a chief clerk, a secretary, such personnel as is authorized under section 19:48–6 of this Title, and any other assistants he considers necessary to carry out the provisions of this Title, and, except as hereinafter provided, may remove the same whenever he deems it necessary and all persons so appointed, by superintendents of elections in counties of the first class having more than 900,000 inhabitants, according to the 1970 Federal census, to serve for terms of more than 6 months in any 1 year, shall be in the classified service of the civil service and shall be appointed in ac-

cordance with and shall be subject to the provisions of Title 11, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service. All persons appointed by the commissioner of registration in counties of the first class having more than 800,000 but less than 900,000 inhabitants according to the 1970 Federal census to serve for terms of more than 6 months in any 1 year, other than the chief deputy and chief clerk and confidential secretary and chief custodian, shall be in the classified service of the civil service and shall be appointed, and hold their positions, in accordance with the provisions of Title 11, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service. Each superintendent shall fix the salaries of the persons so appointed and such salaries certified to and approved under his hand shall be paid semimonthly by the county treasurer of the county in which such persons are so engaged. All other necessary expenses incurred in carrying out the provisions of this Title when certified to and approved by the superintendent shall be paid by the county treasurer of the county in which the superintendent shall maintain his office provided, however, that all necessary expenses incurred by the commissioner of registration, the superintendent of elections, and the custodian of voting machines in the counties of the first class for the proper performance of all of his duties of all his offices as set forth in Title 19, shall not exceed, in the aggregate, the sum of $800,000.00 per annum.

3. (New section) All employees of the commissioner of registration in counties of the first class having more than 800,000 but less than 900,000 inhabitants, other than the chief deputy, chief clerk, confidential secretary and chief custodian, appointed to serve for terms of more than 6 months in any 1 year prior to the effective date of this act and who are so employed on the effective date of this act shall, upon certification by the commissioner, be classified by the Civil Service Commission into the classified service without examination and shall thereafter hold their positions under the provisions of Title 11, Civil Service, of the Revised Statutes.

4. This act shall take effect immediately.

Approved September 18, 1975

CHAPTER 205

AN ACT concerning county boards of elections and supplementing chapter 6 of Title 19 of the Revised Statutes.

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

1. In all counties of the first class having a population of more than 800,000 but less than 900,000 pursuant to the 1970 Federal census, any person holding the title of senior elections clerk or elections clerk as of January 1, 1974 shall be permanently appointed in the title of senior elections clerk without having to take a civil service open competitive examination.

2. This act shall take effect immediately.

Approved September 18, 1975

CHAPTER 206

AN ACT to amend the "Redevelopment Agencies Law," approved June 14, 1949 (P. L. 1949, c. 306).

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

1. Section 12 of P. L. 1949, c. 306 (C. 40:55C–12) is amended to read as follows:

C. 40:55C-12 Powers of agency.

12. An agency shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the agency; and to make and from time

to time amend and repeal bylaws, rules and regulations, not inconsistent with this act, to carry into effect its powers and purposes.

(b) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(c) Borrow moneys from any source and issue its bonds therefor and give or issue such security therefor or for such bonds, including but not limited to bonds, bonds and mortgages, or other assets of the agency, or pledge or assignment thereof or mortgage or other encumbrance on any of its property, real, personal, or mixed, and pay such rate of interest thereon not exceeding 6% per annum as the agency may deem for the best interest of the public.

(d) To invest in an obligee the right in the event of a default by the agency to foreclose and take possession of the project covered by said mortgage or apply for the appointment of a receiver.

(e) To provide for the refunding of any of its bonds, by the issuance of such obligations, in such manner and form, and upon such terms and conditions, as it shall deem in the best interests of the public.

(f) Consent to the modification of any contract, bond indenture, mortgage or other instrument entered into by it.

(g) Pay or compromise any claim arising on, or because of any agreement, bond indenture, mortgage or instrument.

(h) Subordinate, waive, sell, assign or release any right, title, claim, lien or demand however acquired, including any equity or right of redemption, foreclose, sell or assign any mortgage held by it, or any interest in real or personal property; and purchase at any sale, upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal or mixed, so acquired and similarly to sell, exchange, assign, convey or otherwise dispose of any such property.

(i) Complete, administer, operate, obtain and pay for insurance on, and maintain, renovate, repair, modernize, lease or otherwise deal with any property acquired or held pursuant to this act.

(j) Acquire, by condemnation, any land or buildings which are necessary for a project under this act. In such case the agency shall proceed pursuant to the provisions of chapter 1 of Title 20 of the Revised Statutes relating to eminent domain and acquire

a fee simple or such lesser interest in said lands as it shall deem necessary.

(k) To extend credit or make loans to redevelopers for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing any project or redevelopment work.

2. Section 15 of P. L. 1949, c. 306 (C. 40:55C–15) is amended to read as follows:

C. 40:55C-15 Clearance; replanning, development and redevelopment of blighted area; approval; additional powers of agency.

15. With the approval of the governing body or governing bodies of the municipality or municipalities, an agency may proceed with the clearance, replanning, development and redevelopment of a blighted area after same has been determined as such by said municipality and in order to carry out and effectuate the purposes of this act, said agency may: (a) acquire or contract to acquire from any person, firm, or corporation, public or private, by contribution, gift, grant, bequest, devise, purchase, condemnation or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in a redevelopment area and in any area designated by the governing body as necessary for carrying out the relocation of the residents, industry and commerce displaced from a redevelopment area; (b) clear any area acquired and install, construct or reconstruct streets, facilities, utilities and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan; (c) relocate or arrange for the relocation of residents of an area; (d) dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease or exchange; (e) request the planning board, if any, to recommend and the governing body pursuant to existing law to designate blighted areas in need of redevelopment and to make recommendations for such development; (f) to study the recommendations of the planning board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the municipality, blighted areas and blighting factors, to the governing body of the municipality thereon; (g) to publish and disseminate information; (h) to prepare or arrange by contract for preparation of plans by registered architects or licensed professional engineers or planners for the carrying out of redevelopment projects; (i) to arrange or contract with public agencies or redevelopers for the

planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area; (j) to arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of any redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas; (k) to enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, soundings or test borings necessary to carry out the purposes of this act; (l) to arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from a redevelopment area; (m) to conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of the State, unable to attend, or excused from attendance; (n) to authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpenas or commissions; and (o) to do all things necessary or convenient to carry out its powers.

3. This act shall take effect immediately.

Approved September 22, 1975.

CHAPTER 207

AN ACT authorizing the creation of debt of the State of New Jersey by the issuance of bonds of the State in the sum of $100 million to provide money for mortgage assistance and to spur construction and rehabilitation of housing; to enable such housing to be occupied by senior citizens and families of low and moderate income; to provide the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and to provide for the submission of this act to the people at a general election.

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

1. This act may be cited as the "New Jersey Housing Assistance Bond Act of 1975."

2. The Legislature hereby finds that:

a. Despite the existence of numerous Federal programs designed to provide housing for senior citizens and families of low and moderate income, construction and rehabilitation of such housing units has not proceeded at a pace sufficient to provide for the housing need of the State.

b. The need for such new and rehabilitated housing is great and continues to increase, with growing numbers of New Jersey citizens unable to obtain safe and sound dwelling places.

c. A significant portion of the State's existing housing stock is threatened with decay and eventual loss because insufficient private capital is made available for rehabilitation of housing in the neighborhoods in which this housing is situated.

d. The State, through the investment of a relatively modest sum of money, can cause the production of such new and rehabilitated housing to be increased and can assist in preventing existing housing and neighborhoods from falling into disrepair and eventual abandonment; in conjunction with Federal, other State and local programs acting in concert, such State money can encourage the increased investment of private funds in housing on a multiplier basis far exceeding the initial expenditure of these State funds.

e. The actual cost of providing new and rehabilitated housing units of decent quality and size generally places such units beyond the means of senior citizens and families of low and moderate income. In order to enable such senior citizens and families to occupy such units, some additional form of assistance is necessary. This assistance can and should take many forms, because of the large number of housing programs presently available. By providing conditions that will accelerate housing production under various housing programs, the maximum potential for a rapid increase in housing production is achieved.

f. At this time of serious unemployment in New Jersey, particularly in the housing and construction industries, there is an urgent need for the public sector to stimulate increased economic activity to create expanded employment opportunities for New Jersey's workers.

g. The Legislature also finds and declares that the expenditure of public funds toward these ends is for a public purpose and in the public interest.

3. Except as the context may otherwise require:

a. "Department" means the Department of Community Affairs.

b. "Commissioner" means the Commissioner of the Department of Community Affairs.

c. "Act" means this act, and any amendments and supplements thereto, and any rules and regulations promulgated thereunder.

d. "Housing assistance fund" or "fund" shall mean the fund created by section 4b. of this act.

e. "Low income," and "moderate income" shall be determined by the commissioner pursuant to regulations promulgated under this act, provided however, that the commissioner, in his determination, shall consider the Federal standards for low and moderate income for the various communities within the State of New Jersey.

f. "Qualified mortgagor" means any nonprofit or limited dividend housing sponsor, owner entity or individual, or any municipality, county or public authority, constructing, rehabilitating or operating housing in New Jersey under a Federal or low or moderate income housing program, the New Jersey Housing Finance Agency program, or other programs for low or moderate income occupancy.

g. "Qualified housing development" means any housing project built or rehabilitated or to be built or rehabilitated and operated by a qualified mortgagor.

h. "Senior citizen" means a person of low or moderate income, 62 years of age or older, or families of low or moderate income which consist of two or more persons and the head of which, or his spouse, is 62 years of age or older.

4. a. Bonds of the State of New Jersey in the sum of $100 million are hereby authorized to obtain funds to meet the cost of providing housing assistance as set forth herein.

b. There is hereby created and established in the department a "housing assistance fund" which shall consist of:

(1) All moneys derived from the proceeds of any bonds which may be authorized by this act;

(2) Any moneys which the department shall receive in repayment of loans or advances from the fund, notwithstanding the provisions of any other act or part thereof;

(3) All moneys received from the investment or deposit of the proceeds of any bonds which may be authorized by this act;

(4) Any other moneys made available to the department from any source or sources which the commissioner shall allocate to the fund for the purposes authorized by this act.

c. The commissioner shall submit with the department's annual budget request a plan for the expenditure of housing assistance funds for the upcoming fiscal year. This plan shall include, but not be limited to, the following information: a performance evaluation of the expenditures made from the fund to date; a description of the subsidy programs planned for utilization during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by housing assistance funds; and an estimate of expenditures for the upcoming fiscal year. This information shall be used to assist the Legislature in determining the amount to appropriate from the fund.

5. The commissioner is authorized to utilize moneys from the housing assistance fund for the following purposes and programs:

a. Interest rate subsidy. The commissioner may enter into contracts and agreements with qualified mortgagors, or with mortgagees thereof, pursuant to which the commissioner may make direct payments to such mortgagors or mortgagees to assist in paying mortgage interest charges on qualified housing developments, where such direct payments will be applied to decrease rental or carrying charges to low and moderate income occupants of such housing.

b. Assistance to qualified housing developments. The commissioner is authorized to enter into contracts or other agreements pursuant to which financial assistance will be provided for qualified housing developments, including but not limited to those constructed, financed, or rehabilitated under Federal, other State, or locally aided low and moderate income programs, where such assistance is necessary to provide financial feasibility and enable the developments to be completed. Without limiting the generality of the foregoing, such assistance may include: a direct loan to a qualified housing mortgagor, subordinated to the Federal or other State mortgage loan, with repayment of principal, and interest, if any, referred until such time as such Federal or other State loan is paid or otherwise discharged or released; and grants or loans to municipalities for urban homesteading, code enforcement, or rehabilitation and direct sale of properties acquired either through tax foreclosure or from the United States Department of Housing and Urban Development.

6. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this act.

7. The bonds provided for herein shall be serial bonds and known as "State Housing Assistance Bonds" and, as to each series, the last installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance.

8. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

9. The Governor, State Treasurer and Comptroller of the Treasury, or any two such officials (hereinafter referred to as the "issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

10. Bonds, issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds

shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

11. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the official signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

12. a. Such bonds shall recite that they are issued for the purpose set forth in section 5 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1975, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recitals in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

13. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

14. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at

least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and in such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

15. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

16. The proceeds from the sale of bonds shall be paid to the State Treasurer and be held by him for the housing assistance fund in a separate account, to be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the housing assistance fund.

17. a. The moneys in said fund are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all of such moneys are hereby appropriated for such purpose, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of such fund, such sums as he may deem necessary for the purposes of this act; said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in this act, moneys in the housing assistance fund may be invested and rein-

vested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the housing assistance fund.

18. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction and also such security and indemnity and reimbursement for expenses as the issuing officials may require.

19. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

20. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

21. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest that would be paid on the bonds to be refunded if such bonds were not so refunded. Refunding bonds shall constitute

direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

22. To provide funds to meet the interest and principal payments required for the bonds issued in this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the tax collected under and by virtue of the Sales and Use Tax Act (P. L. 1966, c. 30), or so much thereof as may be required; and

b. If in any year or at any time funds as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal

and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the fees, charges and taxes specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

23. Should the State Treasurer by December 31 of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case, the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

24. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1975, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+) or check (√) mark in the square opposite the word "Yes." If you disapprove the act entitled below, make a cross (×), plus

(+), or check (√) mark in the square opposite the word "No." If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	HOUSING ASSISTANCE BOND ISSUE Shall the act entitled "An act authorizing the creation of debt of the State of New Jersey by the issuance of bonds of the State in the sum of $100 million to provide money for mortgage assistance and to spur construction and rehabilitation of housing; to enable such housing to be occupied by senior citizens and families of low and moderate income; to provide the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and to provide for the submission of this act to the people at a general election," be approved? INTERPRETIVE STATEMENT Approval of this act would authorize the sale of $100 million in bonds to be used for mortgage assistance and the construction or rehabilitation of housing for senior citizens and for families of modest incomes, to loosen a tight housing market, to stimulate increased economic activity and to create useful job opportunities in a time of high unemployment.
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had

in the same manner as is now provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act shall take effect forthwith.

25. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the commissioner shall submit to the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time copies of the plan called for under section 4c. of this act together with such changes therein as may be required by the Governor's Budget Message. A similar plan shall be submitted to said joint legislative committee to assist said joint committee and the Legislature in determining amounts for which appropriations from the fund are requested by any supplementary appropriations act.

26. This section and section 24 shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved September 23, 1975.

CHAPTER 208

AN ACT establishing a New Jersey Commission on Capital Budgeting and Planning; prescribing its purposes and powers; and making an appropriation therefor.

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

C. 52:9S-1 Definitions.

1. As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

a. "Capital project" means any undertaking which is to be financed or funded or is proposed to be financed or funded by the

issuance of bonds, notes or other evidences of indebtedness of the State or any public authority thereof; or any undertaking which is to be financed or funded or is requested to be financed or funded by an appropriation in the annual budget, where the expenditure therefor is, by statute, or under standards as they may be prescribed from time to time by the Department of the Treasury, a capital expenditure.

b. "Commission" means the New Jersey Commission on Capital Budgeting and Planning created by section 2 of this act;

c. "Plan" means the State Capital Improvement Plan provided for by subsection a. of section 3. of this act.

d. "State agency" means an executive or administrative department, office, public authority or other instrumentality of State Government.

C. 52:9S-2 Creation; members; selection; term; vacancy; chairman; expenses.

2. There is hereby created a New Jersey Commission on Capital Budgeting and Planning. The commission shall consist of 12 members selected as follows: the State Treasurer and any three other members of the Executive Branch designated by the Governor to so serve at his pleasure, two members of the General Assembly, two members of the Senate and four public members from the State at large.

The members from the General Assembly shall be appointed by the Speaker of the General Assembly. The members of the Senate shall be appointed by the President of the Senate. No more than one of the members appointed by the Speaker or President shall be from the same political party. Legislative members shall serve while members of their respective houses for the term for which they have been elected.

The four public members shall be appointed by the Governor with advice and consent of Senate for a term of 6 years and until their successors are qualified, provided that no more than two of them may be of the same political party, and provided further that at the time of the initial appointment of the public members, the Governor shall provide for staggered terms by appointing two public members for a term of 6 years, one public member for a term of 4 years, and one public member for a term of 2 years. Any vacancy among the public members shall be filled in the same manner as the original appointment, but for the unexpired term only.

A chairman of the commission shall be designated by, and serve at the pleasure of, the Governor from among the public members.

Members of the commission shall serve without compensation, but public members shall be entitled to reimbursement for expenses incurred in the performance of their duties.

C. 52:9S-3 State capital improvement plan; annual preparation; contents; copies to Governor, legislature and division of budget and accounting; submission of information by state agencies.

3. a. The commission shall each year prepare a State Capital Improvement Plan containing its proposals for State spending for capital projects. Copies of the plan shall be submitted to the Governor and the Legislature no later than December 1 of each year. The plan shall provide

(1) A detailed list of all capital projects of the State which the commission recommends be undertaken or continued by any State agency in the next 3 fiscal years, together with information as to the effect of such capital projects on future operating expenses of the State, and with recommendations as to the priority of such capital projects and the means of funding them;

(2) The forecasts of the commission as to the requirements for capital projects of State agencies for the 4 fiscal years next following such 3 fiscal years and for such additional periods, if any, as may be necessary or desirable for adequate presentation of particular capital projects, and a schedule for the planning and implementation or construction of such capital projects;

(3) A schedule for the next fiscal year of recommended appropriations of bond funds from issues of bonds previously authorized;

(4) A review of capital projects which have recently been implemented or completed or are in process of implementation or completion;

(5) Recommendations as to the maintenance of physical properties and equipment of State agencies; and

(6) Such other information as the commission deems relevant to the foregoing matters.

b. Each State agency shall no later than August 15 of each year provide the commission with

(1) A detailed list of capital projects which each State agency seeks to undertake or continue for its purposes in the next 3 fiscal years, together with information as to the effect of such capital projects on future operating expenses of the State, and with such relevant supporting data as the commission requests;

(2) Forecasts as to the requirements for capital projects of such agency for the 4 fiscal years next following such 4 fiscal years and for such additional periods, if any, as may be necessary or desirable for adequate presentation of particular capital projects, and a schedule for the planning and implementation or construction of such capital projects;

(3) A schedule for the next fiscal year of requested appropriations of bond funds from issues of bonds previously authorized;

(4) A report on capital projects which have recently been implemented or completed or are in process of implementation or completion;

(5) A report as to the maintenance of its physical properties and capital equipment; and

(6) Such other information as the commission may request.

c. A copy of the plan shall also be forwarded to the Division of Budget and Accounting each year upon its completion, and the portion of the plan relating to the first fiscal year thereof shall, to the extent it treats of capital appropriations in the annual budget, constitute the recommendations of the commission with respect to such capital appropriations in the budget for the next fiscal year.

C. 52:9S-4 Review of bills introduced in legislature.

4. The commission shall review any bill introduced in either House of the Legislature which makes provision for an appropriation for a capital project, or for the authorization of the issuance of bonds, notes or other evidences of indebtedness of the State, or of bonds, notes or other evidences of indebtedness of a State agency containing a moral pledge of the State. The commission shall study the necessity, desirability and relative priority of such appropriation or indebtedness by reference to the plan or otherwise. The commission shall promptly prepare and forward its recommendation on the bill to the House in which it was introduced.

C. 52:9S-5 Public hearings.

5. The commission may conduct public hearings in furtherance of its general purposes at such place or places as it shall designate, at which it may request the appearance of officials of any State agency and solicit the testimony of interested groups and the general public.

C. 52:9S-6 Rules and regulations.

6. The commission may adopt such rules and regulations as it shall deem necessary or desirable to carry out its purposes as provided by this act.

C. 52:9S-7 Executive director; employment; compensation; bureau of capital planning; other employees.

7. The commission may employ and fix the compensation of an executive director who shall be its secretary and principal executive officer. The commission shall be staffed by the Division of Budget and Accounting of the Department of the Treasury. There is hereby created within said division a bureau of capital planning for this purpose. The commission may also employ such other stenographic, clerical and expert assistance, and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it.

C. 52:9S-8 Assistance for commission and division of budget and accounting; advisory committees.

8. a. The commission and the Division of Budget and Accounting shall be entitled to call to their assistance such personnel of any State agency, municipality or political subdivision as they may require in order to perform their duties hereunder.

b. The Office of Fiscal Affairs and other State agencies shall also assist the commission in the performance of its functions. The commission may make use of existing studies, surveys, plans, data and other materials in the possession of any State agency or any municipality or political subdivision of this State. Each such agency, municipality or subdivison is hereby authorized to make the same available to the commission so that the commission may have available to it current information with respect to the capital plans and programs of each such agency, municipality or subdivision.

c. The officers and personnel of any State agency, municipality or political subdivision, and any other person may serve at the request of the commission upon such advisory committees as the commission may create and such officers and personnel may serve upon such committees without forfeiture of office or employment and with no loss or diminution in the compensation, status, rights and privileges which they otherwise enjoy.

9. There is hereby appropriated for the purposes of the commission for the first fiscal year the sum of $75,000.00.

10. This act shall take effect immediately.

Approved September 23, 1975.

CHAPTER 209

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $600,000,000.00 for the purpose of improving the public transportation system of the State, including the improvement of mass and rail freight transportation facilities and of highways; providing the ways and means to pay and discharge the principal thereof and interest thereon; and providing for the submission of this act to the people at a general election.

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

1. This act shall be known and may be cited as the "New Jersey Transportation Bond Act of 1975."

2. The Legislature hereby finds and determines that:

a. Since 1966 the State of New Jersey has recognized the interrelationship between various modes of transportation by creation of a Department of Transportation responsible for the development of a comprehensive, balanced, and coordinated transportation program; and

b. A State Transportation Fund, which was established in 1968, in the amount of $640,000,000.00 to finance the simultaneous improvement of the State's mass transportation and highway facilities has now been either completely committed or exhausted; and

c. The Governor's Commission to Evaluate the Capital Needs of New Jersey has concluded that there continues to be a vital and immediate need for a comprehensive State transportation plan, which combines further improvements in the mass transportation system with completion of certain highway projects, rehabilitation of highways, and safety improvement and traveling efficiency for the motoring public; and

d. There exist county and municipal road conditions throughout the State still requiring capital improvements to remove, remedy, and alleviate potential hazards to pedestrian and vehicular traffic; and

e. The Federal Regional Rail Reorganization Act of 1973 may result in the reorganization and restructuring of railroad services in New Jersey and thereby threaten certain railroad rights-of-way

with abandonment and certain rail services with discontinuances or curtailments; and

f. The impact of the aforementioned abandonments, discontinuances, and curtailments would be harmful to the welfare of the State of New Jersey; and

g. The Federal Regional Rail Reorganization Act of 1973 provides for the acquisition of rail properties and the continuation of rail services with Federal support and assistance to states with adequate available funds; and

h. The environmental and energy programs of the State require increased reliance on efficient and nonpolluting means of transportation.

3. Except as the context may otherwise require:

a. "Commissioner" shall mean the Commissioner of the Department of Transportation.

b. "Cost" shall mean but shall not be limited to costs and expenses in the acquisition of facilities and equipment and all other property, real and personal, tangible and intangible; costs and expenses incurred in the study, planning, research and development of methods, facilities or equipment for improving the State's public transportation system; costs and expenses incurred in the preparation of plans, the design, the construction or improvement of State highways and mass and rail freight transportation facilities.

c. "Department of Transportation" shall mean the Department of Transportation established by the Transportation Act of 1966 or any agency or department successor to its powers and responsibilities.

d. "Improvement of mass and rail freight transportation facilities" shall mean, but shall not be limited to, the development, acquisition by purchase, lease or otherwise, construction, reconstruction, improvement, rebuilding, relocation, renewal, establishment or rehabilitation of mass and rail freight transportation facilities and shall include the acquisition of all property, rights-of-way, easements, and interests, including, but not limited to, stocks, bonds, and other securities, as shall be necessary for the improvement of mass and rail freight transportation facilities.

e. "Improvement of highways" shall mean but shall not be limited to the construction, reconstruction, improvement or rebuilding of highways, including all necessary bridges, tunnels, overpasses, interchanges, express bus roadways, traffic circles,

grade separations, traffic control devices and the elimination of railroad crossings of said highways at road grade, or the improvement of any existing grade separated railroad crossings, and shall include the acquisition of all property, rights-of-way, easements and interests therein as shall be necessary for improvement and maintenance of said highways. Maintenance facilities and highway maintenance equipment necessary and incidental to the repair and maintenance of highways shall also, for purposes of this act, be considered an "improvement of highways," as shall any highway or road system providing immediate access to and from mass transportation facilities.

f. "Public transportation system" shall mean and include highways, mass and rail freight transportation facilities, and all other methods of ground or surface transportation for the movement of people or goods on rights-of-way available to the public.

g. "Mass transportation facilities" shall mean all facilities and equipment necessary now or reasonably expected to be required in this State or in other states adjacent thereto for the mass transportation of New Jersey citizens by public means, or by means exclusively for the use of the elderly and handicapped, whether by rail, motor bus, motor vehicle, high speed ground or surface transportation systems, or portions thereof, including, but not limited to rights-of-way, roadbeds, trackage, rails, bridges, grade crossings, signal systems, power systems, fuel, communication systems, ventilation systems, stations, automobile parking facilities, shelters, track connections and interfaces between transportation modes, transportation centers, terminals, storage yards or buildings, repair, maintenance, development and testing shops or facilities, yards, equipment and parts, offices and other incidental real estate or personalty used or held for, or incidental to, the operation, rehabilitation or improvement of any railroad, bus operation or other mass transportation system, including any established exclusively for the use of senior citizens and handicapped persons; all necessary equipment, including, but not limited to, railroad and subway passenger cars, locomotives, motor buses, motor vehicles and air cushion vehicles and improvement of said equipment.

h. "Rail freight transportation facilities" shall mean all facilities and equipment necessary now or reasonably expected to be required in this State or other state adjacent thereto for the transportation of freight by rail common carriers, including but not limited to rights-of-way, roadbeds, trackage, rails, bridges, grade

crossings, signal systems, power systems, fuel, communication systems, ventilation systems, stations, track connections, interfaces between transportation modes, terminals, storage yards, repair, maintenance, development and testing shops or facilities, yards, equipment and parts, offices and other incidental real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any rail freight transportation service; all necessary equipment, including but not limited to, railroad freight cars and locomotives and improvements of such necessary equipment.

i. "Highways" shall mean and include any public highway, road, street, expressway, freeway, parkway or motorway constructed or maintained in whole or in part, with funds appropriated by the State.

j. "State Transportation Fund of 1975" or "fund" shall mean the fund established by section 14 of this act.

4. Bonds of the State of New Jersey in the sum of $600,000,000.00 are hereby authorized for the purpose of providing an improved public transportation system for the State.

a. $300,000,000.00 of these bonds shall be reserved for the improvement of mass and rail freight transportation facilities; provided, however that none of this authorized amount shall be expended for the cost of operating any mass or rail freight transportation services or for operating subsidies to any carrier providing such services;

b. $200,000,000.00 of these bonds shall be reserved for highway safety and improvement and are to be used as follows:

(1) The sum of $10,000,000.00 to be distributed for the improvement of existing highway traffic circles and intersections that have been deemed by the commissioner to be hazards to the safety of the traveling public; and

(2) The sum of $10,000,000.00 for miscellaneous road safety projects of the Department of Transportation.

The balance of these bonds authorized but not specifically reserved in subsections b. (1) or (2) shall be used generally for the improvement of highways.

c. $100,000,000.00 to be distributed for aid to counties and municipalities upon application therefor in furtherance of programs undertaken by such counties and municipalities for the improvement of mass and rail freight transportation facilities and of highways, which shall share in these funds pursuant to a formula based

on the total of their road mileage, density of population, and motor vehicle registration to the total of those for the State as a whole.

5. The commissioner is authorized to promulgate rules and regulations in order to effectuate the purposes of this act.

6. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions of this act. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place.

7. Said bonds shall be serial bonds and be known as "1975 State Transportation Bonds" and shall be issued from time to time as the issuing officials herein named shall determine. The last annual installment of each series of bonds (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance, but any series of bonds may be issued in whole or in part for a shorter term.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall have ceased to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. a. Said bonds shall recite that they are issued for the purpose set forth in section 4 of this act and that they are issued in pursuance of this act and that this act was submitted to the

people of the State at the general election held in the month of November, 1975, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed as fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as from time to time may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. Said bonds shall be issued and sold at such price, not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Transportation Fund of 1975."

15. a. The moneys in the said State Transportation Fund of 1975 are hereby specifically dedicated and shall be applied to the cost of the transportation purposes set forth in section 4 of this act and all of such moneys are hereby appropriated to the Department of Transportation for such purpose, but no such moneys shall be expended for such purposes (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature. Bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the State Transportation Fund of 1975 such sum as he may deem necessary for the purposes of this act; said sum so transferred shall be returned to the treasury of this State by the State Treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in this act, moneys in the State Transportation Fund of 1975 may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such moneys shall be paid into the general treasury and become a part of the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenues derived from the tax collected upon the sale of motor fuels under and by virtue of the Motor Fuel Tax Act (Title

54, chapter 39 of the Revised Statutes as amended and supplemented), or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest due and to become due within 1 year on all outstanding bonds issued hereunder and on such bonds as are proposed to be issued under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, or on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other source of payment of said principal and interest provided for in this section shall not then be available, and receipts for said year from the taxes specified in subsection a. of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the

Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1975, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	1975 New Jersey Transportation Bond Issue Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $600,000,000.00 for the purpose of improving the public transportation system of the State, including the improvement of mass and rail freight transportation facilities and of highways; providing the ways and means to pay and discharge the principal thereof and interest thereon; and providing for the submission of this act to the people at a general election" be approved?
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election held in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. In addition to such powers as are presently or hereafter vested in the Commuter Operating Agency in the Department of Transportation, established pursuant to P. L. 1966, c. 301, that agency shall have the power to do all things necessary for the State to qualify for and receive all forms of financial assistance available under the Regional Rail Reorganization Act of 1973 45 U.S.C. § 701, et seq. and the Urban Mass Transportation Act

of 1964 49 U.S.C., § 1601, et seq. and do all things necessary to implement programs in connection with such assistance.

24. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

25. There is hereby appropriated the sum of $5,000.00 to the Secretary of State for expenses in connection with the publication of notice pursuant to section 22 of this act.

26. This section and sections 22, 23 and 25 of this act shall take effect immediately and the remainder of this act shall take effect as and when provided in section 22 of this act.

Approved September 23, 1975.

CHAPTER 210

AN ACT concerning the sale of real property to enforce municipal liens, and amending R. S. 54:5–32 and 54:5–34.

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

1. R. S. 54:5–32 is amended to read as follows:

Sale in fee subject to redemption.

54:5–32. The sale shall be made in fee to such person as will purchase the property, subject to redemption at the lowest rate of interest, but in no case in excess of 12% per annum. If at the sale a person shall offer to purchase subject to redemption at a rate of interest less than 1%, he may, in lieu of any rate of interest to redeem, offer a premium over and above the amount of taxes, assessments or other charges, as in this chapter specified, due the municipality, and the property shall be struck off and sold to the bidder who offers to pay the amount of such taxes, assessments or charges, plus the highest amount of premium.

2. R. S. 54:5–34 is amended to read as follows:

Sale; purchase by municipality; rights of municipality.

54:5–34. The officer making sale shall strike off and sell to the municipality in fee for redemption any parcel of real property purchased in accordance with a successful bid made pursuant to a resolution of the governing body or at 12% any parcel of real property for which there shall be no other purchaser, and the municipality shall have the same remedies and rights as other purchasers, including the right to bar or foreclose the right of redemption.

3. This act shall take effect immediately.

Approved September 25, 1975.

CHAPTER 211

AN ACT to amend the "State Police Retirement System Act," approved June 9, 1965 (P. L. 1965, c. 89).

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

1. Section 3 of P. L. 1965, c. 89 (C. 53:5A–3) is amended to read as follows:

C. 53:5A-3 Definitions.

3. As used in this act:

a. "Aggregate contributions" means the sum of all the amounts, deducted from the salary of a member or contributed by him or on his behalf, standing to the credit of his individual account in the Annuity Savings Fund. Interest credited on contributions to the former "State Police Retirement and Benevolent Fund" shall be included in a member's aggregate contributions.

b. "Annuity" means payments for life derived from the aggregate contributions of a member.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables recommended by the actuary as the board of trustees adopts and regular interest.

d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

e. "Board of trustees" or "board" means the board provided for in section 30 of this act.

f. "Child" means a deceased member's or retirant's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

g. "Creditable service" means service rendered for which credit is allowed on the basis of contributions made by the member or the State.

h. "Parent" means the parent of a member who was receiving at least one-half of his 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.

i. "Final compensation" means the average compensation received by the member in the last 12 months of creditable service preceding his retirement or death. Such term includes the value of the member's maintenance allowance for this same period.

j. "Final salary" means the average salary received by the member in the last 12 months of creditable service preceding his retirement or death. Such term shall not include the value of the member's maintenance allowance.

k. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

l. "Medical board" means the board of physicians provided for in section 30 of this act.

m. "Member" means any full-time, commissioned officer, noncommissioned officer or trooper of the Division of State Police of the Department of Law and Public Safety of the State of New Jersey enrolled in the retirement system established by this act.

n. "Pension" means payment for life derived from contributions by the State.

o. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed on the basis of such mortality tables recom-

mended by the actuary as shall be adopted by the board of trustees and regular interest.

p. "Regular interest" means 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 system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

q. "Retirant" means any former member receiving a retirement allowance as provided by this act.

r. "Retirement allowance" means the pension plus the annuity.

s. "State Police Retirement System of New Jersey," herein also referred to as the "retirement system," is the corporate name of the arrangement for the payment of retirement allowances and of the benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds invested, warrants for moneys drawn, and payments made and all of its cash and securities and other property held. All assets held in the name of the former "State Police Retirement and Benevolent Fund" shall be transferred to the retirement system established by this act.

t. "Widow" means the woman to whom a member or a retirant was married before he attained 55 years of age and to whom he continued to be married until the date of his death. The dependency of such a widow will be considered terminated by the marriage of the widow subsequent to the member's or the retirant's death.

u. "Compensation" for purposes of computing pension contributions means the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the State 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 work day or shift.

2. This act shall take effect immediately.

Approved September 26, 1975.

CHAPTER 212

AN ACT providing for a thorough and efficient system of free public schools, a State aid program implementing such system, revising parts of the statutory law and supplementing Title 18A of the New Jersey Statutes.

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

ARTICLE I. SHORT TITLE; LEGISLATIVE FINDINGS; DEFINITIONS

C. 18A:7A-1 Short title.

1. This act shall be known and may be cited as the "Public School Education Act of 1975."

C. 18A:7A-2 Legislative findings and declaration.

2. a. The Legislature finds and declares that:

(1) The New Jersey Constitution provides that the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of 5 and 18 years is a legislative responsibility;

(2) It has been determined by the Supreme Court of New Jersey that the constitutional requirement has not been met and that action must be taken to correct any deficiencies;

(3) Extensive efforts have been made by the Executive and Legislative branches of State Government and others since the Supreme Court's decision to determine the content of a thorough and efficient system of education and how it may be assured;

(4) Because the sufficiency of education is a growing and evolving concept, the definition of a thorough and efficient system of education and the delineation of all the factors necessary to be included therein, depend upon the economic, historical, social and cultural context in which that education is delivered. The Legislature must, nevertheless, make explicit provision for the design of State and local systems by which such education is delivered, and should, therefore, explicitly provide after 4 years from the effective date of this act for a major and comprehensive evaluation of both the State and local systems, and the sufficiency of education provided thereby;

(5) In order to encourage citizen involvement in educational matters, New Jersey should provide for free public schools in a manner which guarantees and encourages local participation consistent with the goal of a thorough and efficient system serving all of the children of the State;

(6) A thorough and efficient system of education includes local school districts in which decisions pertaining to the hiring and dismissal of personnel, the curriculum of the schools, the establishment of district budgets, and other essentially local questions are made democratically with a maximum of citizen involvement and self-determination and are consistent with Statewide goals, guidelines and standards; and

(7) Such a system should be in part locally funded to encourage involvement of and assure the financial supervision by the residents of the local unit, and in part State funded, to equalize Statewide the tax effort required for a thorough and efficient system of free public schools.

b. The Legislature, therefore, hereby accepts the responsibility:

(1) To define the overall goal of a thorough and efficient system of free public schools in New Jersey;

(2) To establish guidelines within which such a system shall operate;

(3) To delegate to appropriate State and local agencies the authority:

(a) to establish goals and objectives consistent with legislative guidelines, and

(b) to define standards of performance necessary to indicate achievement of the goals and objectives;

(4) To establish a funding structure which will ensure that adequate financial resources shall be available to enable a system of free public schools to operate throughout the State; and

(5) To monitor the system of free public schools and provide for corrective action when necessary to ensure adequate progress toward the achievement of goals and objectives.

C. 18A:7A-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Administrative order" means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

"Approved special class pupil" means a pupil enrolled in any class for atypical pupils pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

"Approved special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes but excluding pupils attending county special services school districts.

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education approved by the State board.

"Budgeted capital outlay" means those capital outlay expenditures that are included in the annual school budget.

"Categorical programs" means those programs and services recognized in this act as requiring per pupil expenditures over and above those applicable to regular programs, as provided in section 20 of this act.

"Current expense" means all expenses of the school district, as enumerated in N. J. S. 18A:22–8, other than those required for interest and debt redemption charges and any budgeted capital project.

"Debt service" means and includes payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P. L. 1971, c. 10 (C. 18A:58–33.6 et seq.) and P. L. 1968, c. 177 (C. 18A:33.2 et seq.) is excluded.

"District equalized valuation per pupil" means the quotient resulting from dividing the total equalized valuations in the school district by the resident enrollment of the district; provided that in the determination of the equalized valuation per pupil of a county vocational school the total equalized valuations in the county shall be divided by the total resident enrollment in all school districts of the county to obtain the county vocational school equalized valuation per pupil.

"Equalized valuations" means the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 of the pre-budget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them.

"Evening school pupils" means the equated full-time resident enrollment of pupils enrolled in an accredited evening high school, an evening vocational high school, and in other evening schools except schools offering programs for self-improvement and social enrichment.

"Goals" means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

"Guaranteed valuation per pupil" means for the calculation of State support for the school year 1976-77, 1.3 times the State average valuation per pupil, and for all school years thereafter, 1.35 times the State average valuation per pupil, rounded to the nearest thousand dollars, for the year in which the calculation of aid is made except as modified by section 48 hereof.

"Joint Committee on the Public Schools" means the Committee created pursuant to P. L. 1975, c. 16 (C. 52:9R–1 et seq.).

"Local vocational pupils" means the full-time equivalent of pupils enrolled in approved categorical vocational programs in school districts designated as local area vocational school districts.

"Needs assessment" means a written analysis of the current status of an educational system in terms of achieving its goals.

"Net current expense budget" means the balance after deducting (1) State support for categorical programs pursuant to section 20 of this act, (2) the transportation amount in the current expense budget and (3) all other revenue in the current expense budget except the amount to be raised by local taxation, equalization State support, and State support for approved transportation.

"Net current expenses per pupil" means the quotient resulting from dividing the net current expense budget by the resident enrollment.

"Net debt service and budgeted capital outlay" means the balance after deducting all revenues from the school debt service and budgeted capital outlay budgets of the school district and the school debt service amount included in the municipal budget, except the amount to be raised by local taxation and State support.

"Objective" means a written statement of the intended outcome of a specific educational process.

"Pre-budget year" means the school year preceding the year in which the school budget will be implemented.

"Resident enrollment" means the number of pupils who are resident of the district and are enrolled in day or approved evening schools on the last school day of September of the pre-budget year and are attending the public schools of the district or a school district or State college demonstration school to which the district of residence pays tuition; provided that a district shall count pupils regularly attending both the schools of the district and of a county vocational school in the same county on an equated full-time basis.

"Standards" means the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

"State average net current expense budget per pupil" means the quotient resulting from dividing the total net current expense budget of all districts in the State by the total resident enrollment in the State.

"State average valuation per pupil" means the quotient resulting from dividing the total equalized valuations in the State as certified by the Director of the Division of Taxation on October 1 by the total resident enrollment in the State. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the Division of Tax Appeals on or before January 30 of the next succeeding year, such revised valuation shall be used in any recomputation of aid for an individual district filing such appeal but will have no effect upon the State average valuation per pupil.

"State compensatory education pupil" means a pupil who is enrolled in preventive and remedial programs, approved by the State board, supplemental to the regular programs and designed to assist pupils who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

"State support limit" means the sixty-fifth percentile net current expense budget per pupil for the prebudget year when all district figures are ranked from low to high. The State support limit shall be calculated and applied separately for (a) limited purpose regional districts offering grades 9 through 12, (b) limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for limited purpose regional districts offering grades 9 through 12, (c) constituent districts of limited

purpose regional districts offering grades 9 through 12, (d) constituent districts of limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for constituent districts of limited purpose regional districts offering grades 9 through 12, and (e) all other districts.

ARTICLE II. GOALS, STANDARDS AND GUIDELINES; PROCEDURES OF EVALUATION; ENFORCEMENT

C. 18A:7A-4 Goal of free public schools.

4. The goal of a thorough and efficient system of free public schools shall be to provide to all children in New Jersey, regardless of socioeconomic status or geographic location, the educational opportunity which will prepare them to function politically, economically and socially in a democratic society.

C. 18A:7A-5 Major elements; guidelines.

5. A thorough and efficient system of free public schools shall include the following major elements, which shall serve as guidelines for the achievement of the legislative goal and the implementation of this act:

a. Establishment of educational goals at both the State and local levels;

b. Encouragement of public involvement in the establishment of educational goals;

c. Instruction intended to produce the attainment of reasonable levels of proficiency in the basic communications and computational skills;

d. A breadth of program offerings designed to develop the individual talents and abilities of pupils;

e. Programs and supportive services for all pupils especially those who are educationally disadvantaged or who have special educational needs;

f. Adequately equipped, sanitary and secure physical facilities and adequate materials and supplies;

g. Qualified instructional and other personnel;

h. Efficient administrative procedures;

i. An adequate State program of research and development; and

j. Evaluation and monitoring programs at both the State and local levels.

C. 18A:7A-6 State board; establishment of goals and standards and making rules.

6. The State board, after consultation with the commissioner and review by the Joint Committee on the Public Schools shall (a)

establish goals and standards which shall be applicable to all public schools in the State, and which shall be consistent with the goals and guidelines established pursuant to sections 4 and 5 of this act, and (b) make rules concerning procedures for the establishment of particular educational goals, objectives and standards by local boards of education.

C. 18A:7A-7 Local boards of education; determination of goals and standards pursuant to State rules.

7. Each local board of education shall establish particular educational goals, objectives and standards pursuant to rules prescribed by the State board.

C. 18A:7A-8 Review and update of State goals and standards.

8. The State board after consultation with the commissioner and review by the Joint Committee on the Public Schools shall, from time to time, but at least once every 5 years, review and update the State goals and standards established pursuant to this act. In reviewing and updating these goals and standards, the State board shall consult with, and be assisted by, (a) the Commissioner of Labor and Industry who, in consultation with employer and employee groups, shall report annually to the State board projecting labor needs and describing employment qualifications in New Jersey, (b) the Chancellor of Higher Education who, in consultation with the institutions of higher education in the State, shall report annually to the State board on entry requirements and anticipated enrollment levels, (c) the Commissioner of Health who shall report annually to the State board on the current and projected health needs in New Jersey, (d) the Commissioner of Institutions and Agencies who shall report annually to the State board on the education of pupils under the jurisdiction of the department, and (e) such other employees and officers of the State as may be able to assist the State board in its activities pursuant to this section.

C. 18A:7A-9 Comprehensive needs assessment program; results; publicity.

9. The commissioner, in cooperation with local school districts, shall from time to time, but at least once every 5 years, direct a comprehensive needs assessment program of all pupils in the State in light of State goals and standards, and shall make the results of the needs assessment program available to local school districts, which districts shall review and update their particular educational goals, objectives and standards to meet those needs. All such results shall be made public.

C. 18A:7A-10 Evaluation of performance of each school.

10. For the purpose of evaluating the thoroughness and efficiency of all the public schools of the State, the commissioner, with the approval of the State board and after review by the Joint Committee on the Public Schools, shall develop and administer a uniform, Statewide system for evaluating the performance of each school. Such a system shall be based in part on annual testing for achievement in basic skill areas, and in part on such other means as the commissioner deems proper in order to (a) determine pupil status and needs, (b) ensure pupil progress, and (c) assess the degree to which the educational objectives have been achieved.

C. 18A:7A-11 Annual report of local school district; contents; annual report of commissioner to Governor and Legislature.

11. Each school district shall make an annual report of its progress in conforming to the goals, objectives and standards developed pursuant to this act. Each district's annual report shall include but not be limited to:

a. Demographic data related to each school;

b. Results of assessment programs, including Statewide and district testing conducted at each school;

c. Information on each school's fiscal operation, including the budget of each school;

d. Results of each school's effectiveness in achieving State, district and school goals and objectives applicable to the pupils;

e. Plans and programs for professional improvement;

f. Plans to carry out innovative or experimental educational programs designed to improve the quality of education; and

g. Recommendations for school improvements during the ensuing year.

h. Additionally, the State Board of Education may from time to time require each district to submit a facilities survey, including current use practices and projected capital project needs, but not more frequently than once every 2 years.

The district reports shall be submitted to the commissioner by July 1 of each year and he shall make them the basis for an annual report to the Governor and the Legislature, describing the condition of education in New Jersey, the efforts of New Jersey schools in meeting the standards of a thorough and efficient education, the steps underway to correct deficiencies in school performance, and the progress of New Jersey schools in comparison to other state education systems in the United States.

C. 18A:7A-12 Comprehensive report of State board; contents.

12. In addition to the annual reports required by section 11 of this act, the State board shall, 4 years after the effective date of this act, make a comprehensive report to the Governor and the Legislature assessing the effectiveness of this act in producing a thorough and efficient system of free public schools. The report shall include an account of the progress of each local school district in meeting the goals, objectives and standards prescribed under sections 6 and 7 of this act, identify those districts and schools which fail to meet them, and make recommendations, if necessary, for hastening the elimination of any deficiencies.

C. 18A:7A-13 Biennial message of Governor to Legislature.

13. Thereafter, the Governor shall deliver a biennial message to the Legislature on the progress of New Jersey's schools in providing a thorough and efficient education and recommending legislative action, if appropriate.

C. 18A:7A-14 Failure of school or school districts to show progress; remedial plan; insufficiency; corrective actions; hearing on order to show cause.

14. The commissioner shall review the results of the evaluations conducted and reports submitted pursuant to sections 10 and 11 of this act. If the commissioner shall find that a school or a school district has failed to show sufficient progress toward the goals, guidelines, objectives and standards established in and pursuant to this act, he shall advise the local board of education of such determination, and shall direct that a remedial plan be prepared and submitted to him for approval. If the commissioner approves the plan, he shall assure its implementation in a timely and effective manner. If the commissioner finds that the remedial plan prepared by the local board of education is insufficient, he shall order the local board to show cause why the corrective actions provided in section 15 of this act should not be utilized. The hearing upon said order to show cause shall be conducted in the manner prescribed by subdivision B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes.

C. 18A:7A-15 Corrective actions; administrative order specifying remedial plan to local board.

15. If, after a plenary hearing, the commissioner determines that it is necessary to take corrective action, he shall have the power to order necessary budgetary changes within the school district, to order in-service training programs for teachers and other school personnel, or both. If he determines that such corrective actions

are insufficient, he shall have the power to recommend to the State board that it take appropriate action. The State board, on determining that the school district is not providing a thorough and efficient education, notwithstanding any other provision of law to the contrary, shall have the power to issue an administrative order specifying a remedial plan to the local board of education, which plan may include budgetary changes or other measures the State board determines to be appropriate. Nothing herein shall limit the right of any party to appeal the administrative order to the Superior Court.

C. 18A:7A-16 Failure or refusal to comply with administrative order; application to court for order directing compliance.

16. Should the local board of education fail or refuse to comply with an administrative order issued pursuant to section 15 of this act, the State board shall apply to the Superior Court by a proceeding in lieu of prerogative writ for an order directing the local school board to comply with such administrative order.

Article III. State School Aid

C. 18A:7A-17 Annual report of local board of number of pupils enrolled and on information on special education services.

17. Annually, on or before October 5, the secretary of the board of education, with the approval of the superintendent of schools, or if there be no superintendent of schools, with the approval of the county superintendent of schools, shall file with the commissioner a report stating the number of pupils enrolled by grade and the number of these pupils in approved programs of (a) special education classes, (b) compensatory education, (c) bilingual education and (d) local vocational education on the last school day of September. In addition, districts shall file annual reports providing such information as the commissioner may require for pupils receiving special education services.

C. 18A:7A-18 Current expense equalization support.

18. Equalization support for current expenses of all school districts shall be paid in accordance with the following calculations:

a. Divide the district equalized valuation per pupil by the guaranteed valuation per pupil and subtract the quotient from 1.0000 to obtain the district's State support ratio.

b. Multiply the district's State support ratio by the smaller of (1) the net current expense budget for the prebudget year or (2) the product of the resident enrollment and the State support limit. The amount obtained is the current expense equalization support.

c. Notwithstanding any other provision of this section, no district shall receive less in current expense equalization support than 10% of the State support limit.

C. 18A:7A-19 State aid for debt service and budgeted capital outlay.

19. State support for debt service and budgeted capital outlay shall equal the total of the net debt service and budgeted capital outlay budgets for the pre-budget year multiplied by the district's current expense State support ratio obtained in section 18 of this act. If the product is less than zero, no support shall be paid. Budgeted capital outlay used for the calculation of State support shall be the smaller of (1) the budgeted capital outlay for the pre-budget year, or (2) 1½% of the sum of the current expense and budgeted capital outlay for the pre-budget year.

C. 18A:7A-20 Categorical program support for 1975-76 and 1976-77.

20. In addition to the equalization support authorized in section 18 of this act, categorical program support for 1975-76 and 1976-77 shall be paid in accordance with the following calculations:

a. The number of categorical aid units shall be determined by adding the products obtained by multiplying the pupils in each category by the following additional cost factors:

CATEGORICAL PROGRAMS

Special Education Classes	Additional Cost Factors
Educable	0.53
Trainable	0.95
Orthopedically handicapped	1.27
Neurogically impaired	1.06
Perceptually impaired	0.85
Visually handicapped	1.91
Auditorially handicapped	1.38
Communication handicapped	1.06
Emotionally disturbed	1.27
Socially maladjusted	0.95
Chronically ill	0.85
Multiply handicapped	1.27

Other Classes and Services	Additional Cost Factors
Approved private school tuition	1.0 plus the additional cost factor of the handicap

Supplementary and speech instruction	0.09 based on the number of pupils actually receiving such instruction in the prior school year
Bilingual education	0.16
State compensatory education	0.11
Approved local vocational education	0.53

b. The number of categorical aid units for home instruction shall be determined by multiplying the number of hours of instruction actually provided in the prior school year by 0.006.

c. For the purposes of this section, aid shall be paid to districts in which the pupils reside except in the case of home, supplementary or speech instruction where aid shall be paid to the district providing the service. No tuition may be charged for such home, supplementary or speech instruction for costs covered by State support as provided in this section.

d. Categorical program support shall equal the number of units of additional cost multiplied by the State average net current expense budget per pupil for the prebudget year.

C. 18A:7A-21 Schedule of additional cost factors; annual recommendation to Legislature for revision; rejection by concurrent resolution.

21. On or before April 1, 1977, and on or before April 1 of each subsequent year, the Governor, after consultation with the Department of Education, shall recommend to the Legislature any revision in the schedule of additional cost factors which is deemed proper, together with appropriate supporting information, and such revised additional cost factors shall be deemed approved for the fiscal year beginning 1 year from the subsequent July 1 at the end of 60 calendar days after the date on which they are transmitted to the Senate and General Assembly, or if the Legislature is not in session on the sixtieth day, then on the next succeeding day on which it shall be meeting in the course of a regular or special session, unless between the date of transmittal and the end of the above period, the Legislature passes a concurrent resolution stating that the Legislature does not favor the revised schedule of additional cost factors, in which case the additional cost factors then in effect shall continue in effect.

C. 18A:7A-22 Compensatory education research and development fund.

22. There is hereby established a compensatory education research and development fund. For the 1976-77 fiscal year and

annually thereafter, there shall be appropriated to the fund an amount equal to 3% of the amount calculated for State aid for compensatory education pursuant to section 20 of this act. The fund shall be used to support pilot and demonstration projects which are designed to improve the education of compensatory education pupils.

C. 18A:7A-23 Grants for pilot and demonstration projects for compensatory education pupils and evaluation procedures.

23. The commissioner is authorized to make grants to school districts for the establishment of pilot and demonstration projects for compensatory education pupils, to provide for the establishment of appropriate evaluation procedures, and take any other action necessary to insure the implementation of such projects.

C. 18A:7A-24 County vocational school districts; State aid.

24. State support for county vocational school districts shall be paid in accordance with the following calculations:

a. Divide the county equalized valuations per pupil by the guaranteed valuation per pupil and subtract the quotient from 1.0000 to obtain the county vocational school's State support ratio.

b. Multiply the State support ratio by the smaller of (1) the net current expense budget for the prebudget year or (2) the product of the resident enrollment multiplied by 175% of the Statewide sixty-fifth percentile net current budget per pupil for the prebudget year when all district figures are ranked from low to high. The amount obtained is the current expense equalization support. If the State support ratio is zero or less than zero, no support shall be paid.

c. Debt service and budgeted capital outlay support for county vocational schools shall be calculated in accordance with section 19 of this act.

C. 18A:7A-25 Net current expense budget per pupil; increase by local district; certification.

25. A district which has a net current expense budget per pupil in the prebudget year of less than the State average net current expense budget per pupil may increase its net current expense budget per pupil in the following year by no more than an amount found by multiplying three-fourths of the latest annual percentage increase in the total State equalized valuation by the State average net current expense budget per pupil for the prebudget year, and multiplying the product by the quotient resulting from dividing the State average net current expense budget per pupil by the school district net current expense budget per pupil for the

prebudget year; provided, however, that in no event shall the figure used for the latest annual percentage increase in the total State equalized valuation be less than the average of such percentage increases for the latest 3 years. Any other district may increase its net current expense budget per pupil by no more than an amount found by multiplying three-fourths of the latest annual percentage increase in the total State equalized valuation by the school district's net current expense budget per pupil for the prebudget year, and multiplying the product by the quotient resulting from dividing the State average net current expense budget per pupil by the school district net current expense budget per pupil for the prebudget year. For the purpose of these calculations, the enrollment of a district shall be assumed to remain constant between the prebudget year and the year during which the budget will be implemented.

Annually, on or before November 15, the commissioner shall certify to each local board of education the amount by which the school district may increase its budget for the next year without exceeding the permissible rate of increase.

The commissioner may approve the request of a local board of education for a greater increase, having judged that (1) a reallocation of resources or any other action taken within the permissible level of spending would be insufficient to meet the goals, objectives and standards established pursuant to this act, or (2) an increased enrollment may reasonably be anticipated in the district.

C. 18A:7A-26 Payments to local school districts; requests for early payment and debt service and budgeted capital outlay payments.

26. The amounts payable to each school district pursuant to this act shall be paid by the State Treasurer upon the certification of the commissioner and warrant of the Director of Budget and Accounting. Ten percent of the appropriation for current expense equalization and categorical program support shall be paid on the first of each month from September through June. If a local board of education requires funds prior to the first payment, the board shall file a written request with the Commissioner of Education stating the need for such funds. The commissioner shall review each request and forward those for which need has been demonstrated to the appropriate officials for payment.

Debt service funds shall be paid as required to meet due dates for payment of principal and interest, and budgeted capital outlay funds shall be paid as requested by the local district.

Each school district shall file an annual written request for debt service and budgeted capital outlay payments to the commissioner 30 days prior to the beginning of the fiscal year for which the appropriation is made. Such request shall include the amount of interest bearing school debt, if any, of the municipality or district then remaining unpaid, together with the rate of interest payable thereon, the date or dates on which the bonds or other evidences of indebtedness were issued, and the date or dates upon which they fall due. In the case of Type I school districts, the board secretary shall secure such schedule of outstanding obligations from the clerk of the municipality.

C. 18A:7A-27 Annual determination of appropriation by State and amounts payable to each county and district.

27. On or before November 1 of each year, the commissioner shall determine the amount necessary to be appropriated by the State to carry out the provisions of this act for the succeeding school year and shall determine for local budget purposes the amounts payable to each of the counties and districts under this act for such succeeding year.

C. 18A:7A-28 Proposed budgets for next school year of local boards; annual submission; review of commissioner.

28. Annually, on or before December 1, local boards of education shall submit to the commissioner a copy of their proposed budgets for the next school year. The commissioner shall review each item of appropriation within the current expense and budgeted capital outlay budgets and shall determine the adequacy of the budgets with regard to the annual reports submitted pursuant to section 11 of this act.

29. N. J. S. 18A:13–23 is amended to read as follows:

Apportionment of appropriations.

18A:13–23. The annual or special appropriations for regional districts, including the amounts to be raised for interest upon, and the redemption of, bonds payable by the district, shall be apportioned among the municipalities included within the regional district upon the basis of the portion of each municipality's equalized valuation allocated to the regional district, calculated as described in the definition of equalized valuation in section 3 of this 1974 amendatory and supplementary act.

30. N. J. S. 18A:13–24 is amended to read as follows:

Appropriations; certification; apportionment; assessment and collection among constituent districts.

18A:13–24. The amounts to be raised for annual or special appropriations and for interest upon, and the redemption of, bonds for regional districts shall be certified by the regional board of education to, and shall be apportioned among the municipalities included within the regional district as follows:

a. When the regional district is located wholly within one county, said amounts shall be certified to the county board of taxation of the county and shall be apportioned by it among such municipalities in the manner, and upon the basis, prescribed in this article; or

b. When the regional district is located in more than one county, said amount shall be certified to the county board of taxation of the county in which the largest number of regional district pupils are resident, and said amounts shall be apportioned by said county board of taxation, among such municipalities in the manner, and upon the basis, prescribed in this article.

The share of the amount to be raised by taxation in each municipality included in a regional district shall be certified to the appropriate county board of taxation by the Commissioner of Education.

The amounts apportioned to each such included municipality shall be assessed, levied and collected in the same manner and at the same time as other school taxes are assessed, levied and collected therein and shall be paid upon requisition as in other Type II school districts.

31. N. J. S. 18A:23–2 is amended to read as follows:

Scope of audit.

18A:23–2. Each annual audit shall include an audit of the books, accounts and moneys, and a verification of all cash and bank balances, of the board and of any officer or employee thereof and of moneys derived from athletic events or the activities of any organization of public school pupils conducted under the auspices of the board, from the date of the last annual audit to the date of the audit in question. Such audit shall also include a determination of the extent to which the school board has used contracts entered into by the State Division of Purchase and Property pursuant to P. L. 1969, c. 104 (C. 52:25–16.1 et seq.) in the purchase of materials, supplies or equipment for the school district.

32. N. J. S. 18A:23–3 is amended to read as follows:

Filing; summary of recommendations; publication.

18A:23-3. The report of each annual audit shall be filed, by the public school accountant making the same, with his recommendations with the board of education of the district, and such accountant shall within 5 days thereafter file two duplicate copies thereof certified under his signature in the office of the commissioner. The commissioner annually shall publish a summary of such recommendations as made for each school district and the steps which have been taken in each district for their implementation.

33. N. J. S. 18A:39-15 is amended to read as follows:

State aid for joint transportation.

18A:39-15. If the county superintendent of the county in which the districts are situate shall approve the necessity, the cost, and the method of providing such joint transportation and the agreement whereby the same is to be provided, each such board of education providing joint transportation shall be entitled to State aid in an amount equal to 100% of its proportionate share of the cost of such transportation pursuant to the terms of such agreement.

34. N. J. S. 18A:46-23 is amended to read as follows:

Transportation of pupils; State aid.

18A:46-23. The board of education shall furnish daily transportation within the State to all children found under this chapter to be handicapped who shall qualify therefor pursuant to law and it shall furnish such transportation for a lesser distance also to any handicapped child, if it finds upon the advice of the examiner, his handicap to be such as to make such transportation necessary or advisable.

The school district shall be entitled to State aid for such daily transportation in the amount of 100% of the cost to the district of furnishing such transportation to a program approved under this chapter in New Jersey when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situated.

35. N. J. S. 18A:58-7 is amended to read as follows:

Transportation.

18A:58-7. Each district shall also be paid 100% of the cost to the district of transportation of pupils to a school when the necessity for such transportation and the cost and method thereof have

been approved by the county superintendent of the county in which the district paying the cost of such transportation is situate. Such aid shall be paid for elementary pupils who live beyond 2 miles from their school of attendance and secondary pupils who live 2½ miles from their school of attendance.

36. N. J. S. 18A:58–25 is amended to read as follows:

Capital reserve funds.

18A:58–25. The State Treasurer shall maintain a school building aid capital reserve fund for each school district having funds on deposit as of the effective date of this act.

The Director of the Division of Investment shall invest and reinvest such capital reserve funds in the same manner and subject to the same requirements as are prescribed for the investment of State funds generally. Income received upon the investment of the capital reserve funds shall be credited pro rata to the capital reserve funds of the respective school districts, semiannually on November 1 and May 1.

In the event that a school district or municipality anticipates that it will be unable to meet the payment of principal or interest of any bonds hereafter issued for school purposes, it shall certify such inability to the Commissioner of Education and the Director of the Division of Local Government Services at least 10 days prior to the date such payment is due. The State Treasurer, upon certification of such inability by said commissioner and director or, in the event any such district or municipality fails to certify its anticipated inability to meet any such payments, upon notice and verification of such inability, shall withhold from the sums then or thereafter available to said district as State building aid a sum sufficient to pay the principal of and interest on such bonds. The State Treasurer shall pay ratably to the claimant holders of such bonds, or their agent, first the interest and then the principal due and owing to them by the school district or municipality, as the case may be, up to the amount of the building aid allowance then or thereafter available to such district or municipality.

37. N. J. S. 18A:58–26 is amended to read as follows:

Withdrawal from reserve funds.

18A:58–26. A school district may on November 1 or May 1 in any school year draw against its capital reserve fund, up to the amount of the balance therein, to the extent that such withdrawal

is anticipated as a revenue in the school budget for the then current school year or it may be applied to a capital purpose authorized by ordinance or by vote of the electors of the school district. Such withdrawal shall be paid by the State Treasurer to the board of education upon application duly made to the commissioner and upon his certification and the warrant of the Director of the Division of Budget and Accounting.

38. R. S. 54:4–49 is amended to read as follows:

Apportionment valuation; amount to be apportioned among taxing districts; debits and credits.

54:4–49. (a) Except as to any State tax at a fixed rate provided for in sections 54:4–50 and 54:4–51 of this Title, each county board of taxation, after having received the tax lists and duplicates of the assessors and having revised and corrected the same and having equalized the aggregate valuations of all the real property in the respective taxing districts, as required by R. S. 54:3–17 to 54:3–19, shall, after making adjustments for the debits and credits hereinafter mentioned, apportion the amount to be raised in the respective taxing districts for State, State school, county and free county library purposes and for purposes of consolidated school districts and school districts comprising two or more taxing districts, on the basis of the total valuation so ascertained for each taxing district. The total valuation for each taxing district, so ascertained, shall be known as the "apportionment valuation."

(b) The amount to be apportioned among the respective taxing districts shall be the amount to be raised for the purposes specified in subsection (a), plus or minus the difference between the total debits and total credits of the taxing districts affected, determined as provided in subsection (c). The net amounts respectively to be raised, after making allowance to the affected districts for the debits and credits, shall be equivalent to the amount required for each of the purposes specified in subsection (a).

(c) The net debit or credit of each taxing district shall be the amount by which the taxing district has overpaid or underpaid its share of the specific tax or taxes for the purposes specified in subsection (a) for the preceding year or years because of increases or decreases in the amount of the assessments of the district subsequent to the apportionment in the preceding year or years by reason of final judgments on appeals, complaints and applications, the correction of clerical errors under R. S. 54:4–53 and the allowance of additional veterans' exemptions or deductions during the prior tax year by the collector pursuant to law. When an

assessment has been reduced or added to, or increased, on appeal, complaint or other application, and the judgment on that appeal, complaint or other application has been further appealed, no deduction or increase as herein provided for shall be made with respect to the appealed assessment until the further appeal has been finally determined.

(d) So that there shall be uniformity of application and treatment under this section in all of the counties, the Director, Division of Taxation, shall issue regulations for the guidance of the county boards of taxation in the determination of the apportionment valuations, the amounts to be apportioned and the amounts of the debits and credits.

39. N. J. S. 18A:46–9 is amended to read as follows:

Classification of mentally retarded children.

18A:46–9. Each child classified pursuant to section 18A:46–8 as mentally retarded shall be similarly further identified, examined and classified into one of the following subcategories:

a. Educable mentally retarded children, who are those who may be expected to succeed with a minimum of supervision in homes and schools and community life and are characterized particularly by reasonable expectation that at maturity they will be capable of vocational and social independence in competitive environment;

b. Trainable mentally retarded children who are so retarded that they cannot be classified as educable but are, notwithstanding, potentionally capable of self-help, of communicating satisfactorily, or participating in groups, of directing their behavior so as not to be dangerous to themselves or others and of achieving with training some degree of personal independence and social and economic usefulness within sheltered environments;

c. Children eligible for day training, who are those so severely mentally retarded as to be incapable of giving evidence of understanding and responding in a positive manner to simple directions expressed in the child's primary mode of communication and who cannot in some manner express basic wants and needs.

40. N. J. S. 18A:46–13 is amended to read as follows:

Types of facilities and programs.

18A:46–13. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as handicapped under this chapter except those so mentally retarded as to be eligible for day training

pursuant to N. J. S. 18A:46–9. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

A board of education is not required to provide any further educational program for children who have been admitted to the Marie H. Katzenbach School for the Deaf but shall be required to furnish necessary daily transportation Monday through Friday to and from the school for nonboarding pupils when such transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State board shall promulgate for such transportation. Any special education facility or program authorized and provided for a child attaining age 20 during a school year shall be continued for the remainder of that school year.

41. N. J. S. 18A:46–17 is amended to read as follows:

Exclusion of certain mentally retarded children.

18A:46–17. The superintendent of schools, or the principal of a school in a district where there is no superintendent, may, upon the advice of the psychological examiner or examiners administering classification procedures required by this chapter, refuse to admit, or, having admitted, exclude, any child whose mental retardation is so severe that he has been diagnosed and classified as eligible for day training under this chapter.

Any child so refused admission or excluded shall be reexamined, upon the request of the parent or other person having custody and control of the child, after a period of 1 year shall have elapsed from the date of the last previous examination.

42. N. J. S. 18A:46–18 is amended to read as follows:

Reporting names of children excluded.

18A:46–18. The superintendent of schools or the principal of each school, as the case may be, shall forthwith report to the secretary of the board of education of the district the names of all children who have been refused admission or have been excluded under this chapter, and the names and addresses of their parents or persons having custody and control of them. Such refusal of admission or exclusion shall continue unless and until set aside by action of the board of education or lifted as a result of a reexamination. The superintendent or principal, as the case may be, shall report the names of any other mentally retarded children in the

district known to him who are not in a private school or in a residential institution and who are considered to be eligible for day training.

The secretary of the board of education, after the meeting of the board next following the meeting at which the names of the children not admitted or excluded are reported, shall report the names and addresses to the county superintendent of schools of the county in which the district is situate. The county superintendent shall furnish a list of such names and addresses to the commissioner, who shall, in turn, transmit copies of all such lists to the Commissioner of Institutions and Agencies. Such list shall not be made public, but shall be open to the inspection of such public and private agencies, only, as have a legitimate interest in it and then only to the extent so necessary.

C. 18A:46-18.1 Children eligible for day training; provisions of facilities and programs.

43. (New section) It shall be the duty of the State board in concert with the Department of Institutions and Agencies to provide suitable facilities and programs for all the children who are classified as eligible for day training.

44. N. J. S. 18A:4–24 is amended to read as follows:

Determining efficiency of schools; report to State board.

18A:4–24. The commissioner shall pursuant to rules and regulations of the State board, inquire into and ascertain the thoroughness and efficiency of operation of any of the schools of the public school system of the State and of any grades therein by such means as to him seem proper, and he shall report to the State board the results of such inquiries and such other information with regard thereto as the State board may require or as he shall deem proper, but nothing in this section shall affect the right of each district to prescribe its own rules for promotion.

45. N. J. S. 18A:58–11 is amended to read as follows:

Emergency aid.

18A:58–11. There shall be appropriated annually the sum of $500,000.00 to be distributed by the commissioner, upon the approval of the State board, to meet unforeseeable conditions, including substantial increases in enrollments, in any school district. The amount of such emergency aid shall be payable by the State Treasurer upon the certificate of the commissioner and the warrant of the Director of the Division of Budget and Accounting.

C. 18A:7A-29 Powers of State board, commissioner or local boards; effect of act.

46. (New section) Nothing in this act shall be construed to deny the State board, commissioner or local boards of education powers granted to them elsewhere in Title 18A of the New Jersey Statutes, except as expressly provided herein.

C. 18A:7A-30 State board of education; powers and duties.

47. (New section) The State Board of Education shall promulgate rules and adopt policies, subject to the "Administrative Procedure Act." P. L. 1968, c. 410 (C. 52:14B–1 et seq.), make all determinations and exercise such powers of visitation as are necessary for the proper administration of this act.

C. 18A:7A-31 Joint committee on public schools; annual recommendations to Legislature.

48. Beginning in 1976, the Joint Committee on the Public Schools, by October 15 of each year, shall recommend to the Legislature for enactment any changes in the method or basis of financial support which appear desirable from the experience under this act. The committee, at the same time shall also recommend whether the level of State support provided by this act should be retained or increased in the direction of equal State-local sharing of costs. The committee shall consider and recommend to the Legislature for enactment such other steps as may be appropriate.

49. There is hereby established a Task Force on Business Efficiency of the Public Schools, to consist of eight members, four of whom shall be members of the Joint Committee on the Public Schools to be appointed by the chairman, and four of whom shall be other persons to be appointed by the Governor. All members shall serve without compensation and vacancies in the membership of the task force shall be filled in the same manner as the original appointments are made.

50. Within 6 months of the effective date of this act, the task force shall report to the Legislature and the Governor its recommendations for improving the business efficiency of local school districts. The task force shall be discharged upon submission of its report.

51. The task force shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such professional, stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it

may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

52. There is hereby appropriated from the General State Fund for the purposes of the task force the sum of $20,000.00.

C. 18A:7A-32 Partial invalidity.

53. (New section) If any clause, sentence, subdivision, paragraph, subsection or section of this act is held to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, subsection or section thereof directly involved in the controversy in which said judgment shall have been rendered.

C. 18A:7A-33 Repealer.

54. All acts and parts of acts inconsistent with this act are repealed, and without limiting the general effect of this act in repealing acts so inconsistent herewith, the following acts and parts of acts together with all amendments and supplements thereto are specifically repealed:

N. J. S. 18A:13–22
N. J. S. 18A:13–25
N. J. S. 18A:38–2.1
N. J. S. 18A:58–1 to 18A:58–5.4, inclusive
P. L. 1968, c. 340 (C. 18A:58–5.5)
P. L. 1973, c. 224 (C. 18A:58–5.6)
P. L. 1970, c. 234, § 9 (C. 18A:58–6.3)
N. J. S. 18A:58–8
N. J. S. 18A:58–10
N. J. S. 18A:58–13
P. L. 1970, c. 234, § 15 (C. 18A:58–18.1)
N. J. S. 18A:58–20 to 18A:58–24, inclusive
N. J. S. 18A:58–27
P. L. 1968, c. 289, § 1 (C. 18A:58–27.1)
N. J. S. 18A:58–29
N. J. S. 18A:58–30 to 18A:58–31, inclusive
N. J. S. 18A:58–33 to 18A:58–33.1, inclusive.

55. (New section) For the school year 1976-77, no district shall receive less in State aid in the aggregate for equalization support, categorical program support, debt service and budgeted capital outlay support and transportation support pursuant to this act

than the aggregate amount of State aid received during the 1974-75 school year pursuant to N. J. S. 18A:58–5, 18A:58–6, P. L. 1970, c. 234, s. 9 (C. 18A:58–6.3), N. J. S. 18A:58–7, 18A:58–8, 18A:58–10 and 18A:58–30.

56. (New section) For the school year 1977-78, any district receiving less in State aid in the aggregate for equalization support, categorical program support, debt service and budgeted capital outlay support and transportation support pursuant to this act than the aggregate amount of State aid received during the 1974-75 school year pursuant to N. J. S. 18A:58–5, 18A:58–6, P. L. 1970, c. 234, s. 9 (C. 18A:58–6.3), N. J. S. 18A:58–7, 18A:58–8, 18A:58–10 and 18A:58–30 shall be entitled to the amount calculated under this act for such support plus one-half of the difference between that amount and the amount received during the 1974-75 school year pursuant to the above sections.

57. Articles I and II and sections 44 and 46 through 53 of Article III of this act shall take effect July 1, 1975. The remaining sections of this act shall take effect July 1, 1976; provided that preparatory steps hereunder shall be taken as directed by the commissioner including, but not limited to, the submission of pupil enrollments and budgets of school districts.

Approved September 29, 1975.

CHAPTER 213

AN ACT concerning vacancies in the membership of a governing body in any municipality, revising parts of the statutory law and amending N. J. S. 40A:9–11; P. L. 1950, c. 210, ss. 3–5, 4–6, 5–6, 6–7, 7–6, 8–7, 9–5, 10–5, 11–5, 12–6; P. L. 1953, c. 254, s. 12A–5; P. L. 1950, c. 210, ss. 13–5, 14–5, 15–5, 16–5; R. S. 40:72–15, 40:81–18, 40:84–11, 40:87–11, 40:87–12, 40:125–7, 40:145–1, 40:146–20, 40:158–2, 40:159–1 and 40:171–5; and repealing N. J. S. 40A:9–162; R. S. 40:87–13, 40:125–6, 40:125–8, 40:171–3, 40:171–4; P. L. 1962, c. 13 and P. L. 1949, c. 1.

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

C. 40:45B-1 Short title.

1. This act shall be known and cited as the "Municipal Governing Body Vacancy Law."

C. 40:45B-2 Procedure to fill vacancies.

2. Whenever a vacancy occurs in the membership of the governing body of any municipality for any reason other than the expiration of term of office, the vacancy shall be filled in the following manner:

a. If the vacancy occurs subsequent to September 1 preceding the general election which will occur in the next-to-the-last year of the term of the member whose office has become vacant, the office shall be filled for its unexpired term by appointment by a majority vote of the whole membership of the governing body.

b. If the vacancy occurs prior to September 1 preceding the general election in any year other than the last year of the term of the member whose office has become vacant, the vacancy shall be filled for the unexpired term at the next ensuing general election. The governing body by a vote of the majority of its whole membership may fill the vacancy temporarily by appointment until the election and qualification of a successor.

c. Whenever a vacancy to be filled for the unexpired term by the governing body is not filled within 30 days of the occurrence of the vacancy, the municipal clerk shall forthwith call a special election to be held as soon as practicable to fill the vacancy. No appointment shall be made by the governing body to fill the vacancy after a special election has been called. If the vacancy occurs within 6 months prior to the end of the term of office, the provisions of this subsection shall not apply and the governing body shall continue to have the power to fill the vacancy.

d. Whenever the offices of all or a majority of the members shall become vacant for any reason, the fact of the vacancies shall be immediately certified to the Governor by any remaining member of the governing body or by the municipal clerk. The Governor upon receipt of such certifications shall forthwith fill the vacancies temporarily by appointment until their successors are elected for the unexpired terms at the next general election or next regularly scheduled municipal election occurring not less than 60 days subsequent to the appointment.

C. 40:45B-3 Qualifications of appointee.

3. Every person appointed by the governing body or by the Governor to fill a vacancy, either for the unexpired term or

temporarily, shall have the qualifications required by statute to permit the appointee to qualify for election to said office, and if the previous incumbent had been elected to office as the nominee of a political party, the person so appointed shall be of the same political party.

C. 40:45B-4 Nomination for successor to fill vacancy.

4. Nomination for a successor to a vacancy to be filled by election shall be made upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election.

C. 40:45B-5 Time of taking office.

5. All appointees to fill a vacancy, whether appointed to fill the unexpired term or temporarily, shall take office immediately after appointment and qualification. All persons elected to serve the unexpired term of the vacant office shall take office immediately on qualifying therefor.

C. 40:45B-6 Office deemed vacant; conditions.

6. The office of any member of the governing body of any municipality shall be deemed vacant under any of the following conditions:

a. It shall be so declared by virtue of judicial determination;

b. A member's written resignation shall be filed with the municipal clerk;

c. A member shall refuse to qualify or to serve;

d. A member shall become incapable of serving;

e. A member shall have died;

f. A member shall no longer reside within the corporate limits of the municipality;

g. A member shall for a period of 8 consecutive weeks, without being excused by the majority of the members of the governing body, fail to attend and participate as a member of any of its meetings; or

h. It comes within the purview of R. S. 19:3–25.

7. N. J. S. 40A:9–11 is amended to read as follows:

Vacancies in office; causes; how filled; change of residence not to cause vacancy in certain cases.

40A:9–11. Whenever a county or municipal officer, other than a member of the governing body of a municipality, who is required to be a resident shall cease to be a bona fide resident of the county

or municipality, as the case may be, or whenever the resignation of any such officer shall have been accepted by the proper authority, his office shall immediately be deemed to be vacant. The county or municipality, by the proper authority, shall thereupon proceed to fill the vacancy in the manner prescribed by law. Vacancies in the membership of the governing body of a municipality shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

A nonresident of any municipality may hold office as counsel, attorney, engineer, health officer, auditor or comptroller of such municipality and no such office shall be deemed vacated by a change of residence of any such person.

8. Section 3–5 of P. L. 1950, c. 210 (C. 40:69A–35) is amended to read as follows:

C. 40:69A-35 Vacancies in elective offices.

3–5. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

9. Section 4–6 of P. L. 1950, c. 210 (C. 40:69A–54) is amended to read as follows:

C. 40:69A-54 Vacancies in elective offices.

4–6. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

10. Section 5–6 of P. L. 1950, c. 210 (C. 40:69A–60) is amended to read as follows:

C. 40:69A-60 Vacancies in elective offices.

5–6. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

11. Section 6–7 of P. L. 1950, c. 210 (C. 40:69A–67) is amended to read as follows:

C. 40:69A-67 Vacancies in elective offices.

6–7. Vacancies in any effective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

12. Section 7–6 of P. L. 1950, c. 210 (C. 40:69A–73) is amended to read as follows:

C. 40:69A-73 Vacancies in elective offices.

7–6. Vacancies in any effective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

13. Section 8–7 of P. L. 1950, c. 210 (C. 40:69A–80) is amended to read as follows:

C. 40:69A-80 Vacancies in elective offices.

8–7. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

14. Section 9–5 of P. L. 1950, c. 210 (C. 40:69A–85) is amended to read as follows:

C. 40:69A-85 Vacancies in council.

9–5. Vacancies in the council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

15. Section 10–5 of P. L. 1950, c. 210 (C. 40:69A–103) is amended to read as follows:

C. 40:69A-103 Vacancies in council.

10–5. Vacancies in the council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

16. Section 11–5 of P. L. 1950, c. 210 (C. 40:69A–108) is amended to read as follows:

C. 40:69A-108 Vacancies in council.

11–5. Vacancies in the council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

17. Section 12–6 of P. L. 1950, c. 210 (C. 40:69A–114) is amended to read as follows:

C. 40:69A-114 Vacancies in council.

12–6. Vacancies in the council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

18. Section 12A–5 of P. L. 1953, c. 254 (C. 40:69A–114.5) is amended to read as follows:

C. 40:69A-114.5 Vacancies in elective offices.

12A–5. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

19. Section 12B–6 of P. L. 1973, c. 234 (C. 40:69A–114.11) is amended to read as follows:

C. 40:69A-114.11 Vacancies in council.

12B–6. Vacancies in the council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

20. Section 13–5 of P. L. 1950, c. 210 (C. 40:69A–119) is amended to read as follows:

C. 40:69A-119 Vacancies in elective offices.

13–5. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

21. Section 14–5 of P. L. 1950, c. 210 (C. 40:69A–137) is amended to read as follows:

C. 40:69A-137 Vacancies in elective offices.

14–5. Vacancies in any elective office shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

22. Section 15–5 of P. L. 1950, c. 210 (C. 40:69A–143) is amended to read as follows:

C. 40:69A-143 Election of mayor and councilmen; vacancies in council.

15–5. The mayor and councilmen shall be elected at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections. Vacancies in the office of mayor and council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

23. Section 16–5 of P. L. 1950, c. 210 (C. 40:69A–148) is amended to read as follows:

C. 40:69A-148 Election of council members; vacancy in office of mayor and council.

16–5. Members of the council shall be elected at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections. Vacancies in the office of mayor and council shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

24. R. S. 40:72–15 is amended to read as follows:

Vacancies in office of commissioner; how filled.

40:72–15. When a vacancy occurs in the office of commissioner, the vacancy shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

25. R. S. 40:81–18 is amended to read as follows:

Vacancies in council; how filled.

40:81–18. Vacancies in the municipal council, except those created by recall, shall be filled in the manner as provided by the "Municipal Governing Body Vacancy Law."

26. R. S. 40:84–11 is amended to read as follows:

Elections; when held; vacancies.

40:84–11. In cases provided for in this article the municipal elections to be held in accordance with sections 40:81–5 and 40:84–2 of this Title shall be held on the second Tuesday in May in each

year, and the number of persons to be elected at such municipal elections shall be equal to the number of vacancies which are then to be filled, and the terms of office of the persons so elected shall be 3 years and until their successors are elected and qualified, unless their places become vacant as prescribed in the "Municipal Governing Body Vacancy Law." Vacancies in the municipal council, except those created by recall, shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

27. R. S. 40:87–11 is amended to read as follows:

Vacancy in office of mayor or council.

40:87–11. A vacancy occurring in the office of mayor or any member of the council, shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

28. R. S. 40:87–12 is amended to read as follows:

Vacancies; other elective offices.

40:87–12. All vacancies in elective offices other than mayor or members of the council shall be filled by nomination by the mayor and appointment by him by and with the advice and consent of the council, expressed by the vote of a majority of the members of the council present at the meeting; provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in the case of a tie.

29. R. S. 40:125–7 is amended to read as follows:

Vacancies in council; filling.

40:125–7. Whenever a vacancy occurs in the membership of the town council, the vacancy shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

30. R. S. 40:145–1 is amended to read as follows:

Vacancies; what constitutes; how filled.

40:145–1. If two or more persons at any township election for public offices other than for members of the township committee have an equal number of votes for the same office, or there be a failure to elect such officer, or a refusal by any person elected or appointed to such office to accept the same, or if any person shall die or resign from office, or shall remove out of the township except in the case of the township attorney, engineer or building inspector, or become incapable of serving, or fail to take or subscribe the oath prescribed by law for his office, or shall fail to file such oath with the township clerk within the time prescribed

by law, or shall not give such security as may be by law required within the time prescribed by law, then such office shall be deemed to be vacant and the township committee shall forthwith, by resolution, fill such vacancy.

31. R. S. 40:146–20 is amended to read as follows:

Vacancies in membership of township committee.

40:146–20. Whenever a vacancy occurs in the membership of the township committee of any township, the vacancy shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

32. R. S. 40:158–2 is amended to read as follows:

Trustees; first election; term; vacancies; organization.

40:158–2. Unless otherwise provided for by any law or charter incorporating any village, the officers to be elected shall be five village trustees, who shall constitute the governing board of the village. At their first meeting after the first election in any village incorporated under or adopting this part of this subtitle the trustees shall decide their term of office by lot. The term of one trustee shall expire at noon on January 1 next ensuing; the terms of two trustees shall expire 1 year thereafter, and the terms of the remaining two trustees 2 years thereafter. The terms of the trustees elected after the first election shall be 3 years, and all vacancies shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law." The board shall organize by the election of one of its number as president, who shall be the village president for 1 year and until his successor shall be elected, but the president shall not remain in office after the expiration of his term as trustee.

33. R. S. 40:159–1 is amended to read as follows:

Trustees; eligibility; vacancies.

40:159–1. No person shall be eligible to the office of trustee unless he shall be at the time a resident and voter of the village. Whenever a trustee shall cease to be a resident thereof, his office shall become vacant.

Unless otherwise provided for by any law or charter incorporating any village, the vacancies in the board of trustees shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

34. R. S. 40:171–5 is amended to read as follows:

Board of aldermen or common council; vacancies; how filled.

40:171–5. 1. In every city in the State which has a board of aldermen or common council, in case of a vacancy in the board or common council, the vacancy shall be filled in the manner provided by the "Municipal Governing Body Vacancy Law."

Repealer.

35. Sections 40A:9–162 of the New Jersey Statutes; 40:87–13, 40:125–6, 40:125–8, 40:171–3, and 40:171–4 of the Revised Statutes; P. L. 1962, c. 13 (C. 40:72–15.1 to C. 40:72–15.3); and P. L. 1949, c. 1 (C. 40:75–24.1 to C. 40:75–24.10) are repealed.

36. This act shall take effect immediately.

Approved September 29, 1975.

CHAPTER 214

AN ACT concerning certain counties in relation to certain road supervisors and supplementing chapter 14 of Title 27 of the Revised Statutes.

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

C. 27:14-24.2 County between 500,000 and 550,000; county road supervisor; tenure.

1. The board of chosen freeholders of any county having a population of between 500,000 and 550,000, according to the 1970 census, may, by resolution, provide that the county road supervisor of such county shall continue to be the county road supervisor of such county during good behavior, and that he shall not be removed as such county road supervisor except for cause on notice and after a hearing before said board of chosen freeholders; provided that said county road supervisor is a disabled veteran who has continuously served as county road supervisor of the respective county for a period of 3 years.

2. This act shall take effect immediately.

Approved September 29, 1975.

CHAPTER 215

AN ACT concerning the procedure to fix and determine the salaries, wages or compensation of certain municipal officers and employees and amending N. J. S. 40A:9–165.

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

1. N. J. S. 40A:9–165 is amended to read as follows:

Salaries, wages or compensation of mayor or other chief executive; officers and employees; exceptions; referendum.

40A:9–165. The governing body of a municipality, by ordinance, shall fix and determine the salaries, wages or compensation to be paid to the officers and employees of the municipality, including the members of the governing body and the mayor or other chief executive, who by law are entitled to salaries, wages, or compensation. Such salaries, wages or compensation from time to time, by ordinance, may be increased, decreased or altered but no such ordinance shall reduce the salary of any appointed or elected tax assessor or tax collector during the term for which he shall have been appointed or elected and, except with respect to an ordinance or a portion thereof fixing salaries, wages or compensation of elective officials, the ordinance shall take effect as provided therein. In municipalities wherein the provisions of Title 11 (Civil Service) of the Revised Statutes are in operation, this section shall be subject thereto.

Where any such ordinance shall provide for increases in salaries, wages or compensation of elective officials, the ordinance or that portion thereof which provides an increase for elective officials, shall become operative in 20 days after the publication thereof, after final passage, unless within said 20 days, a petition, signed by voters of such municipality, equal in number to at least 5% of the registered voters of the municipality, protesting against the passage of such ordinance, be presented to the governing body, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at an election by a majority of the voters voting on said proposition. The submission of the question to the voters shall be governed by the provisions of Title 19 (Elections) of the Revised Statutes,

as in the case of public questions to be voted upon in a single municipality.

2. This act shall take effect immediately and be retroactive to January 1, 1975.

Approved October 6, 1975.

CHAPTER 216

AN ACT to amend and supplement the "Solid Waste Management Authorities Law," approved August 16, 1968 (P. L. 1968, c. 249).

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

1. Section 4 of P. L. 1968, c. 249 (C. 40:66A–35) is amended to read as follows:

C. 40:66A-35 Solid waste management authority may be created by municipalities; filing of ordinance or resolution.

4. Solid waste management authority may be created by municipalities; filing of ordinance or resolution. (a) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "..... solid waste management authority" with all or any significant part of the name of such municipality inserted. Said body shall consist of the five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the solid waste management authority contemplated and provided for in this act and an agency and instrumentality of said municipality. After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (c) of this section provided, five persons shall be appointed as the members of the solid waste management authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the solid waste management authority to serve for a term commencing on February 1 in such year and

expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the solid waste management authority occurring during an unexpired term of office, a person shall be appointed as a member of the solid waste management authority to serve for such unexpired term.

(b) The governing bodies of any two or more municipalities, whether or not the areas of such municipalities comprise an integral body of territory, may enter into an agreement and, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of "the..... solid waste management authority" with all or any significant part of the name of each such municipality or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolution of the several governing bodies as hereinafter in this section provided, and it shall constitute the solid waste management authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities. The governing body of each municipality which is a party to such agreement shall appoint one member of the solid waste management authority. Said ordinance may provide for the appointment of an alternate representative to serve in the event of the absence or inability to act of the representative. The terms of the representative and such alternate of the respective municipalities shall be 3 years. Nothing herein shall prevent such ordinances and agreement from providing for staggered terms. In the event a vacancy occurs at any time in the office of representative of any one of the municipalities, the governing body of such municipality shall forthwith, by resolution, appoint a successor representative to fill the said vacancy and serve out the said unexpired term. Until the appointment and qualification of such successor representative, however, the alternate representative of such municipality shall serve as the representative of such municipality to the authority. In the event a vacancy occurs at any time in the office of alternate representative of any one of the municipalities, the governing body of such municipality shall forthwith, by resolution, appoint a successor alternate representative to fill such vacancy and serve out the said unexpired term.

(c) A copy of each ordinance for the creation of a solid waste management authority adopted pursuant to this section, duly cer-

tified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the ordinance or of certified copies of the parallel ordinances for the creation of a solid waste management authority as aforesaid, the solid waste management authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the solid waste management authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(d) A copy of each resolution appointing any member of a solid waste management authority adopted pursuant to this action, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the members named therein.

(e) No governing body which may create or join in the creation of any solid waste management authority pursuant to this section shall thereafter create or join in the creation of any other solid waste management authority. No governing body of any municipality within a district shall create or join in the creation of any solid waste management authority except upon the written consent of the solid waste management authority and in accordance with the terms and conditions of such consent. This subsection shall not be applicable where the previously established solid waste management authority shall have been formally dissolved.

C. 40:66A-64 Dissolution.

2. (New section) The governing body of any local unit which has created a solid waste management authority or the governing bodies of any two or more local units which have joined in the formation of such an authority, by ordinance, or parallel ordinances, as the case may be, may dissolve such authority upon the condition that a. the members of the authority have not been appointed, the authority, by resolution duly adopted consents to such dissolution or the governing body desires to join in the creation of another authority under this or another law and b. the solid waste manage-

ment authority has no debts or obligations outstanding or all creditors or obligees of the authority have consented to its dissolution.

A copy of the dissolution ordinance or ordinances, certified by the appropriate municipal official, shall be filed in the office of the Secretary of State. Upon proof of such filing the authority shall be dissolved.

3. This act shall take effect immediately and shall be retroactive to September 1, 1974.

Approved October 7, 1975.

CHAPTER 217

AN ACT to authorize the Commissioner of Community Affairs to adopt rules relating to the construction, alteration, renovation, rehabilitation, maintenance, occupancy and use of buildings and structures; to provide for Statewide approval of premanufactured systems; to provide for the administration and enforcement of the act; and to establish remedies and fix penalties for violation of the act.

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

C. 52:27D-119 Short title.

1. Short title. This act shall be known, and may be cited and referred to, as the "State Uniform Construction Code Act."

C. 52:27D-120 Purpose.

2. Purpose. It is the intent and purpose of this act:

a. To encourage innovation and economy in construction and to provide requirements for construction and construction materials consistent with nationally recognized standards.

b. To formulate such requirements, to the extent practicable, in terms of performance objectives, so as to make adequate performance for the use intended as the test of acceptability.

c. To permit to the fullest extent feasible the use of modern technical methods, devices and improvements, including premanufactured systems, consistent with reasonable requirements for the

health, safety, and welfare of occupants or users of buildings and structures.

d. To eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, products or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

e. To insure adequate maintenance of buildings and structures throughout the State and to adequately protect the health, safety and welfare of the people.

f. To eliminate unnecessary duplication of effort and fees in the review of construction plans and the inspection of construction.

C. 52:27D-121 Definitions.

3. Definitions. As used in this act unless the context clearly indicates otherwise:

"Building" means, exclusive of a public school facility, a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

"Business day" means any day of the year, exclusive of Saturdays, Sundays, and legal holidays.

"Certificate of occupancy" means the certificate provided for in section 15 of this act indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the State Uniform Construction Code and any ordinance implementing said code.

"Commissioner" means the Commissioner of Community Affairs.

"Code" means the State Uniform Construction Code.

"Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, removal, repair or equipping of buildings or structures.

"Construction board of appeals" means the board provided for in section 9 of this act.

"Department" means the Department of Community Affairs.

"Enforcing agency" means the municipal construction official and subcode officials provided for in section 8 of this act and assistants thereto.

"Equipment" means plumbing, heating, electrical, ventilating, air conditioning; refrigerating and fire prevention equipment, and

elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations.

"Hearing examiner" means a person appointed by the commissioner to conduct hearings, summarize evidence, and make findings of fact.

"Maintenance" means the replacement or mending of existing work with equivalent materials or the provision of additional work or material for the purpose of the safety, healthfulness, and upkeep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

"Mobile home" means a vehicular, portable structure which is built on a chassis and designed to be used without a permanent foundation as a dwelling for year round rather than temporary occupancy when connected to required utilities.

"Municipality" means any city, borough, town, township or village.

"Owner" means the owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, firm or corporation, directly or indirectly in control of a building, structure, or real property and shall include any subdivision thereof of the State.

"Premanufactured system" means an assembly of materials or products that is intended to comprise all or part of a building or structure, exclusive of a public school facility, and that is assembled offsite by a repetitive process under circumstances intended to insure uniformity of quality and material content.

"Public school facility" means any building or any part thereof where the plans and specifications are submitted to, and approved by, the State Board of Education pursuant to N. J. S. 18A:18–2.

"Stop construction order" means the order provided for in section 14 of this act.

"State Uniform Construction Code" means the code provided for in section 5 of this act, or any portion thereof, and any modification of or amendment thereto.

"Structure" means, exclusive of a public school facility, a combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land; provided, the word "structure" shall be construed when used herein as though followed by the words "or

part or parts thereof and all equipment therein'' unless the context clearly requires a different meaning.

C. 52:27D-122 Legislative findings.

4. Legislative findings. It is hereby found and declared:

a. That a multiplicity of construction codes currently exists in this State and some of these codes contain needless restrictions which limit the use of certain materials, techniques or products without any benefits to the public. Moreover, the variation of construction standards caused by the multiplicity of codes slows the process of construction and increases the costs of construction.

b. That the way to insure uniform, modern construction standards and regulations throughout the State of New Jersey which will lower the cost of housing and other construction without any detriment to the public health, safety and welfare is to adopt a uniform State construction code.

c. That the need of new construction in the State can be met in part by the use of premanufactured systems which are fabricated in the geographical region of the United States of which New Jersey is a part and that a uniform construction code should include standards to permit the use of such systems.

d. That the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code and the National Standard Plumbing Code, or modification thereof, are construction codes which have been widely adopted in this State and in the geographical region of the United States of which New Jersey is a part and adoption of these nationally recognized codes pursuant to this act will insure that the State has a uniform, modern construction code which will insure health, safe, and sanitary construction but also less expensive construction for the citizens of this State.

C. 52:27D-123 Adoption of a State Uniform Construction Code.

5. Adoption of a State Uniform Construction Code.

a. The commissioner shall after public hearing pursuant to section 4 of the ''Administrative Procedure Act,'' P. L. 1968, c. 410 (C. 52:14B–4) adopt a State Uniform Construction Code for the purpose of regulating the structural design, construction, maintenance and use of buildings or structures to be erected and alteration, renovation, rehabilitation, repair, maintenance, removal or demolition of buildings or structures already erected. Prior to the adoption of said code, the commissioner shall consult with the code advisory board and other departments, divisions, bureaus, boards,

councils, or other agencies of State Government heretofore authorized to establish or administer construction regulations. Such prior consultations with departments, divisions, bureaus, boards, councils, or other agencies of State Government shall include but not be limited to consultation with the Commissioner of Health and the Public Health Council prior to adoption of a plumbing subcode pursuant to paragraph b. of this section. Said code shall include any code, rule or regulation incorporated therein by reference.

b. The code shall be divided into subcodes which may be adopted individually by the commissioner as he may from time to time consider appropriate. Said subcodes shall include but not be limited to a building code, a plumbing code, an electrical code, an energy code, a fire prevention code, a mobile home code and mechanical code.

These subcodes shall be adoptions of the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code, and the National Standard Plumbing Code, provided that for good reasons, the commissioner may adopt as a subcode a model code of some other nationally recognized organization upon a finding that such model code promotes the purposes of this act. The initial adoption of a model code as a subcode shall constitute adoption of any subsequent revisions or amendments thereto.

The commissioner shall be authorized to adopt a barrier free subcode or to supplement or revise any model code adopted hereunder, for the purpose of insuring that adequate and sufficient features are available in buildings or structures so as to make them accessible to and usable by the physically handicapped.

c. The Department of Education shall annually update its rules and regulations concerning public school facilities for the purpose of, insofar as appropriate for such facilities making them conform with the State Uniform Construction Code. Such updating shall be undertaken in consultation with the commissioner. Within 3 years from the effective date of this act, the Department of Education and commissioner shall submit to the Legislature reports on the extent to which the Department of Education's rules and regulations have been brought into conformity with the code, and identifying problems still outstanding for purposes of applying the provisions of the code to all public school facilities.

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

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

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

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

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

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

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and

the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

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

C. 52:27D-125 Code advisory board.

7. Code advisory board.

a. To assist and advise the commissioner in the administration of this act there is hereby created in the Department of Community Affairs a code advisory board to consist of 13 citizens to be appointed by the commissioner for a term of 4 years. The board shall consist of: one architect registered in the State of New Jersey; two professional engineers licensed by the State of New Jersey, one of whom shall be a mechanical engineer and one of whom shall be a structural engineer; one municipal building official; one member of the building industry in the State of New Jersey; one public health official in the State of New Jersey; one licensed plumbing inspector in the State of New Jersey; one licensed electrical inspector in the State of New Jersey; one fire prevention inspector in the State of New Jersey and four members of the public, two of whom shall be experienced in representing consumers. Of the members first appointed the commissioner shall designate the appointees' terms so that three shall be appointed for terms of 1 year, three for terms of 2 years, three for terms of 3 years and four for terms of 4 years. Their successors shall be appointed for terms of 4 years.

b. Code advisory board members shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties. Vacancies on the advisory board shall be filled for the unexpired term. Members may be removed by the commissioner for cause.

c. The code advisory board shall appoint a committee for each subcode and, should a subcode therefore not be adopted, for supplements to or revisions of the barrier free design provisions of any model code adopted pursuant to section 5 of this act. Each such committee shall consist of one member of the code advisory board, who shall be chairman, and four citizens who are experienced and knowledgeable in matters related to the particular subcode. Each committee shall advise and assist the code advisory board in the performance of its responsibilities under this act for the subcode in question. Committee members shall serve without compensation and at the pleasure of the code advisory board.

C. 52:27D-126 Administration and enforcement.

8. Administration and enforcement.

a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code and a construction board of appeals to hear and decide appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

b. A municipal construction official and any subcode official shall be appointed for a term of 4 years, provided, however, that tenure shall continue for (1) any construction official or subcode official who is serving under tenure as otherwise provided by law on the effective date of this act or within 1 year thereafter, or (2) any person certified pursuant to subsection c. of this section and who subsequently gains such tenure. Nothing in this section shall affect the civil service status of any construction or subcode official who at the effective date of this act or subsequently comes under the provisions of Title 11 of the Revised Statutes.

A construction or subcode official, to be eligible for appointment, shall be certified by the State of New Jersey in accordance with subsection c. of this section and shall have had at least 3 years experience in construction, design or supervision as a licensed engineer or registered architect; or 5 years experience in construction design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years experience in construction, design or supervision as a journeyman in a trade or as a contractor. A subcode official shall, pursuant to any subcode which he administers, pass upon: (1) matters relative to the mode, manner of construction or materials to be used in the erection or alteration of buildings or structures, except as to any such matter foreclosed by State approval pursuant to this act, and (2) actual execution of the approved plans and the installation of the materials approved by the State. The construction official in each municipality shall be the chief administrator of the "enforcing agency." He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers only if the construction official is qualified to act pursuant to this act as a subcode official for such

subcode. He may serve as subcode official for any subcode which he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act. The municipal enforcing agency shall require compliance with the provisions of the code, of all rules lawfully adopted and promulgated thereunder and of laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, except as may be otherwise provided for.

Two or more municipalities may provide by ordinance, subject to regulations established by the commissioner, for the joint appointment of a construction official and subcode official for the purpose of enforcing the provisions of the code in the same manner.

c. No person shall act as a construction official or subcode official for any municipality unless the commissioner determines that said person is so qualified except for the following: (1) a municipal construction official or subcode official holding office under permanent civil service status, or tenure as otherwise provided by law on the effective date of this act or within 1 year thereafter and (2) a municipal construction official or subcode official holding office without such permanent civil service status or tenure on the effective date of this act or within 1 year thereafter; provided said construction official or subcode official not having such permanent civil service status or tenure shall be certified in accordance with this act within 4 years of the effective date thereof provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utility Commissioners pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official. The commissioner, after consultation with the code advisory board, may authorize the preparation and conducting of oral, written and practical examinations to determine if a person is qualified by this act to be eligible to be a construction official or subcode official or, in the alternative, may accept successful completion of programs of training as proof of qualification within the meaning of this act. Upon a determination of qualification the commissioner shall issue or cause to be issued a certificate to the construction official or subcode official or trainee stating that he is so certified. The commissioner, after con-

sultation with the code advisory board, may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the State. The commissioner shall after consultation with the code advisory board, provide for educational programs designed to train and assist construction officials and subcode officials in carrying out their responsibilities.

Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the commissioner shall also consult with the Public Health Council and Commissioner of Health.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official and subcode official demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

C. 52:27D-127 Construction board of appeals.

9. Construction board of appeals.

a. There shall be a construction board of appeals for each county to hear appeals from decisions by the enforcing agency provided that any municipality may establish its own construction board of appeals to hear appeals from decisions by the enforcing agency and further provided that where two or more municipalities have combined to appoint a construction official and subcode officials such combined municipalities may establish a joint construction board of appeals. Any such municipal or joint board shall hear appeals from the decisions of the municipal or joint enforcing agency, as the case may be, instead of the county board.

Every construction board of appeals shall consist of five members. Each member of the board shall be qualified by experience or training to perform the duties of members of the construction board of appeals. Board members shall be appointed for a term of 4 years by the appointing authority of the county or municipality in question or, in the case of a joint municipal board, by means mutually determined by the governing bodies of such municipalities.

For the members first appointed, the appointing authority shall designate the appointees' terms so that one shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, and two for a term of 4 years. Vacancies on the board shall be filled for the unexpired term. Members may be removed by the authority appointing them for cause. A person may serve on more than one construction board of appeals.

b. When an enforcing agency refuses to grant an application or refuses to act upon application for a construction permit, or when the enforcing agency makes any other decision, pursuant or related to this act or the code, an owner, or his authorized agent, may appeal in writing to the county or municipal or joint board, whichever is appropriate. The board shall hear the appeal, render a decision thereon and file its decision with a statement of the reasons therefor with the enforcing agency from which the appeal has been taken not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. Such decision may affirm, reverse or modify the decision of the enforcing agency or remand the matter to the enforcing agency for further action. A copy of the decision shall be forwarded by certified or registered mail to the party taking the appeal. Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application or appeal to a court of competent jurisdiction. A record of all decisions made by the board, properly indexed, shall be kept by the enforcing agency and shall be subject to public inspection during business hours. The board shall provide rules for its procedure in accordance with this act and regulations established by the commissioner.

C. 52:27D-128 Substitute administration and enforcement.

10. Substitute administration and enforcement. Whenever a municipality or several municipalities decide not to administer and enforce the code and request the commissioner to assume that task, the commissioner shall by regulation provide for the enforcement of the code and this act in said municipality or municipalities and for payment to the State of fees necessary to defray the expenses in furtherance of that end and the commissioner shall have all the powers conferred by this act upon any municipal governing body, chief executive, or enforcing agency and all other powers necessary and convenient to that end, provided that the

commissioner shall provide a departmental appeal in lieu of an appeal to a municipal or joint construction board of appeals.

The commissioner shall hold hearings pursuant to section 6 c. of this act in order to establish regulations defining the operation of this section.

C. 52:27D-129 State buildings and buildings of interstate agencies.

11. State buildings and buildings of interstate agencies. a. Notwithstanding any other provision of this act, the Division of Buildings and Construction in the Department of the Treasury shall have exclusive authority to administer and enforce the code in regard to buildings and structures owned by the State, and any of its departments, divisions, bureaus, boards, councils, authorities or other agencies provided that the division shall enforce the code with persons certified by the commissioner pursuant to this act. Prior to approval of plans and specifications for a structure or building costing in excess of $50,000.00, the Division of Buildings and Construction in the Department of the Treasury shall hold a public hearing in the county in which the building is to be located.

b. Construction, alteration, renovation, rehabilitation, repair, removal or demolition of any building or structure situated wholly within New Jersey by or for an agency created by an interstate compact to which the State of New Jersey is a party shall be subject to the provisions of the code; provided that such interstate agency shall have exclusive authority to administer and enforce the code in regard to such buildings and structures.

C. 52:27D-130 Permit required for construction or alteration of buildings and structures; application therefor; required contents of application; issuance; effect and duration of permits; public school facilities.

12. Permit required for construction or alteration of buildings and structures; application therefor; required contents of application; issuance, effect and duration of permits; public school facilities. Except as otherwise provided by this act or in the code, before construction or alteration of any building or structure, the owner, or his agent, engineer or architect, shall submit an application in writing, including signed and sealed drawings and specifications, to the enforcing agency as defined in this act. The application shall be in accordance with regulations established by the commissioner and on a form prescribed by the commissioner and shall be accompanied by payment of the fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The application for a

construction permit shall be filed with the enforcing agency and shall be a public record; and no application for a construction permit shall be removed from the custody of the enforcing agency after a construction permit has been issued. Nothing contained in this paragraph shall be interpreted as preventing the imposition of requirements in the code, for additional permits for particular kinds of work, including but not limited to plumbing, electrical, elevator, fire prevention equipment or boiler installation or repair work, or in other defined situations.

When final plans for the construction or alteration of a public school facility are submitted to the Department of Education, for approval, such plans shall also be filed with the enforcing agency of the municipality in which the public school facility is located. The enforcing agency shall have the right to inspect any construction or alteration of a public school facility for the purpose of advising the board of education of the school district in which the public school facility is being constructed and the Commissioner of Education of any violations of the school house guide, adopted pursuant to Title 18A of the New Jersey Statutes, or practices detrimental to the health and safety of the community. The advice of the enforcing agency shall be binding upon the district board of education, except that an appeal to the Department of Education shall be available to the district board of education. When changes in the plans for construction or alteration of a public school facility are submitted to the Department of Education, for approval, said plans shall also be submitted to the enforcing agency of the municipality in which the public school facility is or shall be located.

C. 52:27D-131 Examination and approval of application for permits; expiration or cancellation of permits.

13. Examination and approval of applications for permits; expiration or cancellation of permits.

a. The enforcing agency shall examine each application for a construction permit. If the application conforms with this act, the code, and the requirements of other applicable laws and ordinances, the enforcing agency shall approve the application and shall issue a construction permit to the applicant. Every application for a construction permit shall be granted, in whole or in part, or denied within 20 business days. If application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application for a construction permit within the period of time

prescribed herein, such failure shall be deemed a denial of the application for purposes of an appeal to the construction board of appeals unless such period of time has been extended with the consent of the applicant. The enforcing agency may approve changes in plans and specifications previously approved by it, if the plans and specifications when so changed remain in conformity with law. Except as otherwise provided in this act or the code, the construction or alteration of a building or structure shall not be commenced until a construction permit has been issued. The construction of a building or structure shall be in compliance with the approved application for a construction permit; and the enforcing agency shall insure such compliance in the manner set forth in section 14 of this act.

The commissioner, after consultation with the code advisory board, may, for certain classes or types of occupancy posing special or unusual hazards to public safety, establish regulations designating the department as the enforcing agency for purposes of approving plans and specifications. A municipal enforcing agency shall not grant an occupancy permit for any such class or type of construction unless the applicant submits appropriate plans and specifications certified or approved by the department. Upon submission by an applicant of such certified approved plans and specifications, the enforcing agency shall recognize the approval when deciding whether to approve the application for a construction permit.

b. A construction permit, issued in accordance with the foregoing provisions, pursuant to which no construction has been undertaken above the foundation walls within 1 year from the time of issuance, shall expire. The enforcing agency may suspend, revoke or cancel a construction permit in case of neglect or failure to comply with the provisions of this act or the code, or upon a finding by it that a false statement or representation has been made in the application for the construction permit.

C. 52:27D-132 Inspection of construction by enforcing agency; right of entry; stop construction orders.

14. Inspection of construction by enforcing agency; right of entry; stop construction orders.

a. The enforcing agency shall periodically inspect all construction undertaken pursuant to a construction permit issued by it to insure that the construction or alteration is performed in accordance with the conditions of the construction permit and consistent

with the requirements of the code and any ordinance implementing said code.

b. The owner of any premises upon which a building or structure is being constructed shall be deemed to have consented to the inspection by the enforcing agency and the department, of the entire premises and of any and all construction being performed on it until a certificate of occupancy has been issued. An inspector, or team of inspectors, on presentation of proper credentials, shall have the right to enter and inspect such premises, and any and all construction thereon, for purposes of ensuring compliance with the provisions of the applicable construction permit, the code, and other applicable laws and regulations. All inspection pursuant to this act shall be between the hours of 9 a.m. and 5 p.m. on business days, or when construction is actually being undertaken, provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, or his agent, architect, engineer or builder. No person shall accompany an inspector or team of inspectors on any inspection pursuant to this act, unless his presence is necessary for the enforcement of this act, or the code, or unless consent is given by an owner or his agent, architect, engineer or builder.

c. If the construction of a structure or building is being undertaken contrary to the provisions of a construction permit, this act, the code, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order in writing which shall state the conditions upon which construction may be resumed and which shall be given to the owner or the holder of the construction permit or to the person performing the construction. If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction. No person shall continue, or cause or allow to be continued, the construction of a building or structure in violation of a stop construction order, except with the permission of the enforcing agency to abate a dangerous condition or remove a violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the appropriate court as otherwise established by law for an order enjoining the violation of the stop construction order. The remedy for violation of such an order provided in this subsection shall be in addition to, and not in limitation of, any other remedies provided by law or ordinance.

C. 52:27D-133 Certificates of occupancy.

15. Certificates of occupancy. No building or structure hereafter constructed shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcing agency. No building or structure hereafter altered, in whole or in part, shall be used or occupied until such a certificate has been issued, except that any use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued in the preexisting structure for 30 days after the completion of the alteration without the issuance of a certificate of occupancy. A certificate of occupancy shall be issued by the enforcing agency when all of the work covered by a construction permit shall have been completed in accordance with the permit, the code, and other applicable laws and ordinances. On request of a holder of a construction permit, the appropriate enforcing agency may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the construction permit has been completed, if the part or parts of the building or structure to be covered by the certificate may be occupied prior to completion of all work in accordance with the permit, the code, and other applicable laws and ordinances, without endangering the health and safety of the occupants or users. When a building or structure is entitled thereto, the enforcing agency shall issue a certificate of occupancy within 10 business days after receipt of a written application therefor in accordance with regulations established by the commissioner on a form prescribed by the commissioner accompanied by payment of a fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The certificate of occupancy shall certify that the building or structure has been constructed in accordance with the provisions of the construction permit, the code, and other applicable laws and ordinances.

C. 52:27D-134 Stay of proceedings.

16. Stay of proceedings. Neither an appeal to a county, municipal or joint construction board of appeals nor a departmental appeal nor an appeal to a court of competent jurisdiction shall automatically stay any order to stop construction issued pursuant to this act or prevent the seeking of an order in a court of competent jurisdiction to enjoin the violation of a stop construction order.

C. 52:27D-135 Premanufactured systems.

17. Premanufactured systems. The commissioner shall by rules promulgated hereunder establish a procedure whereby premanu-

factured systems intended for use in the State may, if entitled thereto, be issued a certificate of acceptability by the department at its place of manufacture. The procedure shall include a requirement that the manufacturer submit to the department detailed plans and specifications for the premanufactured system for approval in compliance with the requirements of the code.

It may also include a requirement that the manufacturer submit to the department test results on the premanufactured system, or its components, or any other material or information that the department considers relevant, or one or more of the premanufactured systems for testing and evaluation. The procedure shall require that premanufactured systems be inspected by the department or a qualified person selected by it, to determine that the premanufactured systems have been manufactured in accordance with the code and with the plans and specifications submitted to the department. Alternatively, the commissioner, after consultation with the code advisory board, may require that each premanufactured system bear the approved label of a qualified body selected by the commissioner. Said body shall have such follow-up inspection services as are satisfactory to the commissioner and shall certify that the premanufactured system complies with the code and with the plans and specifications submitted to the department. If an application for a construction permit specifying the use of a premanufactured system with a certificate of acceptability is submitted to an enforcing agency, and if the application complies in all respects with this act, the code and other applicable laws and ordinances, then the enforcing agency shall issue the construction permit within the time specified in section 13 hereof. At the time of installation, a premanufactured system with a certificate of acceptability shall be subject only to such nondestructive tests approved by the department as may be necessary to determine that it has not been damaged in transit or installation, and that it has been installed in accordance with the applicable construction permit and the code. The fees established and charged by an enforcing agency in connection with the granting of a construction permit on the basis of an application therefor specifying the use of a premanufactured system with a certificate of acceptability, or in connection with the inspection of the installation of such systems, shall bear a reasonable relationship to the costs incurred by the enforcing agency in performing such acts.

C. 52:27D-136 Extension of reciprocity.

18. Extension of reciprocity.

a. The commissioner, after consultation with the code advisory board, is empowered to extend to and accept from any state, group of states, or the United States of America, reciprocal recognition, certification or approval as enumerated in subsection b. of this section, provided such action is otherwise consistent with the basic purposes of this act and the code.

b. The commissioner, after consultation with the code advisory board, is authorized to accept the findings of any other state, the Federal Government, or nationally recognized organizations, in matters involving or related to the certification of premanufactured systems, assemblies, subsystems, subassemblies and related materials; and the findings of any state or states, the United States, or nationally recognized organizations in the matters of the approval of products, plans, modes and techniques of construction and testing. The commissioner shall certify that such findings are in compliance with the code and this act.

C. 52:27D-137 Review of plans and specifications and inspection of construction by the department.

19. Review of plans and specifications and inspection of construction by the department. At the request of an enforcing agency, the department or an agency approved by the commisisoner may assist an enforcing agency in the inspection of any construction of buildings or structures, provided that the enforcing agency has submitted the plans and specifications for such construction to the department or such agency, as the case may be, for review as to compliance with the code and this act. In such cases the commissioner shall provide by regulation for fees to the department to cover the cost of providing such services, to be borne ultimately by applicants for construction permits. The commissioner shall also provide for the readjustment of municipal fees in accordance with the cost of services performed.

C. 52:27D-138 Penalties.

20. Penalties.

a. Any person or corporation, including an officer, director or employee of a corporation, who:

(1) Violates any of the provisions of this act or rules promulgated hereunder;

(2) Constructs a structure or building in violation of a condition of a building permit;

(3) Fails to comply with any order issued by an enforcing agency or the department;

(4) Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an enforcing agency or the department.

Shall be subject to a penalty of not more than $500.00.

b. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this act or who unreasonably interferes with such an inspection, shall be subject to a fine of not more than $250.00.

c. With respect to subsection a. (3) of this section, a person shall be guilty of a separate offense for each day that he fails to comply with a stop construction order validly issued by an enforcing agency or the department and for each week that he fails to comply with any other order validly issued by an enforcing agency or the department. With respect to subsections a. (1) and a. (4) of this section, a person shall be guilty of a separate offense for each violation of any provision of this act or rules promulgated hereunder and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the department. With respect to subsection a. (2) of the section, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.

d. The penalties pursuant to this section may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the municipal court in addition to the courts specified by N. J. S. 2A:58–2. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit brought by a municipality to the municipal treasurer and in the case of a suit brought by the State of New Jersey to the State Treasurer.

C. 52:27D-139 Effect of the promulgation of the code.

21. Effect of the promulgation of the code. All construction regulations incorporated in any act of the State of New Jersey, or of any municipality presently in effect, or validly promulgated or enacted by any board, department, commission or agency thereof shall continue in effect until such time as any such regulation is superseded by appropriate regulations promulgated pursuant to this act, at which time they shall be deemed repealed and superseded, and of no further force and effect. A construction permit issued under valid construction regulations prior to the promulga-

tion of the code shall remain valid, and the construction of any building or structure may be completed pursuant to and in accordance with said permit. The construction of any building or structure started before the promulgation of the code that did not as of the date of the beginning of the construction require a construction permit may be completed without a construction permit. Nothing contained in this act or the code shall be deemed to affect, repeal or invalidate local zoning ordinances or the regulation or licensing of any trade or profession engaged in construction work.

C. 52:27D-140 Partial invalidity; severability.

22. Partial invalidity; severability. If any clause, sentence, subdivision, paragraph, subsection or section of this act be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, subsection or section thereof directly involved in the controversy in which said judgment shall have been rendered.

C. 52:27D-141 Interpretation of powers.

23. Interpretation of powers. The powers enumerated in this act shall be interpreted broadly to effectuate the purposes thereof.

24. Effective date. This act shall take effect 120 days from the date of approval thereof.

Approved October 7, 1975.

CHAPTER 218

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, 1976 and regulating the disbursement thereof," approved June 27, 1975 (P. L. 1975, c. 128).

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

1. There is hereby appropriated to the Department of State the sum of $15,000.00 for expenses in publishing the required public notices with respect to referenda to be submitted to the voters at the general election in November, 1975, pursuant to Assembly

Concurrent Resolution No. 67 (Equality of Rights of Women), Assembly Committee Substitute for Assembly Concurrent Resolutions Nos. 175, 177 and 178 (Senior Citizens, Homestead Rebates or Credits and Property Tax Abatement), and Senate Bill No. 1537 (New Jersey Housing Assistance Bond Act of 1975).

2. This act shall take effect immediately.

Approved October 7, 1975.

CHAPTER 219

AN ACT to amend and supplement "An act requiring boards of education to include facilities for the physically handicapped in plans and specifications for public work, and supplementing chapter 18 of Title 18A of the New Jersey Statutes," approved March 8, 1971 (P. L. 1971, c. 42).

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

1. Section 2 of P. L. 1971, c. 42 (C. 18A:18–2.2) is amended to read as follows:

C. 18A:18-2.2 Facilities for physically handicapped in new, remodeled or renovated public buildings.

2. Every board of education shall require that all plans and specifications for bids on any contract with the board for the construction, remodeling or renovation of any public building shall provide facilities for the physically handicapped.

As used in this act, "remodeling or renovation" shall mean to construct an addition, alter the design or layout of said public building so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved, or make substantial repairs or alterations. As used herein, "substantial repairs or alterations" shall mean that if the cost of making such repairs or alterations:

(1) Shall exceed 60% of the value of the building, the entire building shall be made to comply with the requirements of this act;

(2) Shall be between 30 and 60% of the value of the building, only those portions of the building repaired or altered shall be made to comply with the requirements of this act; or

(3) Shall be under 30% of the value of the building, such repairs or alterations shall be either in accordance with the requirements of this act, or in compliance with their previously required condition and with the same or equivalent material or equipment, provided the general safety and public welfare are not thereby endangered.

The value of such public buildings shall be determined by every board of education in accordance with a formula which shall be established by the State Board of Education. Said formula may take into account the size, age, type of construction, original building cost and replacement cost of any such building.

The State Board of Education, by rules and regulations, shall prescribe the kinds, types and quality of the aforementioned facilities for the physically handicapped.

2. (New section) The provisions of this act shall not apply to the construction, remodeling or renovation of public buildings when contracts for the actual construction, remodeling or renovation thereof have been entered into or when plans and specifications for construction have previously been approved by the Department of Education prior to the effective date of this act.

C. 18A:18-2.3 Failure to comply with provisions on facilities for physically handicapped; withholding State aid.

3. (New section) The Commissioner of Education is hereby authorized to withhold all or part of any State aid paid to any school district pursuant to chapter 58 of Title 18A of the New Jersey Statutes or pursuant to any other law, unless and until said school district shall comply with the provisions of this act with respect to facilities for the physically handicapped.

4. This act shall take effect immediately.

Approved October 8, 1975.

CHAPTER 220

AN ACT to amend and supplement "An act to provide facilities for the physically handicapped in public buildings," approved July 27, 1971 (P. L. 1971, c. 269).

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

1. Section 1 of P. L. 1971, c. 269 (C. 52:32–4) is amended to read as follows:

C. 52:32-4 Facilities for physically handicapped; new or remodeled public buildings.

1. Except as otherwise provided by law, all plans and specifications for the construction or remodeling of any public building in the State shall provide facilities for the physically handicapped.

2. Section 2 of P. L. 1971, c. 269 (C. 52:32–5) is amended to read as follows:

C. 52:32-5 Guidelines for facilities in public buildings for physically handicapped.

2. The Department of the Treasury shall, from time to time, promulgate guidelines which shall prescribe the kinds, types and quality of such facilities for the physically handicapped.

C. 52:32-6 Definitions.

3. (New section) As used in this act:

a. "Public building" means any building, structure, facility or complex used by the general public, including, but not limited to, theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, business establishments, passenger vehicle service stations, shopping centers, hotels or motels, and public eating places, constructed by any State, county or municipal government agency or instrumentality or any private individual, partnership, association or corporation, with the following exceptions: one- to four-family private residences; warehouse storage areas; and all buildings classified as hazardous occupancies. As used herein, "hazardous occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, or explosive material, or which has inherent characteristics that constitute a special fire hazard.

b. "Physical handicap" means a physical impairment which confines a person to a wheelchair; causes a person to walk with difficulty or insecurity; affects the sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger; causes faulty coordination; or reduces mobility, flexibility, coordination and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

c. "Remodel" means, with respect to an existing public building as defined in this act, to construct an addition, alter the design or

layout of said public building so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved, or make substantial repairs or alterations. As used herein, "substantial repairs or alterations" shall mean that if the cost of making such repairs or alterations, as determined by the building department or, with respect to State buildings, the Division of Building and Construction in the Department of the Treasury:

(1) Shall exceed 60% of the assessed value of the building, the entire building shall be made to comply with the requirements of this act;

(2) Shall be between 30 and 60% of the assessed value of the building, only those portions of the building repaired or altered shall be made to comply with the requirements of this act; or

(3) Shall be under 30% of the assessed value of the building, such repairs or alterations shall be either in accordance with the requirements of this act, or in compliance with their previously required condition and with the same or equivalent material or equipment, provided the general safety and public welfare are not thereby endangered.

d. "Office building" means a building or structure of more than 10,000 square feet of gross floor area wherein commercial or business activity or service is performed or a profession is practiced, or wherein any combination thereof is performed or practiced in all or the majority of such building or structure.

e. "Building department" means the municipal department, bureau or administrative official charged with the enforcement of laws or ordinances regulating the erection or construction of buildings.

C. 52:32-7 Administration and enforcement; determination as public building.

4. (New section) The administration and enforcement of this act shall:

a. With respect to public buildings proposed for construction or remodeling by the State, be vested in the Division of Building and Construction in the Department of the Treasury; and

b. With respect to all other public buildings proposed for construction or remodeling, be vested in the building department of the municipality having jurisdiction over said public buildings.

The Division of Building and Construction or said municipal building department shall determine whether a proposed structure, or an existing structure undergoing remodeling, shall be considered

a public building within the meaning of this act and shall ensure, upon such determination, that the design of any such building complies with the requirements of this act.

C. 52:32-8 Exceptions from specific requirements.

5. (New section) In cases of practical difficulty, the administrative authorities responsible for the enforcement of this act may grant exceptions from the specific requirements of the standards and specifications required by this act or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection for the physically handicapped are thereby secured.

C. 52:32-9 Limitation on exceptions.

6. (New section) Exceptions based on practical difficulty, unnecessary hardship or extreme differences shall apply to the specific requirement in question, and shall not extend to all requirements of the standards and specifications mandated by this act.

C. 52:32-10 Certificate of use or occupancy; issuance; compliance with requirements for physically handicapped.

7. (New section) No certificate of use or occupancy shall be issued by any municipal building department for any public building constructed or remodeled in the State unless and until said public building complies with the requirements of this act, except as provided in sections 5 and 6 hereof.

8. (New section) The provisions of this act shall not apply to the construction or remodeling of public buildings when contracts for the actual construction or remodeling thereof have been entered into prior to the effective date of this act.

9. This act shall take effect immediately.

Approved October 8, 1975.

CHAPTER 221

AN ACT requiring the State and counties and municipalities and parking authorities created thereby to provide parking spaces for handicapped persons in parking facilities and supplementing Title 40 of the Revised Statutes.

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

C. 52:32-11 Parking facilities; spaces for handicapped persons.

1. The State, every board or body having control and regulation of parking facilities in every county and municipality, and every parking authority created pursuant to the "Parking Authority Law" (P. L. 1948, c. 198, C. 40:11A–1 et seq.), is hereby authorized, empowered and directed to provide parking spaces for handicapped persons in all parking facilities under the jurisdiction of the State or any such board, body or parking authority.

C. 52:32-12 Parking spaces for physically handicapped; guidelines.

2. The State and every such board, body or parking authority shall use the following guidelines when providing said parking spaces for the physically handicapped:

a. A minimum of 1% of the total number of parking spaces, but not less than two parking spaces, shall be provided in an area of the parking facility which is most accessible and approximate to the building or buildings which the facility serves;

b. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: "These spaces reserved for physically-handicapped drivers."

c. Each space shall be 12 feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking;

d. Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars; and

e. Where applicable, curb ramps shall be provided to permit handicapped people access from parking area to sidewalk.

C. 52:32-13 Enforcement.

3. The State and the board of chosen freeholders of every county and the governing body of every municipality in this State shall be responsible for the enforcement of the provisions of this act within their respective jurisdictions.

4. This act shall take effect 120 days following enactment.

Approved October 8, 1975.

CHAPTER 222

AN ACT concerning education, relating to classes and facilities for handicapped children, 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:

Enumeration of 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 subsections 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 subsections a., b., c., d., e., f. or g., otherwise.

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, the board of education of the district in which the child is domiciled shall pay the tuition of said child in the special education program.

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 5.

2. This act shall take effect immediately.

Approved October 8, 1975.

CHAPTER 223

AN ACT to amend the "Absentee Voting Law (1953)," approved July 1, 1953 (P. L. 1953, c. 211).

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

1. Section 4 of P. L. 1953, c. 211 (C. 19:57–4) is amended to read as follows:

C. 19:57-4 Civilian absentee or military service ballot; application; annual provision to permanently and totally physically disabled.

4. At any time not less than 7 days prior to an election in which he desires to vote by mail, a civilian absentee voter may apply to the person designated in section 6 of this act, for a civilian absentee ballot. Such application or request shall be made in writing, shall be signed by the applicant and shall state his or her place of voting

residence and the address to which said ballot shall be sent, and the reason for which the ballot is requested.

Any military service voter desiring to vote in any election or any relative or friend of a military service voter who believes that such voter will desire to vote in any election, may apply to the person designated in section 6 of this act for a military service ballot to be sent to such voter.

Any civilian absentee voter who fails to apply within the 7-day time prescribed above may apply in person to the county clerk for an absentee ballot on any day up to 3 p.m. of the day before the election.

In the event of sickness or confinement, the qualified voter may apply in writing for and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The county clerk is authorized to deliver to such authorized messenger a ballot to be delivered to the qualified voter.

Where under section 17 of this act a voter is recorded as permanently and totally physically disabled the county board shall so notify the county clerk. Upon such notice the county clerk shall enter the name and addres of such voter on a list which he shall maintain of permanently and totally physically disabled voters. Until notified to the contrary by the board, voters whose names are placed on such list shall, without any further application on their part, be provided by the county clerk with an absentee ballot for any election in which under this Title they are entitled to vote provided, however, that in every fourth year following the placement of such names on such list, and at any time in such year not less than 7 days prior to any election in that year, the county board shall ascertain that such voters continue to be permanently and totally physically disabled and validate their continuing eligibility to receive absentee ballots without any further application on their part. The board shall inform the voter of its action and the action to be taken by the county clerk.

2. Section 17 of P. L. 1953, c. 211 (C. 19:57–17) is amended to read as follows:

C. 19:57-17 Certificate to be printed on margin of flap on envelopes.

17. Upon the said margin of said flap on the envelopes to be sent to military service voters there shall be printed a certificate in the following form:

I hereby certify that

1. I am a citizen of the United States;

2. The date of my birth was .....;

3. On the date of the (Description of election in which ballot is used to be printed here.) election I will have resided in New Jersey for ..... and in .....
(years or months)
county for .....;
(years, months or days)

4. My home address is at .....
(street and number, if any, or rural route)
.....; in .....;
(city, borough, town, township or village)

5. My military service voter's address is .....;

6. I am (place a cross (×) in the box preceding the applicable category below, and insert serial number where required):

(a) ☐ A person in military service.
My serial number is .....

(b) ☐ A spouse or dependent of a person in category (a) whose serial number is .....

(c) ☐ A patient in a veterans' hospital.

(d) ☐ A civilian attached to or serving with the Armed Forces of the United States.

(e) ☐ A spouse or dependent of and residing with a person in category (d).

.....
(write your usual signature above)

.....
(print your name clearly above)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

Upon said margin of said flap on the inner envelopes to be sent to civilian absentee voters there shall be printed a certificate in the following form:

I, ..., do solemnly swear that I am a registered voter of the State of New Jersey, and that I have resided in the county of ..... continuously since .....

(month, date and year)

My address in said county is .....

(street and number, if any, or rural route)

where I have resided since .....

(month, date and year)

I will be a resident of the State of New Jersey at the above address on .....

(date of election)

FILL IN ONLY IF YOU HAVE MOVED OR INTEND TO MOVE YOUR RESIDENCE AFTER

.....

(county clerk insert date of fortieth day before election)

AND BEFORE THE ELECTION

I moved or will move to the above address from my previous home address at .....

(street and number, if any, or rural route)

in the ..... county of

(city, borough, town, township or village)

..... State of ..... on .....

(give date)

Place a cross (×) in the box preceding the applicable statement below.

My reason for voting this absentee ballot is:

☐ I will be absent from the State on the date of the election.

☐ I am unable to leave my place of confinement at .....

(home

..... because of

address, hospital address or other place of confinement)

..... and will, therefore,

(name of sickness or physical disability)

be unable to cast my ballot at the polling place in my election district on the date of the election.

☐ I am unable to attend at my polling place on the date of the election because of permanent and total physical disability.....
..... and will,
(nature of permanent and total physical disability)
therefore, be unable to cast my ballot at the polling place in my election district.

☐ I will be unable to attend at my polling place on the date of the election because of the observance of a religious holiday, pursuant to the tenets of my religion.

☐ I will be unable to attend at my polling place on the date of the election because I will be in resident attendance at .....
(name of
..... located in .....,
school, college or university) (name of city or town)
New Jersey.

☐ I will be unable to attend at my polling place on the date of the school election because of the nature and hours of my employment.

I marked the enclosed ballot in secret.

.....
(signature of absentee voter)

.....
(print your name clearly above)

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly, violates any of the provisions of this act, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

(P. L. 1953, c. 211, s. 37 (C. 19:57–37))
(P. L. 1964, c. 134, s. 33 (C. 19:58–33))

3. This act shall take effect immediately.

Approved October 8, 1975.

CHAPTER 224

AN ACT to provide for the construction and maintenance of sidewalks for use by handicapped persons.

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

C. 52:32-14 Sidewalks; construction or reconstruction for use by physically handicapped.

1. A sidewalk hereafter constructed or reconstructed on public or private property for public use within this State, whether constructed by a public agency or a person, firm, corporation, nonprofit corporation or association, shall be constructed in a manner that will facilitate use by physically handicapped persons. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually to street level so as to provide an uninterrupted line of travel.

C. 52:32-15 Standards; establishment.

2. To carry out the purpose of section 1 of this act the Department of Transportation shall, within 30 days of the enactment of this act, after consultation with the Director of the Division of Vocational Rehabilitation Services of the Department of Labor and Industry and the chairman of the State Commission for the Blind and Visually Impaired of the Department of Institutions and Agencies, prescribe standards, which shall include, but not be limited to, standards of drainage, slope gradient, width, and slip-resistant qualities which will assure that a sidewalk will accommodate a person in a wheelchair or other handicapped persons. All agencies and instrumentalities of State and local government, and every other person, firm, corporation or association shall comply with these standards and the provisions of this act when undertaking construction or reconstruction of streets, curbs or sidewalks.

C. 52:32-16 Access facilities; act not applicable.

3. Nothing in section 2 of this act shall be construed to supersede the functions of the Department of the Treasury and the State Board of Education with respect to the design and construction of access facilities to school buildings and other public buildings

pursuant to P. L. 1971, c. 42 (C. 18A:18–2.1 et seq.) and P. L. 1971, c. 269 (C. 52:32–4 et seq.)

4. This act shall take effect upon the thirtieth day next following its enactment.

Approved October 8, 1975.

CHAPTER 225

AN ACT concerning the education of war orphans and amending R. S. 38:20–1.

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

1. R. S. 38:20–1 is amended to read as follows:

Definitions.

38:20–1. For the purpose of this chapter, the term "war orphans" shall mean and include any child between the ages of 16 and 21 years, domiciled in this State for at least 12 months prior to the time of application for benefits under this chapter, who being otherwise qualified is the child of any resident of this State who was killed in action or died from other causes while a member of the Armed Forces of the United States in time of war or emergency, or who is officially listed as "Missing in Action" by the Department of Defense or who died or shall hereafter die of disease or disability resulting from such war or emergency service.

As used in this act, "war" shall mean World War I, being any time between April 6, 1917, to July 2, 1921, and World War II, being any time between September 16, 1940, and September 2, 1945.

As used in this act, the term "in time of emergency" shall mean and include any time after June 23, 1950, and prior to the termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the President of the United States on December 16, 1950, or termination of the existence of such national emergency by appropriate action of the President or Congress of the United States; the term "in time of emergency" shall also mean and include any time of armed hostility or conflict with a foreign adversary after December 31, 1960, and prior

to the termination of the existence of such armed hostility or conflict with a foreign adversary by appropriate action of the President or Congress of the United States.

2. This act shall take effect immediately.

Approved October 15, 1975.

CHAPTER 226

AN ACT to promote safety in the construction, maintenance and operation of passenger tramways used in skiing, requiring the registration of such tramways and providing for the adoption and enforcement of rules and regulations pertaining thereto, supplementing Title 13 of the Revised Statutes.

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

C. 34:4A-1 Short title.

1. This act shall be known and may be cited as the "Ski Lift Safety Act."

C. 34:4A-2 Public policy.

2. It shall be the policy of the State of New Jersey to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts and tramways, to ensure that proper design and construction are used, that accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts and tramways. The primary responsibility for design, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The State, through the Department of Labor and Industry, as hereinafter provided, shall register all ski lift devices, establish reasonable standards of design and operational practices and make such independent inspections as may be necessary in carrying out this policy.

C. 34:4A-3 Definitions.

3. As used in this act, except where otherwise clearly required by the context,

a. "Passenger tramway" means a device used to transport passengers uphill, on skis or in cars on tracks or suspended in the air, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans, and includes

(1) "aerial passenger tramway," a device used to transport passengers in two open or enclosed cars attached to and suspended from a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices;

(2) "multicar aerial passenger tramway," a device used to transport passengers in several open or enclosed cars attached to and suspended from a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices;

(3) "skimobile," a device in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable, or similar devices;

(4) "chairlift," a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans, or similar devices;

(5) "J-bar," "T-bar," "poma lift" or "platter pull," so called and similar types of devices, being means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans;

(6) "rope tow," a type of transportation which pulls the skiers riding on skis as the skier grasps the rope manually, or similar devices;

b. "Operator" means a person who owns, manages or directs the operation of a passenger tramway, and includes the State or any political subdivision or instrumentality thereof;

c. "Commissioner" means the Commissioner of the Department of Labor and Industry, or any officer or employee of the department assigned by him to carry out any of the functions, duties and powers conferred or imposed upon him by this act.

C. 34:4A-4 Rules; regulations and codes; publication; furnishing to registered operators.

4. The commissioner may adopt and from time to time supplement, alter or repeal reasonable rules, regulations and codes relating to public safety in the construction, operation and maintenance of passenger tramways. Such rules, regulations and codes shall conform as nearly as practicable to established standards,

if any, and shall not be discriminatory in their application to operators of passenger tramways. The procedures regarding such adoption, supplement, alteration or repeal shall conform to the applicable provisions of the "Administrative Procedure Act" (P. L. 1968, c. 410; C. 52:14B–1 et seq.). The commissioner shall cause the text of such rules, regulations and codes and of any changes therein resulting from supplement, alteration or repeal from time to time to be published in pamphlet form and a copy thereof furnished without charge to each registered operator. Rules, regulations or codes adopted by the commissioner shall in no way reduce or diminish the standard of care imposed upon passenger tramway operators under existing law.

C. 34:4A-5 Passenger tramway; registration; application; issuance; inspections; supplemental application; expiration; display.

5. a. A passenger tramway shall not be operated in this State unless it has been registered by the commissioner, in the manner provided in this section.

b. On or before October 1 in 1974 and each year thereafter, every operator of a passenger tramway shall apply to the commissioner, on forms supplied by him, for registration of the passenger tramway or tramways which such operator owns or manages or the operation of which he directs. The application shall contain such information as the commissioner may reasonably require in order for him to determine whether the passenger tramways sought to be registered comply with the intent of this act and the rules, regulations and codes adopted pursuant to this act.

c. The commissioner shall issue to the applying operator without delay registration certificates for each passenger tramway for which such registration is sought when he is satisfied.

(1) that the facts in the application are sufficient to enable him to fulfill his duties under this act; and

(2) that each such passenger tramway sought to be registered complies with the rules and regulations adopted pursuant to this act.

d. In order to satisfy himself that the conditions described in paragraphs (1) and (2) of subsection c. of this section have been fulfilled, the commissioner may cause to be made such inspections described in section 7 of this act as he may reasonably deem necessary.

e. When an operator installs a passenger tramway subsequent to October 1 of any year, such operator shall file a supplemental application for registration of such passenger tramway. Upon

receipt of such supplemental application the commissioner shall proceed immediately to initiate proceedings leading to the registration or rejection of registration of such passenger tramway pursuant to the provisions of this act.

f. Each registration shall expire on September 30 next following the day of issue.

g. Each operator shall cause the registration certificate for each passenger tramway thus registered to be displayed prominently at the place where passengers are loaded thereon.

C. 34:4A-6 Construction of new or alteration of passenger tramway; submission of plans and specifications.

6. Before constructing a new or altering an existing passenger tramway the operator or prospective operator shall submit plans and specifications to the commissioner. The commissioner may make recommendations relative to the safety of the layout and equipment, but such recommendations shall not relieve the operator or prospective operator of his primary responsibility as set forth in section 2 of this act.

C. 34:4A-7 Inspection by commissioner or certification of compliance by qualified inspector.

7. The commissioner may cause to be made such inspection of the construction, operation and maintenance of passenger tramways as he may reasonably require for the purpose of assuring compliance with the codes, rules and regulations adopted pursuant to this act. Certification of compliance by a qualified inspector who has been approved by the commissioner may be accepted instead of other inspection. In any legal proceedings, a certificate of compliance issued pursuant to this section shall be competent evidence only for the purpose of establishing the fact of issuance of said certificate, and for no other purpose.

C. 34:4A-8 Violation of rules, regulations or code; report; complaint by any person; forwarding to operator; investigation; order; service; emergency order to stop operation.

8. a. If as a result of an inspection it is found that there exists any violation of the rules, regulations or codes, adopted under this act, or that there exists a condition in passenger tramway construction, operation or maintenance endangering the safety of the public, an immediate report shall be made to the commissioner for appropriate investigation and order.

b. Any person may make written complaint to the commissioner setting forth any thing or act claimed to be done or omitted to be done by any registered operator which is alleged to be in violation of any rule, regulation or code adopted under this act, or setting

forth any condition in passenger tramway construction, operation or maintenance which is alleged to endanger the safety of the public. Thereupon the commissioner shall cause a copy of said complaint to be forwarded to the registered operator complained of, which may be accompanied by an order requiring that the matters complained of be answered in writing within a time to be specified by the commissioner. The commissioner may investigate the matter complained of if it shall appear that there are reasonable grounds therefor.

c. If after investigation the commissioner finds that such a violation of rules, regulations or codes exists, or that there is a condition in passenger tramway construction, operation or maintenance endangering the safety of the public, he shall forthwith issue a written order setting forth his findings, the corrective action to be taken, and fixing a reasonable time for compliance therewith. Such order shall be served upon the operator involved by registered mail, and shall become final, unless the operator shall apply to the commissioner for a hearing in the manner provided in this section.

d. When facts are presented to the commissioner tending to show that an unreasonable hazard exists in the continued operation of a tramway, he may, after such verification of the facts as is practical under the circumstances and consistent with the public safety, issue an emergency order requiring the operator of said tramway forthwith to cease using the same for the transportation of passengers. Such emergency order shall be in writing and notice thereof may be served by any person upon the operator or his agent immediately in control of said tramway by a true and attested copy of such order, the return of such service to be shown by an affidavit on the back thereof. Such emergency order shall be effective for a period not to exceed 48 hours from the time of service. Immediately after the issuance of an emergency order hereunder, the commissioner shall conduct an investigation into the facts of the case as contemplated in subsection c. of this section and shall take such action under subsection c. as may be appropriate.

C. 34:4A-9 Operator aggrieved by order; application for review; hearing; decision; appeal.

9. a. Any operator who is aggrieved by an order issued pursuant to subsection c. of section 8 of this act may, within 10 days after the service of such order, apply to the commissioner for a review of such order. It shall be the duty of the commissioner to provide such hearing at the earliest convenient day. At such hearing the

operator shall have the right to be heard personally or by counsel, to cross-examine witnesses appearing against him and to produce evidence in his own behalf. After such hearing the commissioner shall report his findings in writing and make such order as the facts may require. Such hearing and decision shall conform to the applicable provisions of the "Administrative Procedure Act" (P. L. 1968, c. 410; C. 52:14B–1 et seq.).

b. Any operator aggrieved by a decision of the commissioner after such hearing may, within 45 days after the effective date thereof, appeal therefrom to the Superior Court. No such appeal shall suspend the operation of an order made by the commissioner; but the court may suspend such order pending determination of the appeal whenever in the opinion of the court justice may require such suspension. The Superior Court shall hear the appeal at the earliest convenient day and shall make such decree as justice may require.

C. 34:4A-10 Illegal operation; penalty.

10. Any operator who operates a passenger tramway which has not been registered by the commissioner as provided in this act, or after its registration has been suspended or its operation forbidden by a lawful order of the commissioner under this act, is a disorderly person and shall be subject to a fine of not more than $50.00 or imprisonment for not more than 10 days, or both; and each day during which such illegal operation of a passenger tramway continues shall constitute a separate offense.

C. 34:4A-11 Failure of operator to comply with order; order for cessation of operation.

11. If any operator fails to comply with a lawful order issued by the commissioner pursuant to the provisions of this act, the commissioner may order the operator to cease operations for such time as the commissioner considers necessary for the protection of the safety of the public.

C. 34:4A-12 Injunction to compel compliance.

12. The commissioner shall have the power to bring injunctive proceedings in any court of competent jurisdiction to compel compliance with any lawful order made by him pursuant to the provisions of this act.

C. 34:4A-13 Discharge or discrimination against employee due to actions to help enforce this act; penalties.

13. Any operator who discharges or in any other manner discriminates against any employee because such employee has made

any complaint to the commissioner regarding a violation of this act or any rule or regulation promulgated hereunder, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act or any rule or regulation promulgated hereunder, or because such employee has testified or is about to testify in any such proceeding, shall be guilty of a misdemeanor and shall, upon conviction therefor, be fined not less than $50.00 nor more than $200.00. Such operator shall be required, as a condition of such judgment of conviction, to offer reinstatement in employment to any such discharged employee and to correct any such discriminatory action, and also to pay to any such employee, in full, all wages lost as a result of such discharge or discriminatory action.

C. 34:4A-14 Violations; penalty.

14. In addition to any other sanctions herein or otherwise provided by law, the commissioner, upon notice and hearing, may impose a penalty not exceeding $500.00 for any violation of this act or of any rule or regulation promulgated hereunder. Unsatisfied penalties shall be recovered by and in the name of the commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58–1). Where any violation of this act or of any rule or regulation promulgated hereunder is of a continuing nature, each day during which such violation continues after the date fixed by the commissioner in any order or notice for the correction or termination of such violation, shall constitute an additional, separate, and distinct offense.

C. 34:4A-15 Fees.

15. The commissioner shall charge operators a reasonable fee for conducting inspections, processing applications, and meeting all other responsibilities under this act.

16. This act shall take effect immediately and shall apply to the operation of all passenger tramways in this State after September 30, 1974. Passenger tramways in existence and actually operated during 1974 prior to September 30, 1974, may continue to operate without registration until final action is taken by the commissioner upon the initial application for registration thereof pursuant to section 5 of this act.

Approved October 15, 1975.

CHAPTER 227

AN ACT concerning county district courts and supplementing chapter 6 of Title 2A of the New Jersey Statutes.

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

C. 2A:6-33.1 Action for return of security deposit; service of summons and complaint in any county.

1. In any action brought in any county district court in this State against any defendant or defendants upon whom summons cannot be served within the county, wherein the matter in dispute is the return of all or part of a security deposit pursuant to N. J. S. 2A:6–43, and where said security deposit was given in connection with the lease of real property located within the county, the summons and complaint may be served in any other county of this State upon such defendant or defendants by any officer authorized to serve a summons issuing out of the county district court of that county. Service of such summons and complaint by such officer shall be as effectual to bring said defendant or defendants into court as though the same were served within the county in which the county district court issuing such summons is located.

2. This act shall take effect immediately.

Approved October 15, 1975.

CHAPTER 228

AN ACT to amend the "New Jersey Conflicts of Interest Law," approved June 2, 1971 (P. L. 1971, c. 182).

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

1. Section 5 of P. L. 1971, c. 182 (C. 52:13D–16) is amended to read as follows:

C. 52:13D-16 Representation, appearance or negotiation on proceeding pending before particular office, bureau, etc.

5. a. No special State officer or employee, nor any partnership, firm or corporation in which he has an interest, nor any partner,

officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment.

b. No State officer or employee or member of the Legislature, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency; provided, however, this subsection shall not be deemed to prohibit a member of the Legislature from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member of the Legislature, whether directly or indirectly nor shall anything contained herein be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf.

c. Nothing contained in this section shall be deemed to prohibit any legislator, or any State officer or employee or special State officer or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding pending before any court of record of this State, any proceeding in regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Workmen's Compensation), any proceeding in connection with the determination or review of transfer inheritance or estate taxes, any proceeding before the Division of Tax Appeals, any proceeding in connection with the filing of corporate or other documents in the office of the Secretary of State, any proceeding before the Division of Civil Rights, the New Jersey State Board of Mediation or the New Jersey Public Employment Relations Commission, the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention pursuant to P. L. 1952, c. 174, s. 5 (C. 39:6–65), or any successor thereof or any proceeding on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an

adverse party in the proceeding and provided he is not holding any office or employment in the State agency in which any such proceeding is pending.

2. This act shall take effect immediately.

Approved October 15, 1975.

CHAPTER 229

A SUPPLEMENT to the "Safe and Clean Neighborhoods Act of 1973," approved February 27, 1973 (P. L. 1973, c. 46).

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

1. Those municipalities which receive State aid pursuant to the provisions of P. L. 1973, c. 46 (C. 52:27D–108 et seq.) may anticipate in the municipal budget prepared for the year 1975 an amount equivalent to that which they were entitled to receive under section 3 a. and b. of said act, provided that each such municipality makes application to the Commissioner of the Department of Community Affairs and meets the criteria and standards contained in section 3 a. and b. and section 4 of P. L. 1973, c. 46 and the rules and regulations in connection therewith issued by the commissioner.

2. Those municipalities who receive State aid pursuant to the provisions of P. L. 1975, c. 68 and are not included under the provisions of section 1 of this supplementary act may participate in this supplementary act in an amount not to exceed an amount equal to two-thirds of the State aid received pursuant to P. L. 1975, c. 68 subject to the applicable provisions of sections 1 and 4 of this act.

3. In the event that any funds remain unapportioned as certified by the Commissioner of the Department of Community Affairs after each qualifying municipality has had an opportunity to apply for State aid under sections 1 and 2 of this act, there shall be established a discretionary fund, and participating municipalities may make application for such funds as still remain unapportioned as determined by the commissioner, for special nonrecurring projects.

4. The Commissioner of the Department of Community Affairs shall, within 5 days of the effective date of this act, determine

and certify to the State Treasurer and the chief financial officer of each municipality which shall receive aid under this act the amount payable to each qualifying municipality. The State Treasurer, upon the certification of the commissioner and upon the warrant of the State Comptroller, shall pay and distribute, from funds appropriated therefor, to each qualifying municipality the amount so determined and certified.

5. Such funds as a qualifying municipality shall acquire pursuant to this act shall be appropriated by said municipality in compliance with the "Local Budget Law," (N. J. S. 40A:4–1 et seq.) as amended. Notwithstanding any provisions of the Local Budget Law, any municipality qualifying for State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified by the Commissioner of the Department of Community Affairs and may file such amendments or corrections in its local budget as may be required to properly reflect such amount in its budget for the year 1975.

6. The commissioner is hereby authorized to hire, employ or assign such secretarial, clerical and other technical or professional personnel as shall be required for the purposes of providing technical assistance, conducting performance evaluations and otherwise securing the accountability of the municipalities for complying with the provisions of this act. The commissioner may, with the approval of the Director of the Division of Budget and Accounting of the Department of the Treasury, allocate from any appropriation made to implement this act not more than $75,000.00 for the administration of this act.

7. Any determination of the Commissioner of the Department of Community Affairs pursuant to this act as to the amount of matching funds allowable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review thereof, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds.

8. This act shall take effect immediately.

Approved October 15, 1975.

CHAPTER 230

AN ACT to amend and supplement "An act to provide for the creation, setting apart, maintenance and administration of a county employees' pension fund in counties having a population of from 300,000 to 325,000 inhabitants," approved August 12, 1948 (P. L. 1948, c. 310).

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

1. Section 1 of P. L. 1948, c. 310 (C. 43:10–18.50) is amended to read as follows:

C. 43:10-18.50 Definitions.

1. As used in this act:

"Service" shall always, unless otherwise stated, be considered as continuous or in the aggregate.

"Salary" or "compensation" when used solely for the purpose of fixing benefits under this act means the average annual salary or compensation earned by a member during his or her 3 years of service, or during his or her entire length of service if such service totaled less than 3 years as a county employee immediately preceding death or retirement; provided, however, that no benefit paid to a surviving spouse shall exceed 25% of the final compensation of said member, but in no instance shall be less than $2,500.00; provided, however, that as to any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in the county under and by virtue of articles 1, 2, 5, 6 and 9 of chapter 10 and chapter 9 of Title 43 of the Revised Statutes and of R. S. 40:37–157 to 40:37–174, inclusive, and of "An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June 21, 1938 (P. L. 1938, c. 397), the total annual salary received by such employee during the year immediately prior to his death or retirement shall be considered for pension or other purposes under this act.

"Pension fund" or "fund" means the fund referred to in section 16 of this act, and is the fund from which pensions provided for in this act shall be paid.

"State" shall, unless otherwise stated, mean the State of New Jersey.

"His" shall be construed to mean both sexes.

"County employee" or "employee" means and includes all employees and officers in service in any county of this State having a population of from 300,000 to 325,000 inhabitants and shall mean and include all employees and officers of any county board, body or commission, maintained out of county funds in any such county, and shall also mean and include employees and officers appointed by such county to employment on intercounty bridges, but the term "county employee" or "employee" does not include office holders elected by the voters of the county, or their appointed assistants or deputies, or members of the judiciary, or any laborers, unless the labor work is paid on an hourly, daily, monthly, or annual salary basis for a continuous employment thereof and recognized as permanent appointees, it being the intent to exclude transient labor from the operation of this act. The pension commission shall determine whether or not the employment of an employee is permanent within the meaning of this act. Notwithstanding the provisions of any other statute of this State, any person hereafter accepting any employment in the county under the age of 40 years shall be eligible to join as a "county employee" or "employee" as hereinabove defined, and except as herein otherwise provided, any such person of the age of 40 years or over shall be ineligible to join; provided, however, that any employee who, at the time of the adoption of this act, is a member of any retirement system in operation in such county under and by virtue of articles 1, 2, 5, 6 and 9 of chapter 10 and chapter 9 of Title 43 of the Revised Statutes, and of R. S. 40:37–157 to 40:37–174, inclusive, and of "An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June 21, 1938 (P. L. 1938, c. 397).

"Population" of a county shall mean the population of a county according to the Federal census of 1940.

"Widow" or "widower" means the surviving spouse of a county employee who married such employee prior to the retirement of such employee and prior to the time when such employee reached the age of 50 years. No such surviving spouse shall be eligible for any benefit hereunder who was or shall be more than 15 years younger than the employee at the time of their marriage, if such marriage occurs hereafter while the employee is a member of this retirement system.

"Minor child" means a child under the age of 18 years born in lawful wedlock, and shall include children adopted, and shall not include children born of marriages occurring outside the age limits prescribed under this act.

"Permanent and total disability" means physical or mental incapacity of an employee any longer to perform the duties of his position or office.

"Employees' retirement system of (name of county)," shall be the name of the retirement system provided under the provisions of this act. By that name all of its business shall be transacted, its funds invested, warrants for money drawn and payments made and all of its cash and securities and other property held.

2. Section 10 of P. L. 1948, c. 310 (C. 43:10–18.59) is amended to read as follows:

C. 43:10-18.59 Disabled persons employed 1 year or more; pension; amount.

10. Subject to the other provisions of this act, any county employee who shall have served or who shall hereafter have served in the employ of such county continuously or in the aggregate for a period of 1 year and shall become permanently and totally disabled as the result of injury or illness not arising out of and in the course of his employment shall, upon his application, be retired on pension equal to 2½% of his salary, and for each additional year of service more than 1 year the amount of said pension shall be increased to the extent of 2½% of said salary, not exceeding, except as provided pursuant to section 5 of this amendatory and supplementary act, 50% of said salary.

Upon and after the death of such employee while on such pension the said pension shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to 18 years of age, as the case may be.

The pension commission shall determine as provided in section 11 whether or not such employee has become permanently and totally disabled.

3. Section 13 of P. L. 1948, c. 310 (C. 43:10–18.62) is amended to read as follows:

C. 43:10-18.62 Death of employee after 1 year of employment; benefits to survivors.

13. Subject to the other provisions of this act, upon and after the death of any county employee who shall have served or who shall hereafter have served in the employ of the county con-

tinuously or in the aggregate for a period of 1 year, there shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to the age of 18 years, as the case may be, 2½% of the salary of such employee, and for each additional year of service more than 1 year, the amount of said pension shall be increased to the extent of 2½% of said salary, not exceeding in any event 25% of the final compensation but not less than $2,500.00.

4. Any employee who, on the effective date of this amendatory and supplementary act, is a member of this retirement system shall make payments on and shall receive credit for pension purposes for the total amount of his said annual salary, upon written application to the pension commission within 90 days from the said effective date of this amendatory and supplementary act, and upon payment into this retirement system a sum equal to the total amount which said employee would have theretofore paid for service or would have had deducted from his salary, had there been no maximum salary limitation for pension purposes in effect during the entire time of such employee's membership in this retirement system, less the amount already paid for service or the amount already deducted from his salary for pension purposes under the act to which this act is amendatory and supplementary. Such payment shall be made either by lump sum or by deductions from salary, at the election of the employee, in which event interest at the rate of 3% per annum shall be charged on the unpaid balances, but in no case shall such payments be spread over a period of more than 5 years.

5. Any employee retiring after the effective date of this act who has 25 years of service and who has attained 55 years of age, shall be entitled, in addition to a pension at 50% of final salary, to an added 1% of his average salary for each year in excess of 25 years of service rendered prior to his reaching age 65.

6. This act shall take effect immediately.

Approved October 16, 1975.

CHAPTER 231

AN ACT concerning meetings of certain public bodies and repealing P. L. 1960, c. 173.

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

C. 10:4-6 Short title.

1. This act shall be known and may be cited as the "Open Public Meetings Act."

C. 10:4-7 Declaration of policy.

2. The Legislature finds and declares that the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society, and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

The Legislature further declares it to be the public policy of this State to insure that the aforesaid rights are implemented pursuant to the provisions of this act so that no confusions, misconstructions or misinterpretations may thwart the purposes hereof.

The Legislature, therefore, declares that it is the understanding and the intention of the Legislature that in order to be covered by the provisions of this act a public body must be organized by law and be collectively empowered as a multi-member voting body to spend public funds or affect persons' rights; that, therefore, informal or purely advisory bodies with no effective authority are not covered, nor are groupings composed of a public official with subordinates or advisors, who are not empowered to act by vote such as a mayor or the Governor meeting with department heads

or cabinet members, that specific exemptions are provided for the Judiciary, parole bodies, the State Commission of Investigation, and political party organizations; that to be covered by the provisions of this act a meeting must be open to all the public body's members, and the members present must intend to discuss or act on the public body's business; and therefore, typical partisan caucus meetings and chance encounters of members of public bodies are neither covered by the provisions of this act, nor are they intended to be so covered.

C. 10:4-8 Definitions.

3. As used in this act:

a. "Public body" means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation or any political party committee organized under Title 19 of the Revised Statutes.

b. "Meeting" means and includes any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

c. "Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business.

d. "Adequate notice" means written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegrammed, or hand delivered to at least two

newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body and (3) filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. For any other public body the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body. Where annual notice or revisions thereof in compliance with section 13 of this act sets forth the location of any meeting, no further notice shall be required for such meeting.

C. 10:4-9 Notice of meetings; exceptions.

4. a. Except as provided by subsection b. of this section, or for any meeting limited only to consideration of items listed in section 7. b. no public body shall hold a meeting unless adequate notice thereof has been provided to the public.

b. Upon the affirmative vote of three-quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if:

(1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and

(2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and

(3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in section 3. d. above, and also by notifying the two newspapers described in section 3. d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and

(4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

C. 10:4-10 Announcement at opening of meetings.

5. At the commencement of every meeting of a public body the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect:

a. that adequate notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided; or

b. that adequate notice was not provided, in which case such announcement shall state (1) the nature of the urgency and importance referred to in subsection 4. b. (1) and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting; (2) that the meeting will be limited to discussion of and acting with respect to such matters of urgency and importance; (3) the time, place, and manner in which notice of the meeting was provided; and (4) either (a) that the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or (b) that such need could reasonably have been foreseen at a time when adequate notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice was not provided.

C. 10:4-11 Exclusion of members from meeting notice.

6. No person or public body shall fail to invite a portion of its members to a meeting for the purpose of circumventing the provisions of this act.

C. 10:4-12 Open and closed meetings.

7. a. Except as provided by subsection b. of this section all meetings of public bodies shall be open to the public at all times. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation of the public at any meeting.

b. A public body may exclude the public only from that portion of a meeting at which the public body discusses:

(1) Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

(2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

(7) Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

C. 10:4-13 Closed meetings; resolution to conduct.

8. No public body shall exclude the public from any meeting to discuss any matter described in subsection 7. b. until the public body shall first adopt a resolution, at a meeting to which the public shall be admitted:

a. Stating the general nature of the subject to be discussed; and

b. Stating as precisely as possible, the time when the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

C. 10:4-14 Minutes of meetings.

9. Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with section 7 of this act.

C. 10:4-15 Proceedings to void actions in violation of act.

10. a. Any action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court, which proceeding may be brought by any person within 45 days after the action sought to be voided has been made public; provided, however, that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law regarding any action which may otherwise be voidable pursuant to this section; and provided further that any action for which advance published

notice of at least 48 hours is provided as required by law shall not be voidable solely for failure to conform with any notice required in this act.

b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any action taken by a public body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the action was taken at a meeting which does not conform to the provisions of this act, the court shall declare such action void.

C. 10:4-16 Injunctive relief.

11. Any person, including a member of the public, may apply to the Superior Court for injunctive orders or other remedies to insure compliance with the provisions of this act, and the court shall issue such orders and provide such remedies as shall be necessary to insure compliance with the provisions of this act.

C. 10:4-17 Penalty enforcement.

12. Any person who knowingly violates any of the foregoing sections of this act shall be fined $100.00 for the first offense and no less than $100.00 nor more than $500.00 for any subsequent offense, recoverable by the State by a summary proceeding under the "Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.). The county district court of the county in which the violation occurred shall have jurisdiction to enforce said penalty upon complaint of the Attorney General or the county prosecutor, but the Attorney General or county prosecutor may refer the matter to the Public Advocate. Whenever a member of a public body believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which shall be recorded in the minutes of that meeting. Whenever such a member's objections to the holding of such meeting are overruled by the majority of those present, such a member may continue to participate at such meeting without penalty provided he has complied with the duties imposed upon him by this section.

C. 10:4-18 Notice of regularly scheduled meetings.

13. At least once each year, within 7 days following the annual organization or reorganization meeting of a public body, or if there be no such organization or reorganization meeting in the year, then by not later than January 10 of such year, every public body shall post and maintain posted throughout the year in the place described

in subsection 3. d. (1), mail to the newspapers described in subsection 3. d. (2), submit to the persons described in subsection 3. d. (3), for the purpose of public inspection a schedule of the regular meetings of the public body to be held during the succeeding year. Such schedule shall contain the location of each meeting to the extent it is known, and the time and date of each meeting. In the event that such schedule is thereafter revised, the public body, within 7 days following such revision, shall post, mail and submit such revision in the manner described above.

C. 10:4-19 Copies of meeting schedules.

14. Any person may request that a public body mail to him copies of any regular meeting schedule or revision described in section 13 of this act and any advance written notice described in subsection 3. d. of this act of any regular, special or rescheduled meeting of such body, and upon prepayment by such person of a reasonable sum, if any has been fixed by resolution of the public body to cover the costs of providing such notice, the public body shall mail to such person written advance notice of all of its meetings within the time prescribed by subsection 3. d. herein, subject only to the exceptions set forth in subsection 4. b. herein. Such resolution may provide that notice requested by the news media shall be mailed to such news media free of charge. All requests for notices made under this section shall terminate at midnight on December 31 of each year, but shall be subject to renewal upon a new request to the public body.

C. 10:4-20 Severability.

15. If any section, subsection, clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act.

C. 10:4-21 Construction.

16. This act shall be liberally construed in order to accomplish its purpose and the public policy of this State as set forth in section 2.

Repealer.

17. P. L. 1960, c. 173 (C. 10:4–1 to 10:4–5) is repealed.

18. This act shall take effect 90 days after its enactment.

Approved October 21, 1975.

CHAPTER 232

AN ACT concerning the application for construction permits to the Department of Environmental Protection, supplementing the "Department of Environmental Protection Act of 1970" (P. L. 1970, c. 33, C. 13:1D–1 et seq.), amending sections R. S. 12:5–2, 12:5–3, 58:1–26 and 58:1–27, and repealing section R. S. 12:5–4.

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

C. 13:1D-29 Definitions.

1. (New section) For the purposes of this act, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

a. "Commissioner" means the State Commissioner of Environmental Protection.

b. "Construction permit" means and shall include:

1. Approval of plans for the development of any waterfront upon any tidal waterway pursuant to R. S. 12:5–3.

2. A permit for a regulated activity pursuant to "The Wetlands Act of 1970," P. L. 1970, c. 272 (C. 13:9A–1 et seq.).

3. A permit issued pursuant to the "Coastal Area Facility Review Act," P. L. 1973, c. 185 (C. 13:19–1 et seq.).

4. Approval of a structure within the natural and ordinary high-water mark of any stream pursuant to R. S. 58:1–26.

5. Approval of plans and specifications for the construction changes, improvements, extensions or alterations to any sewer system pursuant to R. S. 58:11–10.

"Construction permit" shall not, however, include any approval of or permit for an electric generating facility or for a petroleum processing or storage facility, including a liquefied natural gas facility, with a storage capacity of over 50,000 barrels.

c. "Department" means the Department of Environmental Protection.

C. 13:1D-30 Application for construction permits; review; request for additional information.

2. (New section) The department shall promptly review all applications for construction permits. The department shall within 20 working days following the filing of an application for a con-

struction permit, except a permit issued pursuant to the Coastal Area Facility Review Act, P. L. 1973, c. 185 (C. 13:19–1 et seq.), request that the applicant submit additional information to assist it in its review if it deems that such information is necessary. In the event that such information is requested, the application will be construed to be complete when the additional information is received by the department.

C. 13:1D-31 Application for construction permit; approval, conditioning or disapproval; time period.

3. (New section) The department shall approve, condition or disapprove an application for a construction permit within 90 days following the date that the application is complete, except that this time period may be extended for a 30-day period by the mutual consent of the applicant and the department, provided that the department request the applicant for such an extension at least 15 days prior to the expiration date for the approval, conditioning or disapproval of such an application.

C. 13:1D-32 Failure to take action within time period; application deemed approved.

4. (New section) In the event that the department fails to take action on an application for a construction permit within the 90-day period specified herein, then the application shall be deemed to have been approved; provided, however, that the time periods specified in section 12 of P. L. 1973, c. 185 (C. 13:19–12) shall apply to applications for construction permits pursuant to the Coastal Area Facility Review Act, P. L. 1973, c. 185 (C. 13:19–1 et seq.).

C. 13:1D-33 Rules and regulations; fees; environmental services fund.

5. (New section) The commissioner shall adopt, amend and repeal rules and regulations to implement the provisions of this act. The commissioner shall in accordance with a fee schedule adopted as a rule or regulation establish and charge reasonable fees for the filing and review of any application for a construction permit. The fees imposed hereunder, except as may otherwise be provided by law, shall be deposited in a fund to be known as the "Environmental Services Fund," kept separate and apart from all other State receipts and appropriated only as provided herein. There shall be appropriated annually to the department revenue from such fund sufficient to defray in full the costs incurred in the processing and review of applications for construction permits.

C. 13:1D-34 Monthly bulletin.

6. (New section) The commissioner shall publicly distribute, at least monthly, a bulletin, listing the pending applications for

construction permits and the status of the review of those applications, including decisions thereon.

7. R. S. 12:5–2 is amended to read as follows:

Preventing encroachment on waterfront.

12:5–2. The Department of Environmental Protection may, by appropriate action in any court, prevent the encroachment or trespass upon the waterfront of any of the navigable waters of this State or bounding thereon, or upon the riparian lands of this State, and compel the removal of any such encroachment or trespass, and restrain, prevent and remove any construction, erection or accretion injurious to the flow of any such waters, which may be detrimental to the proper navigation thereof and the maintenance and improvement of commerce thereon.

8. R. S. 12:5–3 is amended to read as follows:

Submission to board of plans for waterfront development.

12:5–3. All plans for the development of any water front upon any navigable water or stream of this State or bounding thereon, which is contemplated by any person or municipality, in the nature of individual improvement or development or as a part of a general plan which involves the construction or alteration of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or any other similar or dissimilar waterfront development shall be first submitted to the Department of Environmental Protection. No such development or improvement shall be commenced or executed without the approval of the Department of Environmental Protection first had and received, or as hereinafter in this chapter provided.

9. R. S. 58:1–26 is amended to read as follows:

Structure or alteration within stream; approval; order to remove or repair; penalty for violations.

58:1–26. No structure or alteration within the natural and ordinary high-water mark of any stream shall be made by any public authority or private person or corporation without application to and approved by the Department of Environmental Protection, and in no case without complying with such conditions as the department may prescribe for preserving the channel and providing for the flow of water therein to safeguard the public against danger from the waters impounded or affected by such structure or alteration, and this prohibition shall apply to any renewal of existing structures or alterations. No such approval by the department shall impair or affect any property rights, otherwise existing,

which might be invaded by the construction or maintenance of any such structure or alteration.

The department may, whenever in its judgment public safety so requires, make and serve an order directing any person, corporation, officer or board constructing, maintaining or using any such structure or alteration in any of the waters of this State to remove or repair it within such reasonable time and in such manner as shall be specified in the order, and every such person, corporation, officer or board shall obey, observe and comply with the order and with the conditions prescribed by the department for preserving the channels of streams and for safeguarding the public against danger from waters impounded by structures or alterations hereinbefore referred to.

Every person, corporation, officer or board failing, omitting or neglecting so to do, or who constructs or reconstructs any such structure or alteration in any of the waters aforesaid without the approval of the department of plans therefor, or who fails to remove, construct or reconstruct the same in accordance with the plans so approved shall forfeit to this State not less than $250.00 or more than $1,000.00 for each and every offense. Every violation of any such order, direction or requirement shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense. If such a continuing violation shall have continued for more than 7 consecutive days, an additional penalty not exceeding $1,000.00 per day may be imposed for the eighth and each succeeding day; and if it shall have continued for more than 14 consecutive days, a further additional penalty not exceeding $1,000.00 per day may be imposed for the fifteenth and each succeeding day.

10. R. S. 58:1–27 is amended to read as follows:

Recovery of penalties; disposition of moneys recovered.

58:1–27. Any action to recover a penalty under section 58:1–26 of this Title may be brought in any court of competent jurisdiction by the Department of Environmental Protection in the name of the State. In any such action all penalties incurred up to the time of commencing the same may be sued for and recovered therein and the commencement of an action to recover such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. All moneys recovered in any such action, together with

the costs recovered therein, shall be paid into the State Treasury to the credit of the general fund.

R. S. 12:5-4 Repealed.

11. R. S. 12:5-4 is repealed.

12. (New section) Any application filed prior to the effective date of this act shall not be affected by the provisions of this act; provided, however, the applicant may elect to resubmit his application subsequent to the effective date hereof.

13. There is hereby appropriated to the Department of Environmental Protection for the purposes of this act the receipts deposited in the Environmental Services Fund during the fiscal year 1975-1976.

14. This act shall take effect 60 days following adoption.

Approved October 23, 1975.

CHAPTER 233

AN ACT to broaden the authority of boards of education to purchase accident insurance for pupils and amending N. J. S. 18A:43-1.

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

1. N. J. S. 18A:43-1 is amended to read as follows:

Accident insurance for pupils authorized.

18A:43-1. The board of education in any school district may arrange for and maintain, and may pay the premiums for policies of accident insurance with any insurance company created by or under the laws of this State or authorized by law to transact business in this State, to provide for payments to pupils of the school district in connection with loss resulting from bodily injury sustained by such pupils through accidental means while participating in, practicing or training for, or during transportation to or from games or contests conducted by the school district, or by any school of the district, or with the consent of the board of education or of the school and under the supervision of an employee of the

board of education, and for payments to pupils injured in connection either with the conduct of the regular curricular and extracurricular programs of the district or with student travel to and from the places where such programs are conducted and which travel is made necessary by such programs.

2. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 234

AN ACT concerning county detectives in certain counties and amending N. J. S. 2A:157–8.

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

1. N. J. S. 2A:157–8 is amended to read as follows:

County detectives in fifth class counties.

2A:157–8. In counties of the fifth class with a population of 300,000 or less there may be appointed not in excess of 12 county detectives, and in counties of the fifth class with a population in excess of 300,000 there may be appointed not in excess of 15 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, and two lieutenants of county detectives. Their annual salaries shall be fixed as follows: chief of county detectives, not less than $5,500.00; captain of county detectives, not less than $4,500.00; lieutenants of county detectives, not less than $4,000.00; and other county detectives, not less than $3,500.00.

2. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 235

AN ACT regulating the disposition of land in subdivisions, repealing section 1 of P. L. 1948, c. 155 and making an appropriation.

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

C. 45:15-16.3 Short title.

1. This act shall be known and may be cited as the "Land Sales Full Disclosure Act."

C. 45:15-16.4 Definitions.

2. As used in this act:

a. "Disposition" means and includes sale, lease, assignment, award by lottery, or any other transaction concerning a subdivision, if undertaken for gain or profit;

b. "Offer" means and includes every inducement, solicitation or attempt to encourage a person to acquire an interest in a subdivision if undertaken for gain or profit;

c. "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

d. "Purchaser" means a person who acquires or attempts to acquire or succeeds to an interest in a subdivision;

e. "Subdivider" means any owner of subdivided land or the agent of such owner who offers it for disposition;

f. "Subdivision" and "subdivided lands" mean any land situated outside of the State of New Jersey whether contiguous or not, if one or more lots, parcels, units or interests are offered as a part of a common promotional plan of advertising and sale and expressly mean and include such units or interests commonly referred to as a "condominium," as said term is defined in the Condominium Act (P. L. 1969, c. 257, C. 46:8B–1 et seq.). Where subdivided land is offered by a single developer or a group of developers acting in concert, and such land is contiguous or is known, designated or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan;

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g. "Commission" means the New Jersey Real Estate Commission;

h. "Salesman" means any person who within the State as an agent or employee performs on behalf of a subdivider any one or more of the services or acts as set forth in this act, and includes any New Jersey licensed real estate broker or salesman or any person who purports to act in any such capacity;

i. "Notice" means a communication by mail from the commission executed by its secretary or other duly authorized officer. Notice to subdividers shall be deemed complete when mailed to the subdivider's address currently on file with the commission;

j. "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority;

k. "Advertising" means and includes the publication or causing to be published of any information offering for sale or for the purpose of causing or inducing any other person to purchase or to acquire an interest in the title to subdivided lands, including the land sales contract to be used and any photographs or drawings or artist's representations of physical conditions or facilities on the property existing or to exist by means of any:

(1) Newspaper or periodical;

(2) Radio or television broadcast;

(3) Written or printed or photographic matter produced by any duplicating process producing 10 copies or more;

(4) Material used in connection with the disposition or offer of subdivided lands by radio, television, telephone or any other electronic means; or

(5) Material used by subdividers or their agents to induce prospective purchasers to visit the subdivision; particularly vacation certificates which require the holders of such certificates to attend or submit to a sales presentation by a subdivider or its agents.

"Advertising" does not mean and shall not be deemed to include: Stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, and the like; prospectuses, property reports, offering statements, or other documents required to be delivered to a pros-

pective purchaser by an agency of any other state or the Federal Government; all communications addressed to and relating to the account of any person who has previously executed a contract for the purchase of the subdivider's lands except when directed to the sale of additional lands.

C. 45:15-16.5 Bureau of subdivided land sales control; establishment.

3. There is hereby established a Bureau of Subdivided Land Sales Control within the Division of the New Jersey Real Estate Commission in the Department of Insurance.

C. 45:15-16.6 Exempt transactions.

4. a. Unless the method of disposition is adopted for the purpose of evasion of this act, the provisions of this act are not applicable to offers of dispositions of an interest in land:

(1) By a purchaser of subdivided lands for his own account in a single or isolated transaction;

(2) Pursuant to court order;

(3) By any governmental agency;

(4) As cemetery lots or interests.

b. Unless the method of disposition is adopted for the purpose of evasion of this act, the provisions of this act are not applicable to:

(1) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust of real estate;

(2) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any State or Federal statute;

(3) Offers or dispositions of securities currently registered with the Bureau of Securities in the Department of Law and Public Safety;

(4) Offers or dispositions of any interest in oil, gas or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the State Bureau of Securities.

c. The commission may from time to time, pursuant to its rules and regulations, exempt from any of the provisions of this act any subdivision or any lots in a subdivision, if it finds that the enforcement of this act with respect to such subdivision or the lots therein, is not necessary in the public interest or required for the protection of purchasers by reason of the small amount involved or the limited character of the offering.

C. 45:15-16.7 Registration; application; filing; notice of need to correct; order of acceptance or rejection.

5. a. Upon the filing of an application for registration at the offices of the New Jersey Real Estate Commission, naming the New Jersey real estate broker or brokers who are the authorized representatives of the subdivider, and accompanied by the proper registration fee in the proper form, and a statement of record as provided for in section 8 the commission shall issue a notice of filing to the applicant. Within 60 days from the date of the notice of filing, the commission shall enter an order registering the subdivision or subdivided lands or rejecting the registration. If no order of rejection is entered within 60 days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay.

b. If the commission affirmatively determines upon inquiry and examination, that the requirements of section 7 have been met, it shall enter an order registering the subdivision or subdivided lands and shall designate the form of the public offering statement.

c. If the commission determines upon inquiry and examination that any of the requirements of section 7 have not been met, the commission shall notify the applicant that the application for registration must be corrected in the particulars specified within 30 days from the date such notice is received by the applicant. Said findings shall be the result of the commission's preliminary inquiry and examination and no hearing shall be required as the basis for such findings. The receipt of such request shall stay the order of rejection until such hearing has been held and a determination has been made.

C. 45:15-16.8 Fees; form for application for registration.

6. a. The following fees are imposed upon applicants for registration of subdivisions:

(1) As to an initial registration, $250.00 for a subdivision containing less than 100 lots, parcels, units or interests, plus $1.00 for each lot, parcel, unit or interest in excess of 100 with a maximum fee of $1,000.00. The initial registration shall be valid for a period of 1 year from the date of approval of the registration; provided that any registration filed with and approved by the commission prior to the date of enactment of this act shall be exempt from initial registration under this act;

(2) An annual renewal registration fee of $150.00 for a subdivision which originally contained less than 50 lots, parcels, units or interests, and otherwise $250.00 for each year in which the sub-

divider continues to offer lots, parcels, units or interests in the subdivision under the original or a consolidated registration;

(3) Such fees as the commission shall prescribe for substitution of, or additional New Jersey broker or brokers as authorized representatives of the subdivider.

b. Failure to pay a renewal registration fee shall authorize cancellation of the registration by the commission.

c. The application for registration shall be made on forms prescribed by the commission and shall be accompanied by the appropriate filing fee. In the event that the commission at its discretion shall determine that an on-site inspection is required, the commission shall advise the registrant of the amount which it shall deem as equivalent to the cost of travel from New Jersey to the location of the subdivided lands and return and any additional expenses of any such inspection which shall be the amount of the inspection fee. Said inspection fees shall be accounted for to the applicant.

d. The fee for a consolidated filing, pursuant to section 11, shall be the same as set forth in subsection a. of this section, provided however that the renewal fee set forth in subsection a. shall apply only to original filings and shall not be applicable to subsequent consolidated filings.

C. 45:15-16.9 Conditions for issuance of registration.

7. Upon receipt of an application for registration in proper form, accompanied by a statement of record, the commission shall forthwith initiate an examination to determine that:

a. The subdivider can convey or cause to be conveyed the interest in subdivided lands offered for disposition if the purchaser complies with the terms of the offer, and when appropriate, that release clauses, conveyances in trust or other safeguards have been provided;

b. There is reasonable assurance that all proposed improvements will be completed as represented;

c. The advertising material and the general promotional plan are not false, misleading, or discriminatory and comply with the standards prescribed by the commission in its rules and afford full and fair disclosure;

d. The vacation certificates or any similar visitor campaigns contain a full disclosure of such pertinent information as is required by the commission, including, but not limited to, the terms and conditions of any such offer and the fact and extent of participation in any such campaign by a subdivider and that the obligations

incurred by a subdivider or its agents in such a certificate program can be met;

e. Such subdivider has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime or civil offense involving land dispositions or any aspect of the land sales business in this State, the United States, or any other state or foreign country, and there are no reasonable grounds to believe that the subdivider is contemplating a false or misleading promotional plan of disposition;

f. The public offering statement requirements of this act have been satisfied.

C. 45:15-16.10 Statement of record; contents; accompanying documents.

8. The statement of record shall contain the information and be accompanied by the documents specified hereinafter in this section:

a. The name and address of each person having an interest in the lots in the subdivision to be covered by the statement of record and the extent of such interest;

b. A legal description of, and a statement of the total area included in, the subdivision and a statement of the topography thereof, together with a map showing the division proposed and the dimensions of the lots to be covered by the statement of record and their relation to existing streets and roads;

c. A statement of the condition of the title to the land comprising the subdivision, including all encumbrances and deed restrictions and covenants applicable thereto;

d. A statement of the general terms and conditions, including the range of selling prices or rents at which it is proposed to dispose of the lots in the subdivision;

e. A statement of the present condition of access to the subdivision, the existence of any unusual conditions relating to noise or safety, which affect the subdivision and are known or should reasonably be known to the developer, the availability of sewage disposal facilities and other public utilities including water, electricity, gas, and telephone facilities in the subdivision to nearby municipalities, and the nature of any improvements to be installed by the developer and his estimated schedule for completion;

f. A statement by a licensed civil engineer that the offsite and onsite measures, including the overall design of the entire subdivision, are adequate to prevent damage to property by reason of flooding, erosion and other natural occurrences which are usual or predictable for the area;

g. In the case of any subdivision or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under the instrument or instruments creating such encumbrances and the steps, if any, taken to protect the purchaser in such eventuality;

h. (1) Copy of its articles of incorporation, with all amendments thereto, if the developer is a corporation; (2) copies of all instruments by which the trust is created or declared, if the developer is a trust; (3) copies of its articles of partnership or association and all other papers pertaining to its organization, if the developer is a partnership, unincorporated association, joint stock company, or any other form of organization; and (4) if the purported holder of legal title is a person other than developer, copies of the above documents for such person;

i. Copies of the deed or other instrument establishing title to the subdivision in the developer or other person and copies of any instrument creating a lien or encumbrance upon the title of developer or other person or copies of the opinion or opinions of counsel in respect to the title to the subdivision in the developer or other person or copies of the title insurance policy guaranteeing such title;

j. Copies of all forms of conveyance to be used in selling or leasing lots to purchasers;

k. Copies of instruments creating easements or other restrictions;

l. Such certified and uncertified financial statements of the developer as the commission may require; and

m. Such other information and such other documents and certification as the commission may require as being reasonably necessary or appropriate for the protection of purchasers.

C. 45:15-16.11 Statement of record; availability to public.

9. The information contained in any statement of record and additions or corrections required thereto shall be made available to the public under such regulations as the commission may prescribe and copies thereof shall be furnished to every applicant at such reasonable charge as the commission may prescribe.

C. 45:15-16.12 Public offering statement; contents; form; use; cancellation clause in contract.

10. a. A public offering statement shall disclose fully and accurately the physical characteristics of the subdivided lands offered and shall make known to prospective purchasers all unusual and material circumstances or features affecting such lands. The pro-

posed public offering statement submitted to the commission shall be in a form prescribed by its rules and shall include the following:

(1) The name and principal address of the developer and his authorized New Jersey representative who shall be a licensed New Jersey real estate broker licensed to maintain offices within this State;

(2) A general description of the subdivision or subdivided lands stating the total number of lots, parcels, units, or interests in the offering;

(3) The significant terms of any encumbrances, easements, liens and restrictions, including zoning and other regulations affecting such lands and each unit or lot, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect such lands;

(4) A statement of the use for which the property is offered; including but not limited to:

(a) Information concerning improvements, including hospitals, health and recreational facilities of any kind, streets, water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities and customary utilities; and

(b) the estimated cost, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in the subdivision or subdivided lands;

(5) Additional information required by the commission to assure full and fair disclosure to prospective purchasers.

b. The public offering statement shall not be used for any promotional purposes before registration of the subdivided lands and afterwards only if it is used in its entirety. No person may advertise or represent that the commission approves or recommends the subdivided lands or the disposition thereof. No portion of the public offering statement may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement unless the commission requires or permits it.

c. The commission may require the subdivider to alter or amend the proposed public offering statement in order to assure full and fair disclosure to prospective purchasers, and no change in the substance of the promotional plan or plan of disposition or development of the subdivision may be made after registration without notifying the commission and without making an appropriate

amendment to the public offering statement. A public offering statement is not current unless all amendments are incorporated.

d. Any contract or agreement for the purchase or the leasing of a lot may be rescinded by the purchaser without cause of any kind by sending or delivering written notice of cancellation by midnight of the seventh calendar day following the day on which the purchaser has executed such contract or agreement. Every such contract or agreement shall in writing, contain the following notice in 10-point bold type or larger, directly above the space provided for the signature of the purchaser or lessee.

> NOTICE to PURCHASER or LESSEE you are entitled to the right to cancel this contract by midnight of the seventh calendar day following the day on which you have executed this contract or agreement.

C. 45:15-16.13 Registration; additional subdivided lands under common promotional plan.

11. A subdivider may register additional subdivided lands pursuant to the same common promotional plan as those previously registered by submitting another filing providing such additional information as may be necessary to register the additional lots, parcels, units or interests are incorporated in such additional filing, which shall be known as a consolidated filing.

C. 45:15-16.14 Annual report by subdivider.

12. Within 30 days after each annual anniversary date of an order registering subdivided lands, or on or before a date set by the commission, the subdivider of such lands shall file a report in the form prescribed by the rules of the commission. The report shall reflect any material changes in information contained in the original application for registration; provided, however, that with respect to any registration filed with and approved by the commission prior to the date of enactment of this act, no additional information shall be required on the subdivided lands covered by such registration other than that necessary to indicate any material changes in information contained in the original application for registration.

C. 45:15-16.15 Powers of commission.

13. The commission may:

a. Accept registrations filed in other states or with the Federal Government;

b. Grant exemptions if allowed by rules promulgated under section 4 c.;

c. Contract with similar commissions in this State or other jurisdictions to perform investigative functions;

d. Accept grants in aid from any source;

e. The commission may cooperate with similar commissions in other jurisdictions to establish uniform filing procedures, statements of record and forms, uniform public offering statements, advertising standards, rules and common administrative practices.

C. 45:15-16.16 Investigations or proceedings by commission; powers.

14. The commission may:

a. Make necessary public or private investigations to determine whether any person has violated or is about to violate this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder;

b. Require or permit any person to file a statement in writing, under oath or otherwise, as the commission determines, as to all the facts and circumstances concerning the matter to be investigated;

c. For the purpose of any investigation or proceeding under this act, the commission or any officer designated by rule, may administer oaths or affirmations, and upon its own motion or upon request of any party shall subpena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge or relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence;

d. Upon failure to obey a subpena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the commission may apply to the Superior Court for an order compelling compliance.

C. 45:15-16.17 Cease and desist orders; notice and hearing; temporary orders.

15. a. If the commission determines after notice and hearing that a person has:

(1) Violated any provision of this act;

(2) Directly or through an agent or employee engaged in any false, deceptive, or misleading advertising, promotional, or sales methods in the State of New Jersey to offer or dispose of an interest in the subdivision or subdivided lands;

(3) Made any substantial change in the plan of disposition and development of the subdivision or subdivided lands subsequent to

the order of registration without obtaining prior written approval from the commission;

(4) Disposed of any subdivision or subdivided lands which have not been registered with the commission; or

(5) Violated any lawful order or rule of the commission;

the commission may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this act.

b. If the commission makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, it may issue a temporary cease and desist order. Prior to issuing a temporary cease and desist order, the commission, whenever possible by telephone or otherwise, shall give notice to the subdivider or his agent of the proposal to issue a temporary cease and desist order. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held within 15 days of the receipt of such request.

C. 45:15-16.18 Registration; revocation; grounds.

16. a. A registration may be revoked after notice and hearing upon a written finding of fact that the subdivider has:

(1) Failed to comply with the terms of a cease and desist order;

(2) Been convicted in any court subsequent to the filing of the application for registration for a crime or civil offense involving fraud, deception, false pretenses, misrepresentation, false advertising, dishonest dealing, or other like offense;

(3) Disposed of, concealed, or diverted any funds or assets of any person so as to defeat the rights of subdivision purchasers;

(4) Failed faithfully to perform any stipulation or agreement made with the commission as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or public offering statement;

(5) Advertised his lands or responded to applications for his lands in a manner which was discriminatory on the basis of marital status, sex, race, creed, or national origin; or

(6) Made intentional misrepresentation or concealed material facts in an application for registration filed for registration. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

b. If the commission finds, after notice and hearing, that the subdivider has been guilty of a violation for which revocation could be ordered, it may in lieu thereof issue a cease and desist order.

C. 45:15-16.19 Rules and regulations; security arrangement; injunctions; intervention in actions involving subdivided lands.

17. a. The commission shall adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of the provisions of this act in accordance with the provisions of the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.). The rules shall provide for adequate bonding or such other security arrangement as approved by the commission, such as, but not limited to, requirements that such bond or such other security arrangements, shall assure that all proposed improvements shall be completed as represented by the subdivider.

b. If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this act, or a rule or order hereunder, the commission, with or without prior administrative proceedings, may bring an action in the Superior Court to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver may be appointed. The commission is not required to post a bond in any court proceeding.

c. The commission may intervene in a suit involving subdivisions or subdivided lands covered by this act. In any suit, by or against a subdivider involving subdivided lands which may materially affect the rights of purchasers, the subdivider shall promptly furnish the commission notice of the suit and copies of all pleadings.

C. 45:15-16.20 Jurisdiction of courts; service of process.

18. a. For purposes of this act, an application for registration submitted to the commission shall be deemed as submission, by the applicant, to the jurisdiction of the New Jersey Courts.

b. In addition to the methods of service provided for in the rules governing the New Jersey Courts, service may be made by delivering a copy of the process to the person in charge of the office of the commission at its office, but such service shall not be effective unless the plaintiff, which may be the commission in a proceeding instituted by it:

(1) Forthwith sends a copy of the process and of the pleading by certified mail to the defendant or respondent at his last known address; and

(2) The plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

c. If any person, including any nonresident of this State, engaged in conduct prohibited by this act or any rule or order hereunder, and has not filed a consent to service of process and personal jurisdiction over him cannot otherwise be obtained in this State, that conduct authorizes the commission to receive service of process in any noncriminal proceeding against him or his successor which grows out of that conduct and which is brought under this act or any rule or order hereunder, with the same force and validity as if served on him personally. Notice shall be given as provided in subsection a.

C. 45:15-16.21 Disposition of subdivided lands; compliance with act; submission of current public offering statement to purchaser.

19. a. Unless the subdivided lands or the transaction is exempt by section 4:

(1) No person may offer, dispose or participate in this State in the disposition of subdivided lands or of any interest in subdivided lands unless in accordance with the provisions of this act.

(2) No person may dispose or participate in the disposition of any interest in subdivided lands unless a current public offering statement is delivered to the purchaser and the purchaser is afforded a reasonable opportunity to examine the public offering statement prior to the disposition. Failure to deliver such public offering statement shall result in automatic rescission of any contract entered into at the discretion of the purchaser.

C. 45:15-16.22 Violations; penalty.

20. a. Any person who violates any provision of this act or of a rule adopted under it or any person who in an application for registration filed for registration makes any untrue statement of a material fact or omits to state a material fact shall be guilty of a misdemeanor and shall be fined not less than $500.00 or double the amount of gain from the transaction, whichever is the larger but not more than $50,000.00; or he may be imprisoned for not more than 1 year; or both. Any real estate broker or salesman who violates any of the provisions of this act shall, in addition to the penalties set forth herein, be subject to the penalties as set forth in R. S. 45:15–17.

b. In addition to the assessment of any of the foregoing penalties, the commission may, after a finding of an unlawful practice under this act, order that any moneys which have been acquired by

means of such unlawful practice be restored to any person in interest.

C. 45:15-16.23 Action by person who suffers loss due to failure to comply with act.

21. a. Any person who suffers any ascertainable loss of moneys as a result of the failure of another to comply fully with the terms of this act, may bring an action or assert a counterclaim therefor in any court of competent jurisdiction. In any action under this section in which a defendant is found to have knowingly engaged in any false, deceptive, misleading promotional or sales methods or discriminatory advertising on the basis of race, sex, creed, color or religion, or discriminatory advertising, concealed or fraudulently diverted any funds or assets so as to defeat the rights of subdivision purchasers, made an intentional misrepresentation or concealed a material fact in an application for registration, or disposed of any subdivision or subdivided lands required to be registered hereunder which are not so registered, the court shall, in addition to any other appropriate legal or equitable remedy, award double the damages sustained by any person in interest. In all actions under this section the court shall also award reasonable attorney's fees, filing fees and reasonable costs of suit.

b. Any party to an action asserting a claim, counterclaim or defense based upon violation of this act shall mail a copy of the initial or responsive pleading containing the claim, counterclaim or defense to the commission within 10 days of the filing of such pleading with the court. Upon application to the court wherein the matter is pending, the commission shall be permitted to intervene or to appear in any status appropriate to the matter.

C. 45:15-16.24 Dispositions of subdivision or subdivided lands subject to act; extradition proceedings.

22. Dispositions of subdivision or subdivided lands are subject to this act if:

a. Any offer or disposition of subdivided lands is made in this State; or

b. Any offer of subdivided land originating outside this State is directed by the subdivider or his agent to a person or resident within this State.

In the proceedings for extradition of a person charged with a violation of any of the provisions of this act, it need not be shown that the person whose surrender is demanded has fled from justice or at the time of the commission of the violation was in the demanding or other state.

C. 45:15-16.25 Severability.

23. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

C. 45:15-16.26 Registration of promotional real estate sale under prior law; duration.

24. Any broker's registration of a promotional real estate sale filed with the commission by P. L. 1948, c. 155 (C. 45:15–16.1), repealed by this act, shall remain in force and effect for the remainder of the 12-month period for which it was issued or for any renewal thereof.

C. 45:15-16.1 Repealed.

25. P. L. 1948, c. 155, s. 1 (C. 45:15–16.1) is repealed.

26. For the purpose of administering the provisions of this act until June 30, 1975 there is appropriated to the Department of Insurance, Division of the New Jersey Real Estate Commission the sum of $27,000.00.

27. This act shall take effect 60 days after enactment.

Approved October 24, 1975.

CHAPTER 236

AN ACT concerning certain employees of certain municipal utilities authorities, and supplementing subtitle 3 of Title 11 of the Revised Statutes.

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

1. All positions or employments held with a municipal utilities authority created under the provisions of P. L. 1957, c. 183 (C. 40:14B–1 et seq.) by any municipality operating under the provisions of subtitle 3 of Title 11 of the Revised Statutes, Civil Service, by persons who were employed by such authority prior to and have continued in said positions and employment since January 1, 1974, which can be allocated to the classified service,

in accordance with the provisions of Title 11 of the Revised Statutes, shall be so allocated under appropriate titles by the Civil Service Commission and such persons shall be recorded, without examination, as having been permanently appointed thereto as of the dates of their respective original appointments by the authority, under said titles, and shall thereafter be under and subject to all provisions of said Title 11 relating to the classified service.

2. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 237

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 128 of P. L. 1963, c. 144 (C. 17:12B–128) is amended to read as follows:

C. 17:12B-128 General reserve, bad debt reserves and Federal insurance reserve accounts.

128. General reserve, bad debt reserves and Federal insurance reserve accounts.

(a) A general reserve account shall mean a reserve account established and maintained for the purpose of absorbing losses. Each State association shall establish such a general reserve account.

(b) A bad debt reserve account shall mean a reserve account established for the purpose of absorbing losses due to bad debts, which may be established by each State association in addition to the general reserve account defined in subsection (a) of this section, but the establishment of such bad debt reserve account shall not prohibit a State association from charging losses due to bad debts to the general reserve account or any other available reserve account or the undivided profits account.

(c) "Federal insurance reserve account" shall mean a reserve account established and maintained by an insured association in

accordance with the requirements of the Federal Savings and Loan Insurance Corporation. Any insured association may maintain such reserve account separately or may designate its general reserve account or the bad debt reserve account, or both, as its Federal insurance reserve account.

(d) At the end of each accounting period and before the declaration of any dividends, each State association shall transfer to the general reserve account an amount equal to 5% of the State association's net income for such accounting period, less any amounts transferred for such period to the bad debt reserve account; provided, however, that the provisions of this subsection shall not apply to any insured association, as defined in section 5 of this act.

(e) Any State association may at any time, in the discretion of its board, transfer additional amounts beyond those required by the provisions of this section, to any of the reserve accounts hereinbefore mentioned, provided, that any amount transferred to the general reserve account in excess of the minimum amount set forth in this section may be used for the purposes of meeting the requirements of paragraph (d) of this section in subsequent accounting periods within 5 calendar years from the year such excess amount was transferred to the State association's reserve accounts; provided, however, if the State association is an insured association, as defined in section 5 of this act, the time within which such excess amounts may be used to meet the requirements of subsection (d) of this section shall be the time permitted for such purposes under the regulations promulgated by the Federal Savings and Loan Insurance Corporation.

(f) Additions to any of the reserve accounts hereinbefore mentioned, whether required or discretionary, may be made by transfer from the net income of the period for which such transfer is made, from the undivided profits account or from any other unapportioned profits.

(g) No transfer to the general reserve account, required by subsection (d) of this section, shall be required to be made so long as either:

(1) the amount held in all reserve accounts of the State association plus the undivided profits account, equals or exceeds an amount equal to 6% of the State association's capital; or

(2) the State association is an insured association, as defined in section 5 of this act, and has complied with the reserve requirements promulgated by the Federal Savings and Loan Insurance Corporation for such accounting period.

(h) The board of a State association may, in its discretion, authorize transfers, in whole or in part, from the bad debt reserve account to the general reserve account or to the Federal insurance reserve account and in addition the board may from time to time, in its discretion, authorize the transfer of all or a part of the general reserve account to the Federal insurance reserve account and, provided further, that when the amount held in the general reserve account exceeds 6% of the State association's capital because of a decline in capital, the board of the State association, with the approval of the commissioner, may authorize the transfer of amounts in excess of 6% of capital to the undivided profits account.

2. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 238

AN ACT empowering the governing bodies of municipalities to defray the cost of and pay the premiums on group life insurance contracts for auxiliary police volunteers authorized to render public service generally throughout the municipality.

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

C. 40A:14-146.5 Auxiliary police volunteers; group life insurance premiums; payment by municipality.

1. It shall be lawful for the governing body of any municipality in this State, by resolution, to appropriate moneys for the purpose of defraying the cost of group life insurance contracts and to pay the premiums thereon, for auxiliary police volunteers who are authorized to render public service generally throughout the municipality.

No governing body of any municipality shall pay any premium on account of any contract of group life insurance as provided in this act, where the amount payable upon the death of each assured under the terms of said contract exceeds the sum of $10,000.00.

2. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 239

AN ACT to amend the "Local Housing Authorities Law," approved March 8, 1938 (P. L. 1938, c. 19).

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

1. R. S. 55:14A–4, added to the Revised Statutes by P. L. 1938, c. 19, is amended to read as follows:

Creation of housing authorities.

55:14A–4. Any governing body may, by resolution in the case of counties, or ordinance in the case of municipalities, create a body corporate and politic to be known as the "Housing Authority of ....." inserting the name of the municipality or county creating such authority. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. The authority shall consist of seven members who shall be appointed and hold office for the terms as hereinafter provided. The governing body shall appoint five commissioners of the authority and the chief executive officer or the director of the board of chosen freeholders, as may be appropriate in the case of counties, or the mayor in the case of municipalities, hereinafter referred to as the chief executive, shall appoint one commissioner. The commissioners first appointed shall be designated to serve for the following terms: one for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years and two for terms of 5 years, and until their respective successors are appointed and have qualified. The chief executive of a county or municipality which has heretofore created a housing authority consisting of five members appointed by the governing body, shall forthwith appoint one additional commissioner for a 5-year term.

After the initial appointments, commissioners so appointed shall hold office for a term of 5 years, and until their respective successors are appointed and have qualified, except that all vacancies shall be filled for the unexpired term. The director shall, on receipt of notification of the creation of a housing authority, appoint one member thereof who shall hold office at his pleasure. The governing body of two or more municipalities may by joint action or ordinances create a public body corporate and politic to be known

as "..... Regional Housing Authority," with such additional designation as may be provided in the joint ordinances. Such regional authority shall constitute an agency and instrumentality of the municipalities creating it. Upon the adoption of a joint ordinance as aforesaid, a copy thereof certified by the clerk of each of the municipalities shall be filed with the director. Thereupon the respective clerks shall promptly notify the respective governing bodies of such adoption. Upon receiving such notice, each governing body shall appoint two commissioners of the regional authority for a term of 5 years except that all vacancies shall be filled for the unexpired term. The governing body of the municipality which has the greatest population of any of the municipalities creating the regional authority shall appoint one additional commissioner of the authority for a like term. The clerks of the governing bodies shall file with the director the names of persons appointed as commissioners. The director shall, on receipt of notification of the creation of said housing authority, appoint two members thereof who shall hold office at his pleasure. The said persons appointed by the director shall be entitled to vote as members of the housing authority and shall be entitled to all other privileges of membership on such authority. The director may remove any such person and designate a new one at any time or fill the vacancy caused by the removal, death or resignation of any such person.

No municipality which has created an authority pursuant to this section shall thereafter join in the creation of a regional authority. No municipality which has been included with its consent within the area of operation of a county housing authority shall thereafter create an authority or join the creation of a regional authority. Where there is no housing authority in existence in any municipality of a county, the governing body of said county may create a housing authority; provided, the director shall certify that there is a need for housing within said county; thereafter, no municipality within said county shall create an authority or join in the creation of a regional authority without the consent of the governing body of said county and without the consent of the county housing authority.

2. R. S. 55:14A–6, added to the Revised Statutes by P. L. 1938, c. 19, is amended to read as follows:

Authority; commissioners; misconduct; removal.

55:14A–6. Authority; commissioners; misconduct; removal.

Not more than one commissioner of any authority may be an officer or employee of the municipality or county for which the authority is created. All commissioners shall hold office until their successors have been appointed and have qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of his duties. The powers of each authority shall be vested in the commissioners thereof in office from time to time. Four members shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon the affirmative vote of the majority, but not less than three, of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The authority shall select a chairman and a vice-chairman from among its commissioners, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon any chief law officers of the municipality, municipalities or the county, as the case may be, or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in the project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in a housing project he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such

property. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the appointing authority which made the original appointment, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

3. This act shall take effect 30 days after its enactment.

Approved October 24, 1975.

CHAPTER 240

AN ACT regarding the conduct of physicians and surgeons with relation to the billing of clients in certain cases, 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. 45:9-27.5 Definitions.

1. Definitions. As used in this act:

a. "Physician or surgeon" means a person licensed or permitted to practice medicine or surgery in this State.

b. "Contingent fee arrangement" means an agreement for medical services of one or more physicians or surgeons, including any associated or forwarding medical practitioners, under which compensation in whole or in part is contingent upon the successful accomplishment or disposition of the legal claim to which such medical services are related.

C. 45:9-27.6 Bills for treatment subject to claim for workmen's compensation or damages in negligence.

2. Any physician or surgeon who renders treatment which he knows or reasonably should know is or will be related to, or is or will be the basis of, a legal claim for workmen's compensation or damages in negligence shall provide his patient with a true, accurate and itemized copy of the bill for treatment rendered. Such physician or surgeon should certify and attest by his signature

on all originals and copies of such bills to the actuality and accuracy of the examinations and treatments rendered and the amounts charged for them.

C. 45:9-27.7 Fees for treatment; limitation.

3. In any matter where medical services rendered to a client form any part of the basis of a legal claim for damages or workmen's compensation, a physician shall not contract for, charge, or collect a fee in excess of the following limits:

a. The physician's standard fee for the same medical services which do not form any part of the basis of a legal claim for damages or workmen's compensation; plus

b. The standard or established incremental costs, clerical or otherwise, incurred in rendering medical services which form any part of the basis of a legal claim for damages or workmen's compensation.

C. 45:9-27.8 Contingent fees; prohibition.

4. In any matter where medical services rendered to a client form any part of the basis of a legal claim for damages or workmen's compensation, a physician or surgeon shall not contract for, charge, or collect a contingent fee.

C. 45:9-27.9 Violations; disorderly person.

5. Any person who violates any provision of this act is a disorderly person.

6. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 241

AN ACT concerning the expansion of county assistance for the care of children afflicted with sickle cell anemia and amending P. L. 1972, c. 171.

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

1. Section 1 of P. L. 1972, c. 171 (C. 9:14B–1) is amended to read as follows:

C. 9:14B-1 County assistance.

1. The board of chosen freeholders of a county which has no county home and hospital for children afflicted with sickle cell anemia may appropriate not more than $10,000.00 each year for the necessary expense incident to the diagnosis and treatment of such children resident in the county under the age of 21 years, including the cost of surgical appliances, support and maintenance of such children, investigation of cases, and necessary traveling expenses incidental to the investigation and transportation of patients to a suitable home or hospital within the State supported by public funds or private charity; provided, however, that the board of chosen freeholders in a county of the first class having a population in excess of 800,000 may appropriate not more than $25,000.00 each year.

Before spending money for such purposes the board shall adopt such rules and regulations as it deems desirable concerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the board for that purpose on verified bills presented and approved as in the case of other county expenditures.

2. This act shall take effect immediately.

Approved October 24, 1975.

CHAPTER 242

AN ACT concerning the unit pricing of consumer commodities and supplementing "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

C. 56:8-21 Short title.

1. This act shall be known and may be cited as the "Unit Price Disclosure Act".

C. 56:8-22 Definitions.

2. As used in this act: "Consumer commodity" means any merchandise, wares, article, product, comestible or commodity of any

kind or class produced, distributed or offered for retail sale for consumption by individuals other than at the retail establishment, or for use by individuals for purposes of personal care or in the performance of services rendered within the household, and which is consumed or expended in the course of such use.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Price per measure" means the retail price of a consumer commodity expressed per such unit of weight, standard measure or standard count as the director shall designate by regulation.

"Person" means any natural person, partnership, corporation or other organization engaged in the sale, display or offering for sale of consumer commodities at retail from one or more retail establishments whose combined total floor area exceeds 4,000 square feet or whose combined total annual gross receipts from the sale of consumer commodities in the preceding year exceed $2 million.

C. 56:8-23 Exposure or offer for sale at retail of consumer commodity; mark of price per measure.

3. It shall be an unlawful practice for any person to expose or offer for sale at retail any consumer commodities, except as specifically exempted by the director in accordance with section 4 of this act, unless said consumer commodities shall be plainly marked by a stamp, tag, label or sign at the point of display with the price per measure of such consumer commodity.

C. 56:8-24 Unit pricing regulations; hearings; exemptions; retail establishments and commodities list.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety may by regulation, and in each instance after public hearing, provide for the manner in which price per measure shall be calculated and displayed, establish and modify a list of commodities exempt from the provisions of this act, and define the classes of retail establishment exempted from the requirements of this act; provided that in no case shall persons with annual gross receipts from the sale of consumer commodities in the preceding tax year of more than $2 million from all retail establishments with a total floor area of more than 4,000 square feet each be exempt from the provisions of this act, and provided further that the director, in promulgating unit-pricing regulations, shall not exempt consumer commodities or retail establishments from the provisions of this act except where compliance therewith would be impractical, unreasonably burdensome or unnecessary for adequate

protection of consumers. The Director of the Division of Consumer Affairs shall maintain at all times and make public a clearly defined list of specific commodities exempt from the provisions of this act and of all classes of retail commodities and all classes of retail establishments required to be in compliance with this act and any regulations issued hereunder.

C. 56:8-25 Other regulations.

5. The director, pursuant to the provisions of the Administrative Procedures Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.), shall promulgate such other regulations as shall be necessary in his discretion to effectuate the purposes of this act.

6. This act shall take effect 6 months after its enactment provided that steps necessary to prepare for its implementation, including the adoption of regulations may be taken in advance of its effective date.

Approved October 27, 1975.

CHAPTER 243

AN ACT concerning municipal services to certain streets which have not been designated as public highways, and the dedication thereof supplementing Title 40 of the Revised Statutes and repealing P. L. 1944, c. 35 and R. S. 40:150–1.

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

C. 40:67-23.1 Repair, maintenance and lighting of roads or streets not taken over by municipality or dedicated and accepted as public highways.

1. The governing body of every municipality may make, amend, repeal and enforce ordinances to cause the governing body of the municipality to repair and maintain and provide for the removal of snow, ice and other obstructions from, and provide for the lighting of, any roads or streets upon which the travel is sufficient, in the opinion of said governing body, to warrant such expenditures, even though such roads or streets shall not have been taken over by said municipal governing body or dedicated and accepted as public highways. Roads or streets so serviced, which are not

shown on the official map of the municipality, may, at the option of the governing body of said municipality, be suitably improved in accordance with any requirements established pursuant to the "Official Map and Building Permit Act (1953)," P. L. 1953, c. 434 (C. 40:55–130 et seq.), and dedicated to the municipality, within 2 years from the effective date of any ordinance adopted pursuant to the provisions of this act.

Repealer.

2. P. L. 1944, c. 35 (C. 40:88–10.1 and R. S. 40:150–1 are hereby repealed.

3. This act shall take effect immediately.

Approved October 27, 1975.

CHAPTER 244

AN ACT concerning State aid to education and amending N. J. S. 18A:58–2.

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

Definitions.

1. 18A:58–2. For the purposes of this article, unless the context clearly requires a different meaning:

"Resident enrollment" shall mean the number of full-time pupils who are residents of the district and are enrolled in day schools on the last school day of September or on the last school day of May during the school year in which calculation of aid is made and are attending the public schools of the district or a school district or State college demonstration school to which the district of residence pays tuition; provided, that no district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county.

"Weighted pupils" shall mean the number of resident pupils multiplied by the following units:

Kindergarten pupils	.75	units
Elementary pupils (grade 1 through grade 6)	1.0	units
Seventh and eighth-grade pupils not in approved middle schools or junior high schools approved by the Commissioner of Education	1.15	units
Pupils in approved middle schools and in approved junior high schools	1.25	units
Five and 6-year high school pupils (equated to full-time)	1.275	units
Senior and 4-year high school pupils (equated to full-time)	1.3	units
Vocational school pupils in vocational schools or classes (equated to full-time)	2.0	units
Evening school pupils (equated to full-time)	1.0	units
Accredited evening high school pupils and pupils in post-graduate high school classes (equated to full-time)	1.3	units

"AFDC children" shall mean the children aged 5 to 17 inclusive, in families residing in the school district and receiving aid through payments under a program of aid to families with dependent children certified to the commissioner by the Department of Institutions and Agencies. Each such child shall be weighted by an additional .75 units in counting the number of weighted children for the school district. With respect to regional school districts and their component districts, AFDC children shall be allocated among the regional district and its component districts in proportion to the number of resident pupils in each of them as determined from the enrollment on the last school day of September.

"Classification of school districts" shall mean the classification of school districts to be established pursuant to N. J. S. 18A:58–3 in one of the following categories:

a. Nonoperating district, being one which operates no schools of its own;

b. Basic district, being one in which one or more schools are operated and which meets all basic requirements of school law;

c. Limited district, being a basic district which meets such other criteria as shall be prescribed by law;

d. Intermediate district, being a district which meets all requirements of a limited district and which meets such other additional criteria as shall be prescribed by law;

e. Precomprehensive district, being a district which meets all requirements of an intermediate district and which meets such other additional criteria as shall be prescribed by law; or

f. Comprehensive district, being a district which meets all requirements of a precomprehensive district and which operates educational programs characterized by their diversity and high quality as prescribed for such classification by law.

"Equalized valuations" shall mean the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 for the year in which the calculation of aid is made. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the Division of Tax Appeals on or before January 15 of the next succeeding year, such revised valuation shall be used in any recomputation of aid.

"State average valuation per weighted resident pupil" shall mean the quotient resulting from dividing the total equalized valuations in the State of New Jersey as certified by the Director of the Division of Taxation on October 1 by the total number of weighted pupils of the State enrolled on the last school day of September.

"Minimum support aid" shall mean the product of the number of resident weighted pupils of the school district and one of the following rates:

Not less than $100.00 in a nonoperating district,
Not less than $110.00 in a basic district,
Not less than $122.50 in a limited district,
Not less than $135.00 in an intermediate district,
Not less than $147.50 in a precomprehensive district, or
Not less than $160.00 in a comprehensive district.

"School district guaranteed valuation" shall mean the product of the number of resident weighted pupils of the school district and one of the following rates:

Not less than $30,000.00 in a nonoperating district,
Not less than $30,000.00 in a basic district,
Not less than $33,750.00 in a limited district,
Not less than $37,500.00 in an intermediate district,
Not less than $41,250.00 in a precomprehensive district, or
Not less than $45,000.00 in a comprehensive district.

"Current expense budget cost" shall mean the total appropriation for current expenses including the salaries of the secretary of the board of education, the custodian of school moneys,

principals, teachers, janitors, medical inspectors and truant officers; fuel, textbooks, school supplies, flags, transportation of pupils, tuition of pupils attending schools in other districts with the consent of the board, school libraries, truant schools, insurance, repairs and renewals to buildings, furniture, equipment or apparatus, and other incidental expenses of the schools.

"Net operating budget" shall mean the balance after deducting all estimated revenue from the current expense budget, except the amount to be raised by local taxation and incentive equalization aid apportioned.

"Approved special class" shall mean a class for phyically handicapped or mentally retarded children, and all other classes for atypical pupils approved by the commissioner.

"Atypical pupils" shall mean pupils who are physically handicapped or mentally retarded and who are not accommodated through the school facilities usually provided for normal pupils.

"Evening school pupils" shall mean pupils enrolled in evening schools, except in classes for foreign-born residents, or in vocational schools, or in accredited evening high schools, or in schools known as adult schools.

"Accredited evening high school pupils" shall mean pupils enrolled in an approved evening high school.

"Vocational school pupils" shall mean pupils enrolled in courses of study for vocational education approved by the State board. No district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county regardless of whether or not tuition is paid for such pupil, but such pupil shall be weighted and counted in the determination of State aid in the county vocational school operating a full-time program.

"Aid per resident weighted pupil" shall mean the quotient resulting from dividing the sum of the minimum support aid and the incentive equalization aid allocated to the school district by the number of weighted pupils on the last school day of September.

"Day school cost per pupil" shall mean the mean annual current operating cost of educating pupils, as determined by the commissioner with the approval of the board.

"Aid per resident pupil" shall mean the quotient resulting from dividing the sum of the minimum support aid and the incentive equalization aid allocated to the district by the number of resident pupils enrolled on the last school day of September.

"State aid" shall mean the sum of minimum support aid, incentive equalization aid, transportation reimbursement, atypical pupil reimbursement, county aid and county vocational school aid, as determined pursuant to this article.

2. This act shall take effect July 1, 1975.

Approved October 27, 1975.

CHAPTER 245

AN ACT directing the Department of Transportation to provide a study for the improvement of the existing intersection of U.S. 9 and Ernston road in Middlesex county.

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

1. The Department of Transportation is hereby directed to provide a study for the improvement of the existing intersection of U.S. 9 and Ernston road on the border of the borough of Sayreville and Madison township in the county of Middlesex. The study shall determine a means of alleviating the present traffic congestion caused by the existing conditions at the said intersection.

2. There is hereby appropriated from the General State Fund to the Department of Transportation such sums as are necessary to carry out the purposes of this act.

3. This act shall take effect immediately.

Approved October 28, 1975.

CHAPTER 246

AN ACT to amend "An Act providing for the removal of certain public employees from office, position or employment, and repealing P. L. 1953, chapter 259," approved May 21, 1970 (P. L. 1970, c. 72).

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

1. Section 2 of P. L. 1970, c. 72 (C. 2A:81–17.2a1 is amended to read as follows:

C. 2A:81-17.2a1 Duty of public employee to appear and testify; removal for failure or refusal.

2. It shall be the duty of every public employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury or the State Commission of Investigation. Any public employee failing or refusing to so appear and to so testify, after having been informed of his duty to appear and testify under this act by the prosecuting attorney, or a member of or attorney for the State Commission of Investigation, as the case may be, shall be subject to removal from his office, position or employment.

2. Section 3 of P. L. 1970, c. 72 (C. 2A:81–17.2a2) is amended to read as follows:

C. 2A:81-17.2a2 Immunity from use of evidence after claim of privilege against self-incrimination; perjury or false swearing.

3. If any public employee, having claimed the privilege against self-incrimination, testifies before any court, grand jury or the State Commission of Investigation after having been informed that his failure to appear and testify would subject him to removal from his office, position or employment, such testimony and the evidence derived therefrom shall not be used against such public employee in a subsequent criminal proceeding under the laws of this State; provided that no such public employee shall be exempt from prosecution or punishment for perjury or false swearing committed while so testifying.

3. This act shall take effect immediately.

Approved October 28, 1975.

CHAPTER 247

AN ACT concerning wagering at horse race meetings and amending P. L. 1966, c. 206.

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

1. Section 2 of P. L. 1966, c. 206 (C. 5:5–85) is amended to read as follows:

C. 5:5-85 Hours of wagering.

2. The conduct of the parimutuel system of wagering at horse race meetings on the days upon which such meetings are conducted is authorized and shall be lawful between the hours of 8 a.m. and 1 a.m. the following day on Mondays through Fridays and between 8 a.m. and 12 midnight on Saturdays, including wagering at any horse race meeting upon the result of any and all horse races held at such meeting when such wagering is during the hours when wagering is permitted pursuant to this act and prior to the conduct of any race held at said meeting, in the same manner and to the same extent as the parimutuel system of wagering is now authorized.

2. This act shall take effect immediately.

Approved October 29, 1975.

CHAPTER 248

AN ACT establishing a program of financial assistance for the preservation of threatened but still viable neighborhoods.

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

C. 52:27D-142 Short title.

1. This act shall be known and may be cited as the "Maintenance of Viable Neighborhoods Act."

C. 52:27D-143 Legislature's findings and declarations.

2. The Legislature hereby finds and declares that there are neighborhoods in this State which are beginning to decline but which can be rehabilitated and restored; that a large proportion of the State's housing stock is situated in these neighborhoods and is in danger of succumbing to dilapidation, deterioration or obsolescence; that blighting conditions have substantially reduced incentive for private reinvestment in these neighborhoods; that these neighborhoods will continue to decline unless the State provides financial and other assistance; that the restoration of these

neighborhoods is vital to reinvigorating the declining social, economic and physical environments of communities and to the health, safety, morals and general welfare of the citizens of those neighborhoods and communities and of the State.

The Legislature further finds and declares that rehabilitation and preservation of threatened but still viable neighborhoods to the maximum extent possible is best accomplished by the reconstruction, remodeling, improvement, restoration, or repair of residential housing to sound condition in conjunction with provision of expanded and improved community services and public improvements. Conservation of the State's housing stock in order to provide a decent home is a worthy goal, but unless the services and facilities which are necessary to a complete and continuing satisfactory living environment are also provided, slums, blight and deterioration will not be arrested and neighborhoods will continue to decline. Restoration and maintenance of viable neighborhoods will be attained only if the housing resources and community services and public improvements, principally those for persons and families of low and moderate income, are attended to and simultaneously provided.

C. 52:27D-144 Declaration of policy.

3. The Legislature hereby declares it to be the policy of the State to promote the health, safety, morals and welfare of the citizens thereof through the prevention and elimination of blighting influences and the restoration of neighborhoods threatened with or undergoing deterioration and decline. For this purpose, powers are granted by this act to the Department of Community Affairs to make grants to political subdivisions of the State so that they may undertake measures, including but not limited to housing rehabilitation, code enforcement, demolition, and the expansion and improvement of public services and public facilities, which will arrest the deterioration and preserve the threatened but still viable neighborhoods of the State. The enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of express legislative determination.

C. 52:27D-145 Definitions.

4. The following terms whenever used or referred to in this act shall have the following meanings, unless a different meaning clearly appears from the context:

a. "Commissioner" means the Commissioner of the Department of Community Affairs;

b. "Political subdivision" means any unit or agency of government deriving its authority directly or indirectly from the State of New Jersey.

C. 52:27D-146 Authorization to make grants; financing of activities to promote restoration and rehabilitation of certain neighborhoods.

5. The commissioner is authorized to make grants to political subdivisions to help finance activities, approved by the commissioner in accordance with this act, which will promote the restoration and rehabilitation of threatened but still viable neighborhoods. Activities to be assisted under this act may include but shall not be limited to:

a. Intensive code enforcement in deteriorating areas in which such enforcement, together with public improvements and community services to be provided, may be expected to arrest the decline of the neighborhood area;

b. Financial assistance in respect to rehabilitation of privately owned properties pursuant to "The Neighborhood Preservation Housing Rehabilitation Loan and Grant Act of 1975," now pending before the Legislature as Assembly Bill No. 3395;

c. Rehabilitation or clearance, demolition and removal of buildings and improvements where appropriate to the preservation of neighborhoods;

d. Provision of public services of a type or quality not otherwise available in areas where other activities assisted under this act are being carried out in a concentrated manner, if such services are determined to be necessary or appropriate to support such other activities;

e. Acquisition of real property or any interest therein which property exerts a blighting influence on a stable but threatened neighborhood or is appropriate for rehabilitation or conservation activities or is to be used for the provision of public works, facilities, improvements or recreational opportunities;

f. Acquisition, construction, reconstruction or installation of public works, facilities, and site or other improvements;

g. Disposition (through sale, lease, donation or otherwise) of any real property acquired pursuant to this act or its retention for public purposes;

h. Planning of neighborhood programs intended to be implemented by means eligible for a grant pursuant to this act; and

i. Administration of activities implementation of which is assisted, or is eligible for assistance, pursuant to this act.

All activities assisted under this act shall be implemented as otherwise provided by law.

C. 52:27D-147 Participation of citizens; hearings.

6. No grant may be made pursuant to this act unless the political subdivision provides satisfactory assurances that prior to submission of its application:

a. Citizens of the neighborhoods to be affected by the program have been provided an adequate opportunity to participate in the development of the activities for which the grant is requested; and

b. Public hearings have been held to obtain the views of citizens to be affected by the activities for which the grant is requested.

C. 52:27D-148 Review and evaluation of applications; priorities; approval.

7. The commissioner shall review and evaluate all applications submitted pursuant to this act and shall establish such priorities for making grants pursuant thereto as shall give due regard to maximizing the beneficial impact of the resources available pursuant to this act and other resources; provided that no such application shall be approved unless the commissioner finds that the neighborhood or neighborhoods in question are threatened but still viable.

C. 52:27D-149 Commissioner's powers.

8. The commissioner is hereby granted and may exercise the following powers:

a. To adopt, modify, repeal and enforce rules and regulations in regard to the implementation of this act;

b. To sue or be sued in regard to the enforcement of the provisions of this act and any rules, regulations, contracts and agreements hereunder;

c. To accept appropriations, gifts, grants, contributions and any other form of financial assistance from the Federal government or from any sources, public or private for purposes of this act; and

d. To do all things necessary, convenient or desirable to carry out the provisions and purposes of this act.

C. 52:27D-150 Plan for expenditure of funds; submission to legislature.

9. The commissioner shall submit with the department's annual budget request, a plan for the expenditure of funds as authorized by this act. This plan shall include, but not be limited to: performance evaluation of expenditures made to date under the authority granted to the commissioner by this act; a description of the various programs, planned for utilization during the upcoming fiscal year, as authorized by this act; a copy of the regulations in

force governing the various programs in operation as authorized by this act; and an estimate of planned expenditures as authorized by this act. This information shall be used to assist the Legislature in determining the amount of money to be appropriated to support programs operated under the authority of this act.

C. 52:27D-151 Construction of act.

10. This act shall be construed liberally to effectuate the legislative intent and the purposes of this act, and all powers herein granted shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

11. This act shall take effect immediately.

Approved October 30, 1975.

CHAPTER 249

AN ACT enabling municipalities and the Department of Community Affairs to make housing rehabilitation loans and grants for the purpose of preserving viable neighborhoods.

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

C. 52:27D-152 Short title.

1. This act shall be known and may be cited as "The Neighborhood Preservation Housing Rehabilitation Loan and Grant Act of 1975."

C. 52:27D-153 Legislature's findings; declaration of policy.

2. The Legislature hereby finds and determines that there exists in many municipalities of this State areas which are in varying stages of decline, but which have not as yet reached the point of irreversible decline; that these areas are a matter of serious concern, and represent an expanding problem which threatens the public health, safety, morals and welfare; that the neglect of these areas at the present time will necessitate excessive and disproportionate expenditures of public funds for the reconstruction and revitalization of these areas at a future date; that to permit the continued decline of such areas into a state of decay would ignore the lessons of decades of urban renewal activities, would impair the

sound growth of our municipalities, would lay waste to essential housing resources and would result in an economic, environmental, and social liability which the State can no longer tolerate.

The Legislature further finds that these problems can best be addressed through the conjunctive and cooperative efforts of private enterprise, State Government, its political subdivisions, and other public, quasi-public, and nonprofit bodies acting pursuant to neighborhood preservation plans conceived and prepared in accordance with the purposes of this act and through its direction.

The Legislature further finds that the responsibilities of State and local governments with respect to the preservation of our municipalities and neighborhoods have been altered and magnified by actions of the Federal Government, which now permits states and localities to undertake directly a broader range of housing rehabilitation activities than previously possible under former Federal assistance programs; and that in order that the people of this State shall derive the maximum feasible benefit from this shift in Federal policy, it is necessary and appropriate to expand the power of municipal government and the administrative authority of the Department of Community Affairs.

The Legislature hereby declares it to be the policy of the State to promote the health, safety, and welfare of the citizens thereof through the preservation of existing neighborhoods and the maintenance of neighborhood viability. This policy is best effectuated by the reconstruction, remodeling, improvement, restoration, or repair of existing residential housing to sound condition. For this purpose, powers are hereby granted to municipalities and the Department of Community Affairs to offer financial assistance through loans or grants or both to agencies, public, quasi-public, or private nonprofit, which will finance rehabilitation of housing through a program of loans and grants in an area determined by the municipal governing body to be substandard, deteriorating, or in the process of falling into a cycle of disrepair. It is hereby declared that the undertaking of such housing rehabilitation is a public purpose for which monies may be expended, advanced, loaned or granted and the enactment of the provisions hereinafter set forth is in the public interest.

C. 52:27D-154 Definitions.

3. The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

a. "Act" shall mean this act and any amendments and supplements thereto, and any rules and regulations promulgated thereunder;

b. "Commissioner" shall mean the Commissioner of the Department of Community Affairs, or his delegates as the commissioner shall determine;

c. "Department" shall mean the Department of Community Affairs;

d. "Neighborhood preservation area" shall mean any area within a municipality as determined pursuant to subsection 8 a. of this act;

e. "Housing rehabilitation" shall mean the reconstruction, remodeling, improvement, restoration, or repair of residential housing to sound condition;

f. "Housing rehabilitation loan" shall mean an interest or non-interest bearing loan to finance housing rehabilitation;

g. "Rehabilitation lender" shall mean any bank or trust company, savings bank, mortgage company, mortgage banker, credit union, national banking association, savings and loan association, building and loan association, life insurance company, and any other financial institution authorized to transact business in the State; provided that to qualify as a rehabilitation lender within the meaning of this act a rehabilitation lender must be on a list of approved rehabilitation lenders to be prepared and maintained by the department;

h. "Neighborhood preservation agency" or "agency" shall mean the entity or organization designated by the municipality in accordance with the provisions of this act. Such agency may include the municipality, counties, any public, quasi-public or private non-profit agency or organization and any housing authority or redevelopment agency existing or formed under the laws of this State;

i. "Neighborhood preservation project" shall mean an undertaking or activity of a neighborhood preservation agency in a neighborhood preservation area, involving housing rehabilitation, and shall be in accordance with the plan therefor, as shall be required by the commissioner pursuant to section 8 of this act;

j. "Sound condition" shall mean a condition which meets substantially the requirements of local housing codes, or in the event there is no local housing code, the alternate standards established by the department;

k. "State fund" shall mean the Department of Community Affairs' Neighborhood Preservation Loan and Grant Fund as set forth in section 4 of this act;

l. "Local fund" shall mean the Neighborhood Preservation Loan and Grant Fund as may be established by a municipality pursuant to section 7 of this act.

C. 52:27D-155 Department of community affairs' neighborhood preservation loan and grant fund; creation.

4. a. There is hereby created a special fund in the Department of Community Affairs which shall be entitled the Department of Community Affairs' Neighborhood Preservation Loan and Grant Fund and shall be administered by the department as a revolving loan and grant fund for carrying out the purposes of this act. The department may designate separate accounts within the fund to be applicable for regional, municipal and intermunicipal needs as the department may deem necessary. The exercise by the department of all powers and duties conferred by this act shall constitute and be deemed and held to be an essential public and official governmental function of the State, acting by and through the department, in promoting the general health, safety, welfare and prosperity of the State, its municipalities, its neighborhoods and its citizens.

b. The State fund shall consist of:

1. All moneys appropriated and made available by the Legislature for inclusion therein;

2. Any other moneys made available to the Department from any source or sources, which the commissioner shall determine to use for the purposes authorized by this act, including community development funds from the United States Department of Housing and Urban Development;

3. Notwithstanding the provisions of any other act or part thereof, any moneys which the department shall receive in repayment of loans or advances from the State fund; and

4. All moneys earned through investment pursuant to subsection c. of this section.

c. Any moneys held in such fund not required or permitted to be disbursed immediately by this act may be invested and reinvested. All functions, powers and duties relating to the investment or reinvestment of funds within the jurisdiction of the agency, including the purchase, sale or exchange of any investments, or securities may, at the request of the agency, be exercised and

performed by the Director of the Division of Investments, in accordance with the written directions of the commissioner.

d. Funds expended from the State fund pursuant to this act shall be used only for the purpose of making housing rehabilitation loans or grants for the costs incurred in the administration thereof.

C. 52:27D-156 Submission of plan for expenditures from fund; contents.

5. The commissioner shall submit with the department's annual budget request a plan for expenditures from the Neighborhood Preservation Loan and Grant Fund for the upcoming fiscal year. This plan shall include, but not be limited to: performance evaluation of the expenditures made from the State fund to date; a description of the various loan and grant programs to be funded during the upcoming fiscal year; a copy of the regulations in force governing the operation of the various loan and grant programs that are to be financed, in part or in whole by the State funds; a complete financial statement on the status of the State fund to date; and an estimate of expenditures from the State fund for the upcoming fiscal year. This information shall be used to assist the Legislature in determining the amount to appropriate to the State fund.

C. 52:27D-157 Department's powers.

6. The department is hereby granted, has, and may exercise all powers necessary and appropriate to effectuate the purposes of this act, including but not limited to the following:

a. To sue and be sued;

b. To maintain an office at such place or places within the State as it may determine;

c. To acquire, hold, use and dispose of its income, revenues, funds and moneys;

d. To apply for and accept gifts, grants, or loans from the United States of America or any of its agencies or instrumentalities, or from any other source, public or private, and to comply, subject to the provisions of this act, with the terms and conditions of such gifts, grants, or loans;

e. To request the assistance and avail itself of the services of employees of any department or agency of the State who may be helpful and available;

f. To provide, upon request, advisory, consultive, training, and educational services and technical assistance to any neighborhood preservation agency; and to assist any agency in applying for the qualifying for grants and loans pursuant to this act;

g. To make and enter into all contracts, agreements, and other arrangements with, or to hire as employees such agents, professional advisors, and counselors, including without limitation, financial consultants, accountants, attorneys, architects, engineers, real estate consultants, appraisers, housing construction and financing experts, as are deemed necessary or advisable, in performing its duties and exercising its powers under this act, which expense may be considered as a cost of administration;

h. To conduct examinations and hearings and to hear testimony and take proof, under oath of affirmation, or any matter material for the department's information and necessary to carry out the provisions of this act;

i. To issue subpenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing;

j. To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

k. To adopt, modify, repeal, and enforce such rules and regulations as may be necessary to carry out the purposes of this act, including regulations relating to: the administration of the State fund, the local fund, interest rates, income limitations, and notwithstanding any statute, rule or regulation to the contrary, the length of any loan term under either the State or local fund;

l. To enter into and enforce any contract or agreement with the Federal Government, any neighborhood preservation agency, rehabilitation lender or other entity performing duties and exercising power under this act;

m. To make direct loans and grants from the State fund to any neighborhood preservation agency, subject to affirmance by the commissioner of the findings pursuant to subsection 7 a. of this act and to such other conditions as the commissioner may deem appropriate;

n. To enter into, and enforce any contract or agreement with the Federal government, any neighborhood preservation agency, rehabilitation lender or other entity to act for, in behalf of, and in cooperation with the department, with respect to undertaking, originating, servicing or processing the housing rehabilitation loans and grants of the State fund, under such terms and conditions as are agreed upon between the parties;

o. To fix and revise from time to time and charge and collect fees and charges in connection with loans or grants made or other services provided by the department pursuant to this act;

p. To use the State fund to invest in, purchase, or make commitments to purchase, and take assignments from neighborhoods preservation agencies, of notes and mortgages evidencing housing rehabilitation loans in this State, upon such terms and conditions as the commissioner may determine; and

q. To sell, at public or private sale, with or without public bidding, any note, mortgage or other obligation held by the department.

C. 52:27D-158 Powers of municipalities.

7. a. Municipalities shall have and exercise all powers necessary and appropriate to carry out the purposes of this act, in order that the objective of neighborhood preservation through housing rehabilitation may be most effectively achieved, and shall include without limitation, the power:

(1) To designate and establish neighborhood preservation agencies;

(2) To establish, maintain, and operate the local fund, to delegate such authority to any neighborhood preservation agency or to make direct loans and grants to any neighborhood preservation agency, subject to such conditions as it may deem appropriate and in accordance with regulations as may be prescribed by the commissioner;

(3) To enter into and enforce all contracts, agreements and other arrangements with the Federal Government, the State, any neighborhood preservation agency, other municipalities or rehabilitation lenders, to act for, in behalf of, and in cooperation with the municipality, with respect to undertaking, originating, servicing or processing housing rehabilitation loans and grants, under such terms and conditions as are agreed upon between the parties;

(4) To organize, establish, develop and administer the local fund in conjunction with and through the State fund;

(5) To accept advances, loans, appropriations, gifts, grants, contributions, and any other form of financial assistance from the Federal Government, the State, or from any other sources, public or private;

(6) To finance the administrative expenses incurred by any neighborhood preservation agency in administering the State or local fund or any part thereof;

(7) To fix and revise from time to time, and charge and collect fees and charges in connection with loans or grants made or other services provided;

(8) To provide advisory, consultive, training and educational services, and technical assistance to any neighborhood preservation agency; to assist any agency in applying for and qualifying for grants and loans pursuant to this act; and to conduct research on the most efficient and economical methods of accomplishing neighborhood preservation.

b. Nothing herein is intended nor shall it be construed to limit or abrogate existing municipal power to carry out and effectuate programs of rehabilitation pursuant to any other law of this State, regulation, ordinance or judicial decision. The powers conferred herein are intended as an expansion of municipal power, shall exist in addition to such powers and shall be liberally construed.

C. 52:27D-159 Designation of neighborhood preservation agency; determination by planning board; formation of plan; contents; citizen participation; modification of plan; alternative plans.

8. a. No municipality shall designate a neighborhood preservation agency or undertake a neighborhood preservation project unless a determination has been made that in the neighborhood preservation area or areas:

(1) Deteriorating conditions have substantially reduced the incentive for private investment and reinvestment;

(2) Dilapidation, deterioration and obsolescence will become a prevalent without governmental aid;

(3) Deteriorating conditions can be reversed; and

(4) The rehabilitation of housing is necessary in the interest of the public health, safety and welfare.

The determination shall be made by the planning board of the municipality, or, if there be none, by the governing body. Where the determination is made by the planning board, it shall be subject to approval, disapproval or modification by the governing body of the municipality. The determination shall be submitted by the planning board to the governing body of the municipality in the form of a report and final action thereon shall be taken by the said governing body within 30 days after the submission of said report.

b. Upon making the findings as described in subsection a. hereof, a municipality shall formulate a neighborhood preservation plan, pursuant to such rules and regulations as the commissioner shall

prescribe, which shall include but need not be limited to, the following:

(1) A comprehensive strategy for meeting neighborhood preservation needs which specifies both short- and long-term neighborhood objectives in accordance with areawide development planning;

(2) A program which (a) includes activities to be undertaken to meet its neighborhood preservation needs and objectives, together with the estimated costs thereof, (b) indicates resources other than those provided under this act which are expected to be made available toward meeting its identified needs and objectives, and (c) takes into account appropriate environmental factors;

(3) A plan which (a) accurately surveys the condition of the residential housing stock in the neighborhood preservation area or areas, (b) specifies realistic annual goals for the number of residential housing units or persons to be assisted, and (c) indicates the general locations of proposed neighborhood preservation areas with the objective of furthering the restoration and rehabilitation of stable neighborhoods to the maximum extent possible, and assuring the availability of public facilities and services adequate to serve the proposed neighborhood preservation area.

c. Any municipality which plans to carry out a neighborhood preservation program shall provide to the department satisfactory assurances that, prior to initiation of any such program, the governing body has (a) provided citizens with adequate information concerning the amount of funds available for proposed neighborhood preservation and housing activities, as well as the range of activities that may be undertaken and other important program requirements, (b) held public hearings to obtain the views of citizens on neighborhood preservation and housing needs, and (c) provided citizens an adequate opportunity to participate in the development of the neighborhood preservation plan.

d. A neighborhood preservation plan may be modified at any time; provided, that any proposed modification of the neighborhood preservation plan is recommended by resolution of the planning board and approved by resolution of the governing body, and pursuant to regulations as may be prescribed by the commissioner.

e. Any municipality receiving funds from the United States Department of Housing and Urban Development pursuant to the Housing and Commuinty Development Act of 1974 may satisfy the requirements of subsections b., c. and d. of this section by submitting to the commissioner, copies of their community development plan and community development program as approved pursuant to the

said act; provided however that whenever the State fund or funds other than such as may be provided to the municipality pursuant to the Housing and Community Development Act of 1974, are utilized to carry out the purposes of this act, the commissioner shall require compliance with the standards as are established pursuant to this act.

C. 52:27D-160 Participation of private enterprise.

9. A municipality shall afford to private enterprise the maximum feasible opportunity to participate in the rehabilitation of any neighborhood preservation area.

C. 52:27D-161 Construction of act.

10. This act shall be construed liberally to effectuate the legislative intent and the purposes of this act, and all powers herein granted shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

11. This act shall take effect immediately.

Approved October 30, 1975.

CHAPTER 250

AN ACT concerning motorized bicycles, amending R. S. 39:1–1 and supplementing Title 39 of the Revised Statutes.

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

1. R. S. 39:1–1 is amended to read as follows:

Definitions.

39:1–1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width.

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

"Automobile" includes all motor vehicles except motorcycles.

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commissioner" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

"Crosswalk" means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

"Department" means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

"Deputy commissioner" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Deputy director" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Division" means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator 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 or of destroying life or limb.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Flammable liquid" means any liquid having a flash point below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

"Gross weight" means the combined weight of a vehicle and any load thereon.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden.

"Inside lane" means the lane nearest the center line of the roadway.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of 2 or more highways which join one another at an angle, whether or not one such highway crosses another.

"Laned roadway" means a roadway which is divided into 2 or more clearly marked lanes for vehicular traffic.

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this State, including every

county board of chosen freeholders with relation to county roads.

"Magistrate" means any municipal court, county district court, criminal judicial district court, County Court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that the maximum piston displacement is less than 50 cc. rated no more than 1.5 brake horsepower and capable of a maximum speed of no more than 25 miles per hour.

"Motorcycle" includes motorcycles, motor bikes, bicycles with motor attached, and all motor operated vehicles of the bicycle or tricycle type, having a piston displacement of 50 cc. or more rated in excess of 1.5 brake horsepower and capable of maximum speeds in excess of 25 miles-per-hour, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it, or a platform on which the driver stands.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except school buses if the same are not otherwise used in the transportation of passengers for hire.

"Operator" means a person who is in actual physical control of a vehicle or street car.

"Outside lane" means the lane nearest the curb or outer edge of the roadway.

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pedestrian" means a person afoot.

"Person" includes natural persons, firms, copartnerships, associations, and corporations.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

"Right of way" means the privilege of the immediate use of the highway.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the regulations of the Department of Education affecting school buses including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle must comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Institutions and Agencies whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle must comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Institutions and Agencies whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where

school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway, and the adjacent right of way line.

"Sign." See "Official traffic control devices."

"Slow moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

"Traffic control signal" means a device whether manually, electrically, mechanically, or otherwise controlled by which traffic is alternately directed to stop and to proceed.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

C. 39:4-14.3 Limitations on use of motorized bicycles; operator's age; applicable regulations.

2. a. Motorized bicycles shall not be used upon interstate and primary highways or upon the railroad or right-of-way of an operating railroad within the State of New Jersey.

b. Motorized bicycles shall not be operated by a person under 15 years of age.

c. Regulations applicable to bicycles shall apply whenever a motorized bicycle is operated upon any public road or upon any path set aside for the exclusive use of motorized bicycles.

3. This act shall take effect immediately.

Approved October 31, 1975.

CHAPTER 251

AN ACT providing for soil erosion and sediment control 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:*

C. 4:24-39 Short title.

1. This act may be cited and referred to as the "Soil Erosion and Sediment Control Act."

C. 4:24-40 Legislature's findings.

2. The Legislature finds that sediment is a source of pollution and that soil erosion continues to be a serious problem throughout the State, and that rapid shifts in land use from agricultural and rural to nonagricultural and urbanizing uses, construction of housing, industrial and commercial developments, and other land disturbing activities have accelerated the process of soil erosion and sediment deposition resulting in pollution of the waters of the State and damage to domestic, agricultural, industrial, recreational, fish and wildlife, and other resource uses. It is, therefore, declared to be the policy of the State to strengthen and extend the present erosion and sediment control activities and programs of this State for both rural and urban lands, and to establish and implement, through the State Soil Conservation Committee and the Soil Conservation Districts, in cooperation with the counties, the municipalities and the Department of Environmental Protection, a Statewide comprehensive and coordinated erosion and sediment control program to reduce the danger from storm water runoff, to retard nonpoint pollution from sediment and to conserve and protect the land, water, air, and other environmental resources of the State.

C. 4:24-41 Definitions.

3. For the purposes of this act, unless the context clearly indicates a different meaning:

a. "Application for development" means a proposed subdivision of land, site plan, special exception, zoning variance, planned unit development or building permit.

b. "Certification" means (1) a written endorsement of a plan for soil erosion and sediment control by the local Soil Conservation District which indicates that the plan meets the standards promulgated by the State Soil Conservation Committee pursuant to this

act or (2) that the time allotted in section 7 of this act has expired without action by the district.

c. "District" means a Soil Conservation District organized pursuant to R. S. 4:24–7 et seq.

d. "Disturbance" means any activity involving the clearing, excavating, storing, grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of erosion.

e. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

f. "Plan" means a scheme which indicates land treatment measures, including a schedule of the timing for their installation, to minimize soil erosion and sedimentation.

g. "Project" means the disturbance of more than 5,000 square feet of the surface area of land for the accommodation of construction for which the Standard Building Code of the State of New Jersey would require a building permit, except that the construction of a single-family dwelling unit shall not be deemed a "project" under this act unless such unit is part of a proposed subdivision, site plan, special exception, zoning variance, planned unit development or building permit application involving two or more such single-family dwelling units.

h. "Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

i. "Soil" means all unconsolidated mineral and organic material of any origin.

j. "Standards" means the standards promulgated by the committee pursuant to this act.

k. "Committee" means the State Soil Conservation Committee in the Department of Agriculture established pursuant to R. S. 4:24–3.

C. 4:24-42 Power to set standards for control of soil erosion and sedimentation.

4. The committee shall have the power, subject to the approval of the Secretary of Agriculture and the Commissioner of Environmental Protection, to formulate, promulgate, amend and repeal standards for the control of soil erosion and sedimentation, pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.).

a. Such standards shall be based upon relevant physical and developmental information concerning the watersheds and topography of the State, including, but not limited to, data relating to

land use, soils, slope, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics.

b. Such standards shall include criteria, techniques and methods for the control of erosion and sedimentation resulting from land disturbing activities for various categories of soils, slopes and land uses.

C. 4:24-43 Application for development of project; certification of plan.

5. Approval of an application for development for any project by a municipal officer or agency shall be conditioned upon certification by the local district of a plan for soil erosion and sediment control.

C. 4:24-44 Certification of plan; written notice.

6. The district shall certify such plan if it meets the standards promulgated by the committee pursuant to this act. The district shall provide written notice to the applicant indicating that:

a. the plan was certified;

b. the plan was certified subject to the attached conditions; or

c. the plan was denied certification with the reasons for denial stated.

C. 4:24-45 Granting or denial of certification; time period.

7. The district shall grant or deny certification within a period of 30 days of submission of a complete application unless, by mutual agreement in writing between the district and the applicant, the period of 30 days shall be extended for an additional period of 30 days. Failure of the district to grant or deny certification within such period or such extension thereof shall constitute certification. For purposes of this section, a major revision of the plan by the applicant shall constitute a new submission.

C. 4:24-46 Fees.

8. The district shall adopt a fee schedule and collect fees from applicants for the certification of plans and for on-site inspections of the execution of certified plans. Such fees shall bear a reasonable relationship to the cost of rendering such services.

C. 4:24-47 Stop-construction order; failure to comply with certified plan.

9. The district or the municipality may issue a stop-construction order if a project is not being executed in accordance with a certified plan.

C. 4:24-48 Exemption for certain municipalities.

10. Any municipality, which adopts an ordinance that conforms to the standards promulgated pursuant to this act within 12 months of their promulgation and obtains the approval of the committee

thereto, shall be exempt from sections 5 through 9 of this act, until such time as the local district determines that the municipality is not enforcing said ordinance.

C. 4:24-49 Issuance of certificate of occupancy for project.

11. No certificate of occupancy for a project shall be issued by a municipality unless there has been compliance with the provisions of a certified plan for permanent measures to control soil erosion and sedimentation.

C. 4:24-50 County planning board to act as agent for district; guidelines.

12. In those counties where the district does not maintain its central office, the board of freeholders may, by resolution, direct the county planning board to act as an agent of the district within that county and to administer the powers granted to the district pursuant to this act, until such time as a district is established within that county. The committee shall establish guidelines to implement this section.

C. 4:24-51 Cooperation with Federal, State and local agencies; authorization to receive financial assistance.

13. The districts and the committee are authorized to cooperate and enter into agreements with any Federal, State or local agency to carry out the purposes of this act. The districts and the committee are authorized to receive financial assistance from any Federal, State, county or other public or private source for use in carrying out the purposes of this act.

C. 4:24-52 Authorization to make grants of State aid.

14. The committee is authorized to make grants of State aid to districts and to municipalities to carry out the purposes of this act.

C. 4:24-53 Violation of act; injunctive relief; penalty enforcement.

15. If any person violates any of the provisions of this act, any standard promulgated pursuant to the provisions of this act, or fails to comply with the provisions of a certified plan the municipality or the district may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation or violations and said court may proceed in a summary manner. Any person who violates any of the provisions of this act, any standard promulgated pursuant to this act or fails to comply with the provisions of a certified plan shall be liable to a penalty of not less than $25.00 nor more than $3,000.00 to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). The Superior Court, County Court,

county district court and municipal court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.

C. 4:24-54 Construction of act.

16. This act shall be liberally construed to effectuate the purpose and intent thereof.

C. 4:24-55 Partial invalidity.

17. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

18. This act shall take effect on January 1, next following its enactment except that sections 4 and 18 shall take effect immediately.

Approved November 12, 1975.

CHAPTER 252

AN ACT to amend the "Motor Vehicle Security-Responsibility Law," approved May 10, 1952 (P. L. 1952, c. 173).

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

1. Section 3 of P. L. 1952, c. 173 (C. 39:6–25) is amended to read as follows:

C. 39:6-25 Security to satisfy judgments, damages or claims; suspension of license; inapplicability; requirements for insurance or surety company.

3. (a) If 20 days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of $200.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment

of an agreed amount in installment with respect to all claims for injuries or damages resulting from the accident, and in the event of an accident involving an automobile, required to have coverage for personal injury protection benefits pursuant to P. L. 1972, c. 70, has also reimbursed or has executed a duly acknowledged written agreement to pay an agreed amount in installments to reimburse the Unsatisfied Claim and Judgment Fund for the payment of all personal injury protection benefits the fund has made or shall make pursuant to section 7 or section 10 of P. L. 1972, c. 198 (C. 39:6–86.1 and C. 39:6–86.4) by reason of the failure of such person to have the requisite insurance coverage in effect, the director shall determine the amount of security which may be necessary in his judgment to satisfy any reimbursement, judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner in view of the total insurance protection available to the injured party. The Director of Motor Vehicles shall promulgate such rules as may be necessary to set forth those instances where deposit of security is necessary.

(b) The director may, within 90 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this State, and if such owner is a nonresident the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided, notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions 1, 2 or 3 of subsection (c) of this section, he may take appropriate action as hereinbefore provided, within 90 days after receipt by him of correct information with respect to said matters.

(c) This section shall not apply under the conditions stated in section 4 of this act nor:

(1) To such operator or owner, if such owner had in effect, at the time of such accident, an automobile liability policy with respect to the motor vehicle involved in such accident;

(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile

liability policy or bond with respect to his operation of motor vehicles not owned by him;

(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

(4) To any person qualifying as a self-insurer under section 30 of this act, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $15,000.00 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than $30,000.00 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $5,000.00 because of injury to or destruction of property of others in any one accident and if policy or bond is applicable to an automobile required to have coverage for personal injury protection benefits pursuant to P. L. 1972, c. 70, it shall include an amount to cover personal injury protection benefits as required by that act.

2. This act shall take effect immediately.

Approved November 13, 1975.

CHAPTER 253

AN ACT to amend and supplement "The New Jersey Economic Development Authority Act," approved August 7, 1974 (P. L. 1974, c. 80).

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

1. Section 2 of P. L. 1974, c. 80 (C. 34:1B–2) is amended to read as follows:

C. 34:1B-2 Legislature's findings and determinations.

The Legislature hereby finds and determines that:

a. Department of Labor and Industry statistics of recent years indicate a continuing decline in manufacturing employment within the State which is a contributing factor to the drastic unemployment existing within the State, which far exceeds the national average, thus adversely affecting the economy of the State and the prosperity, safety, health and general welfare of its inhabitants and their standard of living; that there is an urgent need to protect and enhance the quality of the natural environment and to reduce, abate and prevent environmental pollution derived from the operation of industry, utilities and commerce within the State; and that the availability of financial assistance and suitable facilities are important inducements to new and varied employment promoting enterprises to locate in the State, to existing enterprises to remain and expand in the State, and to industry, utilities and commerce to reduce, abate and prevent environmental pollution.

b. The provision of buildings, structures and other facilities to increase opportunity for employment in manufacturing, industrial, commercial, recreational, retail and service enterprises in the State is in the public interest and it is a public purpose for the State to induce and to accelerate opportunity for employment in such enterprises.

c. In order to aid in supplying these needs and to assist in the immediate reduction of unemployment and to provide sufficient employment for the citizens of the State in the future, it is necessary and in the public interest to aid and encourage the immediate commencement of new construction projects of all types, to induce and facilitate the acquisition and installation at an accelerated rate

of such devices, equipment and facilities as may be required to reduce, abate and prevent environmental pollution by industry, utilities and commerce.

d. The availability of financial assistance by the State will reduce present unemployment and improve future employment opportunities by encouraging and inducing the undertaking of such construction projects, the location, retaining or expanding of employment promoting enterprises within the State, and the accelerated acquisition and installation of pollution control devices, equipment and facilities.

The Legislature further determines that in order to aid in remedying the aforesaid conditions and to further and implement the purposes of this act, that there shall be created a body politic and corporate having the powers, duties and functions provided in this act and that the authority and powers conferred under this act and the expenditure of moneys pursuant thereto constitutes a serving of a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and for the public benefit and good and is hereby so declared to be as a matter of express legislative determination.

2. Section 3 of P. L. 1974, c. 80 (C. 34:1B–3) is amended to read as follows:

C. 34:1B-3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

a. "Authority" means the New Jersey Economic Development Authority, created by section 4 of this act.

b. "Bonds" means bonds or other obligations issued by the Authority pursuant to this act.

c. "Cost" means the cost of the acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities, or other improvement; the cost of machinery and equipment, the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of pollution control devices, equipment or facilities; the cost of lands, rights-in-lands, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient for any project or in connection therewith, discount on bonds, costs of issuance of bonds, engineering and inspection costs, cost of financial, legal, professional and other

estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

d. "County" means any county of any class.

e. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons. "Person" shall include the plural as well as the singular.

f. "Pollution control project" means any device equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or the refinancing thereof in order to facilitate improvements or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, thermal pollution control facility, radiation contamination control facility, waste water collection system, waste water treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site; provided that the authority shall have received from the Commissioner of the State Department of Environmental Protection or his duly authorized representative, a certificate stating the opinion that, based upon information, facts and circumstances available to the State Department of Environmental Protection and any other pertinent data, (1) said pollution control facilities do not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority within any political subdivision, and (2) that such facilities, as designed, will be a pollution control project as defined in this act and are in furtherance of the purpose of abating or controlling pollution.

g. "Project" means (1) (a) acquisition, construction, reconstruction, repair, alteration, improvement and extension of any

building, structure, facility including water transmission facilities or other improvement, whether or not in existence or under construction, (b) purchase and installation of equipment and machinery, and (c) improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities, all of which are to be used or occupied by any person in any enterprise promoting employment, either for the manufacturing, processing or assembly of materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises; or any combination of the above, which the authority determines will (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (2) the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of a pollution control project which the Authority determines will tend to reduce, abate or prevent environmental pollution within the State. Project may also include reimbursement to any person for costs in connection with any project, or the refinancing of any project or portion thereof, if determined by the authority as necessary and in the public interest to maintain employment and the tax base of any political subdivision and will facilitate improvements thereto or the completion thereof; but shall not include raw materials, work in progress or stock in trade.

h. "Revenues" means receipts, fees, rentals or other payments to be received on account of lease, mortgage, conditional sale, or sale and payments and any other income derived from the lease, sale or other disposition of a project, moneys in such reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, established in connection with the issuance of bonds or notes for a project or projects, and fees, charges or other moneys to be received by the authority in respect of projects and contracts with persons.

i. "Resolution" means any resolution adopted or trust agreement executed by the authority pursuant to which bonds of the authority are authorized to be issued.

3. Section 6 of P. L. 1974, c. 80 (C. 34:1B–6) is amended to read as follows:

C. 34:1B-6 Application for assistance; finding and determination; resolution.

6. A copy of any application for assistance under this act received by the authority shall be submitted to, and for the review and advice of, the Director of the Division of Economic Development. Prior to making any commitment for such assistance, the authority, after consultation with the director of said division shall by resolution duly adopted, find and determine, on the basis of all information reasonably available to it, that such assistance will tend to maintain or provide gainful employment for the inhabitants of the State or will eliminate and reduce environmental pollution derived from the operation of industry, utilities and commerce and improve living conditions, and shall serve a public purpose by contributing to the prosperity, health and general welfare of the inhabitants of the State and will tend to aid and assist in the economic growth, development or redevelopment of the political subdivision wherein it is to be located, and such finding and determination shall be conclusive for all purposes of this act.

The authority shall also find and determine, on the basis of all information reasonably available to it, that such assistance, or any part thereof, used to construct, improve or refinance any pollution control facility as defined by this act will not impair any obligation undertaken by any County Industrial Pollution Control Financing Authority created pursuant to P. L. 1973, c. 376 (C. 40:37C–1 et seq.).

4. Section 12 of P. L. 1974, c. 80 (C. 34:1B–12) is amended to read as follows:

C. 34:1B-12 Covenants with bondholders.

12. In order to secure the payment of such bonds and in addition to its other powers, the authority shall have power by resolution to covenant and agree with the several holders of such bonds, as to:

a. The custody, security, use, expenditure or application of the proceeds of the bonds;

b. The use, regulation, operation, maintenance, insurance or disposition of all or any part of any project or projects;

c. Payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank

or priority of any such bonds or obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;

d. The use and disposition of any moneys of the authority, including all revenues or other moneys derived or to be derived from any project or projects;

e. Pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the authority to secure the payment of the principal of or interest on the bonds or any other obligations and the powers and duties of any trustee with regard thereto;

f. The setting aside out of the revenues or other moneys of the authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

g. The rents, fees or other charges for the use of any project or projects, including any parts thereof theretofore constructed or acquired and any parts, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same;

h. Limitation on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the authority;

i. Vesting in a trustee or trustees, fiscal or escrow agent or agents within or without the State such property, rights, powers and duties in trust as the authority may determine and limiting the rights, duties and powers of such trustee or agent;

j. Payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the resolution or of any covenant or contract with the holders of the bonds;

k. The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or

l. Any other matter or course of conduct which, by recital in the resolution, is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of the resolution and all such covenants and agreements shall constitute valid and legally-binding contracts between the authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by appropriate action, suit or pro-

ceeding in any court of competent jurisdiction, or by proceeding in lieu of prerogative writ.

C. 34:1B-20 Power of counties to enter into contracts with authority; resolution; powers for financial aid.

5. (New section.) a. Any county, by resolution of its governing body, shall have power to enter into contracts with the authority relating to any project or projects situated within the county; provided, however, that any such resolution shall be introduced in writing at a meeting of the governing body and shall be passed upon first reading which may be by title, and thereafter, the resolution shall be published with notice of the introduction thereof and of the date, time and place of further consideration for final passage, and on the date and at the time and place so advertised, all persons interested shall be given the opportunity to be heard and after such hearing, the governing body may proceed to reject or finally adopt the resolution by the recorded affirmative votes of at least two-thirds of the full membership of the governing body; and provided, further, that such resolution shall contain findings and determinations of the governing body (1) that the project will maintain employment opportunities in such county or provide new employment opportunities in such county and (2) that the contract with the authority is a necessary inducement to the undertaking of such project in that it makes the financing thereof feasible. Such contract or contracts may provide for the payment to the authority by such county annually or otherwise of such sum or sums of money, computed at fixed amounts or by any formula, or in any other manner as may be fixed in or pursuant thereto. Any such contract may be made and entered into for a term beginning currently or at some future or contingent date and with or without consideration and for a specified or unlimited time and on any terms and conditions which may be approved by such county and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds, and shall be valid and binding on such county whether or not an appropriation is made thereby prior to authorization or execution of such contract. Every such county is hereby authorized and directed to do and perform any and all acts and things necessary, convenient or desirable to carry out and perform any such contract entered into by it and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such county.

b. For the purpose of aiding the authority and cooperating in the planning, designing, acquiring, constructing, reconstructing,

improving, equipping and furnishing of any project situate in any county, any such county, by ordinance of its governing body, shall have power from time to time and for such period and upon such terms, with or without consideration, as may be provided by such ordinance and accepted by the authority (1) to appropriate moneys for the purposes of the authority with respect to such project, and to loan or donate such money to the authority in such installments and upon such terms as may be agreed upon with the authority, (2) upon authorization by it in accordance with law of the performance of any act or thing which it is empowered by law to authorize or perform and after appropriation of the moneys, if any, necessary for such performance, to covenant and agree with the authority to do and perform such act or thing and as to the time, manner and other details of its doing and performance, and (3) to appropriate money for all or any part of the cost of the acquisition or construction of such project, and, in accordance with the limitations and exceptions thereto and in the manner or mode of procedure prescribed by the local bond law to incur indebtedness, borrow money and issue its negotiable bonds for the purpose of such project and appropriation, and to pay the proceeds of such bonds to the authority.

c. Any contract, and any instrument making or evidencing the same, may be pledged or assigned by the authority, with the consent of the county executing such contract, to secure its bonds and thereafter may not be modified except as provided by the terms of such instrument or by the terms of such pledge or assignment.

C. 34:1B-21 Authority's property; exemptions.

6. (New section) All property of an authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by the authority on or with respect to any project or any revenues or other moneys.

7. This act shall take effect immediately.

Approved November 25, 1975.

CHAPTER 254

AN ACT concerning the fair apportionment of the loss of real estate taxes by a single municipality caused by the forced location therein of sewerage plant facilities which serve many other municipalities within the Passaic Valley Sewerage District and amending R. S. 58:14–15.

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

1. R. S. 58:14–15 is amended to read as follows:

Annual apportionment of cost of maintenance, repair and operation.

58:14–15. The cost of maintenance, repair and operation of said sewer, plant and works shall, by the terms of the contract, be apportioned annually to the respective municipalities entering into the contract, according to the amount of sewage delivered or discharged by them respectively into any sewer or other receptacle provided or constructed by the commissioners for the reception of the same.

Included in the cost of operation shall be a sum equal to the loss of real estate tax revenues experienced by any municipality by reason of the location therein of a sewer plant serving other municipalities. The moneys received by the commissioners for this cost of operation shall annually be paid by them to the municipality in which the sewer plant is located. In determining the annual lost real estate taxes the commissioners shall assume that but for the use of the subject lands for public purposes by the commission, the lands would have been fully developed at their highest use under the municipality's zoning regulations then existing for the area in question.

2. This act shall take effect immediately.

Approved November 25, 1975.

CHAPTER 255

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1. Section 99 of P. L. 1972, c. 154 (C. 40:41A–99) is amended to read as follows:

C. 40:41A-99 Meetings of board; journal.

99. Meetings of board; journal. The board of freeholders shall by ordinance or resolution designate the time of holding regular meetings, which shall be at least monthly. All meetings of the board of freeholders shall be held at the county seat, except that meetings may upon resolution of the board be held at such other times and places as the board may deem fit. The county executive, or supervisor or board chairman or president may, and upon written request of a majority of the members of the board, shall, call a special meeting of the board. In the call he shall designate the purpose of the special meeting and not any other business shall be considered.

The clerk to the board shall keep a journal of the board's proceedings and record, sign and present to the board for approval, the minutes of every meeting. All official action or votes of the board shall be taken at meetings open to the public.

2. Section 125 of P. L. 1972, c. 154 (C. 40:41A–125) is amended to read as follows:

C. 40:41A-125 Adoption of the administrative code.

125. Adoption of the administrative code. Any time after 60 days from the date of the organization of the first board of chosen freeholders elected under this act, the board of chosen freeholders shall adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the constitution or shall diminish the duties, responsibilities or powers of any elected or appointed head of the executive branch or chief assistant thereto or chief or county administrator.

3. Section 126 of P. L. 1972, c. 154 (C. 40:41A–126) is amended to read as follows:

C. 40:41A-126 Effective date of administrative code.

126. Effective date of administrative code. The administrative code shall enter into effect 30 days after its adoption, but not later than May 1 following the organization of the first board of chosen freeholders elected under this act, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

4. Section 128 of P. L. 1972, c. 154 (C. 40:41A–128) is amended to read as follows:

C. 40:41A-128 Appointments between election and time of taking office under optional plan; pending actions and proceedings.

128. Appointments between election and time of taking office under optional plan; pending actions and proceedings.

a. No subordinate board, department, body, office, position or employment shall be created and, except in the case of positions created by this act, no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, without limitation, between the date of election of officers and the effective date of the administrative code; except that such temporary appointments may be made as shall be deemed necessary for the continuation of government services or as may be required by emergency situations, which situations shall be identified in a resolution adopted by the board of freeholders; provided, however, that all such temporary appointments shall terminate on the date that the administrative code takes effect. Nothing in this subsection shall be construed as limiting the discretion of the appointing authority to reappoint, on a permanent basis, any person whose temporary appointment terminates on the effective date of the administrative code.

b. All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

5. Section 129 of P. L. 1972, c. 154 (C. 40:41A–129) is amended to read as follows:

C. 40:41A-129 Employees in the classified service.

129. Employees in the classified service. On the effective date of the administrative code, all officers and employees in the classified service of the county shall be transferred to the department, division or agency to which the functions, powers or duties in which they were engaged are allocated under the administrative code. Such transfer shall be without examination or diminution of existing compensation, pension or retirement rights, privileges or obligations of any such officer or employee. It is the intent of the Legislature that the adoption of any plan found in this charter shall not adversely affect the civil service tenure, pension, seniority or promotional rights of any county officer or employee in the classified service.

6. This act shall take effect immediately.

Approved November 26, 1975.

CHAPTER 256

AN ACT concerning elections and amending R. S. 19:32–1 and R. S. 19:45–7.

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

1. R. S. 19:32–1 is amended to read as follows:

Establishment of office; appointment by Governor with advice and consent of Senate; term; salary; vacancy.

19:32–1. The office of superintendent of elections in counties of the first class in which such office has previously been established is continued and in those counties of the first class in which such office has not been previously established, is hereby established. The offices shall be filled by some suitable persons who shall be nominated by the Governor with the advice and consent of the Senate and who shall hold office for the term of 5 years from the date of appointment and until their successors are appointed and have qualified. Each superintendent shall receive a salary of not less than $7,500.00 or more than $10,000.00 per annum as the board of freeholders of such county shall determine, to be paid by the county treasurer. The persons so appointed shall have their offices

in the counties for which they are appointed. Vacancies shall be filled in the same manner as original appointments, but shall be for the unexpired term only.

2. R. S. 19:45–7 is amended to read as follows:

Members of county boards; commissioner of registration; compensation.

19:45–7. The compensation of the members of the several county boards shall be as follows:

County Population	Minimum Salary	Maximum Salary
Over 600,000	$6,500.00	$8,700.00
200,000 to 600,000	$4,500.00	$6,000.00
150,000 to 200,000	$3,400.00	$4,500.00
115,000 to 150,000	$2,800.00	$3,700.00
55,000 to 115,000	$2,400.00	$3,200.00
Less than 55,000	$2,100.00	$2,800.00

provided, however, that any increases herein granted shall be effected only upon the approval of the board of chosen freeholders in the county affected.

The compensation fixed and determined under any of the foregoing classifications shall include all services rendered by any county board in conducting all elections, and in connection with any recount or recheck after any such election.

The members of the county board in counties other than counties of the first class and in counties of the first class not having a superintendent of elections who shall be elected as chairman and secretary thereof and who shall perform the duties of chairman and secretary thereof shall each receive an additional compensation of one-half of the compensation of the individual members of the board.

The commissioner of registration in a county of the first class having a superintendent of elections shall receive not less than $7,500.00 nor more than $10,000.00, as shall be determined by the county board of freeholders, for services performed as such commissioner of registration, and the commissioner of registration in a county of the second class having a superintendent of elections shall receive $2,500.00 per annum for services performed as such commissioner of registration, and for such services performed by a commissioner of registration in a county not having a superintendent of elections additional compensation shall be paid to such commissioner in an amount equal to 50% of his salary as member and secretary of the county board. In counties of the second class

and in counties of the first class not having a superintendent of elections where a member of the county board serves as commissioner of registration, he shall receive no additional compensation for the perfomance of his duties as such commissioner unless he shall devote his full time to the performance of his duties as member of the county board, secretary thereof, and commissioner of registration. "Full time" as here used means such time as is duly required of employees in the office of the county board.

3. This act shall take effect immediately.

Approved December 1, 1975.

CHAPTER 257

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154) and R. S. 11:22–2.

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

1. Section 37 of P. L. 1972, c. 154 (C. 40:41A–37) is amended to read as follows:

C. 40:41A-37 Powers of county executive.

37. Powers. The county executive:

a. Shall supervise, direct and control all county administrative departments;

b. With the advice and consent of the board, shall appoint the administrator, the heads of departments and, if so provided in the administrative code, of any designated divisions within such departments, and the members of all county boards, commissions and authorities;

c. May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county executive has power of appointment in accordance with the provisions of section 87 b.;

d. May, at his discretion, but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to department heads powers of appointment and removal of their departmental employees. If the county executive does not so

delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the administrative code, and the manner of whose appointment is not specified elsewhere in this article;

e. May require reports and examine the accounts, records and operations of any agency of county government;

f. May at his discretion order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration of the county government to do so;

g. Shall approve each ordinance of the board by signing it, or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his objections to the ordinance. If two-thirds of the full membership of the board, upon reconsideration of the measure, shall vote for it, the executive's veto shall be overridden and the ordinance shall become law without the executive's signature in accordance with the provisions of law.

2. Section 51 of P. L. 1972, c. 154 (C. 40:41A–51) is amended to read as follows:

C. 40:41A-51 Powers of county manager.

51. Powers. The county manager:

a. Shall supervise, direct and control all county administrative departments;

b. Shall appoint the deputy manager, if that position is created by the board, the heads of all county departments and, if so provided in the administrative code, of any designated divisions within such departments, and all other administrative officers and county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county manager has power of appointment in accordance with the provisions of section 87 b.;

d. May, at his discretion, but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to any department head powers of appointment and removal of their departmental employees. If the county manager does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been

created in accordance with the administrative code, and the manner of whose appointment is not specified elsewhere in the article;

e. May require reports and examine the accounts, records and operations of any agency of county government;

f. May, at his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so.

3. Section 65 of P. L. 1972, c. 154 (C. 40:41A–65) is amended to read as follows:

C. 40:41A-65 Powers of county supervisor.

65. Powers. The county supervisor shall:

a. Insure adequate supervision, direction and control of all county administrative departments, and care and maintenance of all county properties, institutions and agencies by the county administrator;

b. With the advice and consent of the board, appoint members of boards, commissions and authorities, and all other officials whose manner of appointment is not prescribed elsewhere in this article;

c. At his discretion, remove or suspend anyone occupying one of the offices over which the county supervisor has power of appointment in accordance with the provisions of section 87 b.;

d. At his discretion, require from the county administrative officer reports, and examine the accounts, records and operations of any agency of county government;

e. At his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so;

f. Approve each ordinance of the board by signing it, or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his objections to the ordinance. If two-thirds of the full membership of the board, upon reconsideration of the measure, shall vote for it, the supervisor's veto shall be overridden and the ordinance shall become law without the supervisor's signature in accordance with the provisions of law.

4. Section 71 of P. L. 1972, c. 154 (C. 40:41A–71) is amended to read as follows:

C. 40:41A-71 Powers of administrative officer.

71. Powers. The administrative officer shall:

a. Supervise, direct and control all county administrative departments;

b. Appoint the heads of all county departments and, if so provided in the administrative code, of any designated divisions within such departments, and all other county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. At his discretion, remove or suspend any official in the unclassified service of the county over whose office the administrative officer has power of appointment in accordance with the provisions of section 87 b;

d. At his discretion, but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to any department head powers of appointment and removal of their departmental employees. If the administrative officer does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the administrative code;

e. At his discretion, require reports and examine the accounts, records and operation of any agency of county government;

f. May, at his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so.

5. Section 78 of P. L. 1972, c. 154 (C. 40:41A–78) is amended to read as follows:

C. 40:41A-78 Powers of board president.

78. Powers. The board president shall:

a. Insure adequate supervision, direction and control of all county administrative departments, and care and maintenance of all county properties, institutions and agencies by the administrative officer;

b. With the advice and consent of the board, appoint all members of boards, commissions and authorities, and all other officials not serving in the administrative service of the county the manner of whose appointment is not prescribed elsewhere in this article;

c. Serve as an ex-officio nonvoting member of all appointive bodies in county government;

d. At his discretion, require from the administrative officer reports and examine the accounts, records and operations of any agency of county government;

e. At his discretion, remove or suspend anyone occupying one of the offices specified in subsection b. of this section subject to the procedures set forth in section 87 b. of this act.

6. Section 85 of P. L. 1972, c. 154 (C. 40:41A–85) is amended to read as follows:

C. 40:41A-85 Powers of administrative officer.

85. Powers. The administrative officer shall:

a. Supervise, direct and control all county administrative departments;

b. Appoint the heads of all county departments and, if so provided in the administrative code, of any designated divisions within such departments, with the advice and consent of the board of freeholders, and appoint all other county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. At his discretion, remove or suspend any official in the unclassified service of the county over whose office the administrative officer has power of appointment, in accordance with the provisions of section 87 b.;

d. At his discretion, but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to any department head powers of appointment and removal of his departmental employees. If the administrative officer does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the administrative code, and the manner of whose appointment is not specified elsewhere in this article;

e. At his discretion, require reports and examine the accounts, records and operations of any agency of county government;

f. At his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for proper and efficient administration to do so.

7. R. S. 11:22–2 is amended to read as follows:

Persons included; not subject to provisions of subtitle.

11:22–2. The unclassified service shall not be subject to the provisions of this subtitle and shall include the following:

a. Officers elected by popular vote;

b. Members of district boards of elections; employees in voting machine departments and the chief deputy, chief clerk, secretary, clerical and other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties of the first class having less than 800,000 inhabitants, and by the county boards of elections in all other counties and such of said officers, assistants and employees as are appointed by superintendents of elections in counties of the first class having more than 800,000 inhabitants to serve for terms of 6 months or less in any 1 year;

c. Appointments of the mayor;

d. Heads of municipal departments, the members of commissions and boards elected by the board of aldermen, common council or other governing body of any county, municipality or school district operating under this subtitle;

e. Heads of such county departments as shall be designated by the board of chosen freeholders, which departments shall not exceed 12 in number, and if so provided in the administrative code of any county organized pursuant to any of the plans contained in the Optional County Charter Law (P. L. 1972, c. 154, C. 40:41A–1 et seq.), the heads of any designated divisions within such departments; provided, however, that the total number of positions created pursuant to this subsection shall not exceed 20 in number;

f. Law officers of a county, municipality or school district operating under this subtitle;

g. Teaching staff members, as defined in N. J. S. 18A:1–1, in the public schools and county superintendents and members and business managers of boards of education;

h. Police magistrates appointed by the mayor or other head officer of the municipality operating under this subtitle;

i. Officers and employees of county park commissioners in counties of the second class appointed under the provisions of sections 40:37–96 to 40:37–174 of the Title, Municipalities and Counties;

j. The superintendent of a county hospital for persons suffering from communicable diseases appointed under the provisions of R. S. 30:9–61 and 30:9–69; and

k. The deputy or first assistant of principal executive officers authorized by law to act generally for and in place of his principal;

l. The legal assistants of the law department of the counties, municipalities or school districts operating under this subtitle except as herein otherwise provided;

m. One secretary, clerk or executive director of each department, appointed board or commission authorized by law to appoint a secretary, clerk or executive director;

n. One secretary or confidential aide, if so provided in the administraive code of any county organized pursuant to any of the plans contained in the Optional County Charter Law, to be appointed by each head of any county department or of any designated division within such department, when the head of any such division is an unclassified position;

o. One private secretary or clerk or stenographer of each judge or principal executive officer;

p. All officials of county or municipal institutions who must of necessity be physicians;

q. Offices or positions whose incumbents by specific statute serve for fixed terms, or whose incumbents by specific statute serve at the pleasure of the appointing authority;

r. One council secretary to the municipal council appointed by the council in any city of the first class with a population of less than 300,000; and

s. Such other officers and positions not now included in the unclassified service by this section or by any other statute, as the Civil Service Commission shall, from time to time, determine, according to law, to be in the unclassified service.

8. This act shall take effect immediately.

Approved December 9, 1975.

CHAPTER 258

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 181 of P. L. 1948, c. 67 (C. 17:9A–181) is amended to read as follows:

C. 17:9A-181 Mortgage loans.

181. Mortgage loans.

A. 1. A savings bank may make or invest in mortgage loans in the manner and subject to the limitations prescribed by this section. For the purposes of this section, "mortgage loan" shall include every indebtedness secured by mortgage on real property, or on a lease of the fee of real property (in any case in which such lease is lawful security for such mortgage loan), except as otherwise provided by subsection Q of this section, and a savings bank shall be deemed to have made a mortgage loan when

(a) It lends or participates in lending money to a borrower upon the security of real property; or

(b) It acquires, by purchase or otherwise, a mortgage loan or any share or part of or interest in a mortgage loan which is not subordinate to any share or part thereof or interest therein held by any other person.

A savings bank may sell, assign or otherwise dispose of a share or part of or interest in a mortgage loan held by it to any other person.

A. 2. For all purposes of compliance with the applicable provisions and restrictions of subsections D, E, F and G of this section as to the percentage of the mortgage loan to the appraised value of the mortgaged property, and the term of and rate of amortization of such loan, the date of the acquisition by a savings bank of a mortgage loan or a share or part thereof or interest therein shall, as respects such savings bank, be deemed to be the date as of which the mortgage loan was made and the unpaid amount of the principal then due shall be deemed to be the amount of such mortgage loan.

B. No savings bank shall make a mortgage loan at any time when the total cost of acquisition by the savings bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the savings bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceeds, or by the making of such loan will exceed, 80% of its deposits. For the purposes of this subsection, principal balances owing on mortgage loans made pursuant to subsection Q (1) of this section shall, only to the extent of the unguaranteed portion of such balances, and loans made pursuant to subsection Q (2) of this section shall, only to the extent of 50% of such balances, be included in the total of all principal balances owing to the savings bank on mortgage loans; and for the purposes

of this subsection, principal balances owing on mortgage loans made by the use of funds received by the bank pursuant to the provisions of the "New Jersey Mortgage Finance Agency Law," (P. L. 1970, c. 38, C. 17:1B–4 et seq.), shall, only to the extent of 50% of such balances, be included in the total of all principal balances, owing to the savings bank on mortgage loans.

C. Every mortgage loan shall be evidenced by a note or bond, and shall be secured by a mortgage on the fee of real property located within this State, or, if outside this State, upon the fee of real property located within 50 miles of the border of this State. Every mortgage shall be certified to be a first lien by an attorney at law of the state in which the real property is located, or certified or guaranteed to be a first lien by a corporation authorized to guarantee titles to land in such state. For the purposes of this section, a mortgage shall be deemed to be a first lien, notwithstanding the existence of a prior mortgage or mortgages held by the savings bank, or a lien for current taxes or assessments not due or payable at the time the loan is made, and notwithstanding the existence of leases, building restrictions, easements, encroachments, or covenants which, in the opinion of an officer of the savings bank designated for that purpose by the board of managers, do not materially lessen the value of the real property to be mortgaged.

D. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is one or more one-family dwellings including appropriate garages or other outbuildings, if any, or upon which such dwelling or dwellings, garages or outbuildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed (a) 75% of the appraised value of the real property, or 2% of the deposits of the savings bank, whichever is lesser; or (b) 80% of the appraised value of the real property, or $35,000.00, whichever is lesser; or (c) 90% of the appraised value of the real property, or $25,000.00, whichever is lesser, provided that the dwelling or dwellings are not more than 10 years old.

E. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is one or more two-, three-, or four-family dwellings including appropriate garages or other outbuildings, if any, or upon which such a dwelling or dwellings and appropriate garages or other outbuildings are in the course of construction or are to be constructed, the amount of the mortgage loan shall not exceed 80% of the first $30,000.00 of the appraised

value of the real property, plus 50% of the excess, if any, of such appraised value over $30,000.00.

F. The instrument evidencing a mortgage loan made pursuant to either subsection D or subsection E of this section shall require that

(1) interest shall be paid on such loan monthly, and that equal monthly payments be made in reduction of such loan of an annual rate equal to at least 3⅓% of the original amount of such loan; or

(2) that a constant sum be paid monthly in an amount sufficient for current interest and for the payment of the loan in full in not more than 40 years and 1 month from the making of such loan.

G. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a building or buildings other than dwellings of the nature described in subsections D and E of this section, or upon which such other buildings are in the course of construction or are to be constructed, or when such land is paved for parking lot purposes, the amount of the mortgage loan shall not exceed 75% of appraised value of such real property. The instrument evidencing a mortgage loan made pursuant to this subsection shall require that the loan be repaid in full in not more than 25 years and 1 month from the date it is made; and (a) if the amount of such loan, when made, exceeds 50% of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least 1% of the original amount of such loan; or (b) if the amount of such loan, when made, does not exceed 50% of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least ½% of the original amount of such loan. When, however, the amount of such loan does not, when made, exceed 50% of the appraised value of such real property, and the instrument evidencing such loan requires that it be paid in full in not more than 5 years and 1 month from the date it is made, the instrument need not require that any payment be made in reduction of such loan prior to its maturity date. Notwithstanding the limitations prescribed by subsections D and E and hereinabove in this section, a savings bank may make a mortgage loan secured by a lot of land or two or more lots of land, contiguous or not, upon each of which there is a building or buildings, or upon each of which a building or buildings are in the course of construction or are to be constructed. The limitations of this section governing the term of the loan, rate of amortization, and the percentage of the mortgage loan to the appraised value of each type

of building, including land, shall apply. No loan shall be made under subsections D, E, F or G hereof to any one person or on any one property if the loan shall exceed 15% of the surplus and reserves of the savings bank, or $50,000.00, whichever is greater.

H. When the real property offered as security for a mortgage loan is of the nature described in subsection D or E of this section, and the amount of the loan does not exceed 66⅔% of the appraised value of such real property, the instrument evidencing such loan shall be sufficient if it conforms to the requirements of either subsection F or subsection G of this section.

I. A mortgage loan may be made for the purpose of enabling a borrower to construct a building or buildings upon real property owned by him, and, in such a case, the appraised value of the real property shall include the value of the building or buildings to be constructed, but at no time shall a greater sum be advanced on account of such loan than, in the opinion of (1) the appraisers hereinafter provided for, or (2) one of such appraisers and an officer of the savings bank designated for that purpose by the board of managers, is warranted by the state of completion of the buildings in process of construction. For the purposes of compliance with the applicable requirements of subsection F or G of this section as to the term of and the rate of amortization of a loan made pursuant to this section, such loans shall be deemed to have been made when the final advance shall be made to the borrower on such loan, or 18 months from the date of the mortgage securing such loan, whichever is earlier.

J. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are not to be used to construct a building on such land, the amount of such loan shall not exceed 40% of the appraised value of such real property. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are to be used for improvements to the land, the amount of such loan shall not exceed 75% of the appraised value of such real property. The instrument evidencing a loan made pursuant to this subsection shall require that such loan be paid in full in not more than 10 years and 1 month from the date it is made. No loan made pursuant to this subsection shall exceed $10,000.00, or 1/10 of 1% of the deposits of the savings bank, whichever is greater; nor shall any loan be made at any time when the total of all such loans exceeds, or if the making of such loan would cause such total to exceed 1% of the deposits of the savings bank.

K. No mortgage loan shall be made except upon a written certification signed by at least two persons, each of whom shall be either a manager of the bank or an appraiser appointed by its board of managers. In the case of a mortgage loan secured by a mortgage upon real property, such certification shall state the opinion of such persons as to the value of the land and the improvements thereon or to be erected thereon and the character of such improvements. In the case of a mortgage loan secured by a mortgage upon a lease of the fee of real property, such certification shall state the opinion of such persons as to the value of the leasehold interest to be subject to the mortgage, including the leasehold interest in the improvements erected or to be erected upon the leased property and the character of such improvements. Such certification shall be filed with the records of the bank, and shall be preserved until the savings bank has no interest, as mortgagee or otherwise, in the real property.

L. Purchase money mortgage loans made by a savings bank on the sale of real property owned by it shall not be subject to the preceding subsections or to subsection P of this section, except that such loans shall be included in determining whether the total amount of mortgage loans held by a savings bank exceeds 80% of its deposits.

M. No savings bank shall make a mortgage loan secured by a mortgage upon a lease of the fee of real property unless

(1) the leased property is located within this State or, if outside this State, the leased property is located within 50 miles of the border of this State;

(2) the leased property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of such loan shall be used for the purpose of erecting improvements thereon;

(3) the mortgage securing such loan shall constitute a first lien on a lease of the fee of real property, which fee is not subject to any prior lien; the fee shall be deemed not subject to any prior lien notwithstanding the existence of liens of taxes which are not delinquent, building restrictions or other restrictive covenants or conditions, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments, which the persons signing the certificate provided for in subsection K of this section report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney at law of the state in which the real property is

located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such state;

(4) such loan shall not exceed 66⅔% of the appraised value of the leasehold interest subject to the mortgage, including the leasehold interest in the improvements erected upon the mortgaged property, or to be erected thereon wholly or partly with the proceeds of the mortgage loan; and

(5) the instrument evidencing the loan shall require that payment be made on account of the principal amount of such loan at an annual rate sufficient to repay such loan not later than 1 year prior to the expiration of the lease.

N. The instrument evidencing a mortgage loan may be in such form, and may contain such provisions, not inconsistent with law, as the savings bank may choose to insert for the protection of its lien and the preservation of its interest in the real property mortgaged to it.

O. Notwithstanding the limitations prescribed by the preceding subsections or by subsection P of this section, a savings bank may

(1) for the purposes of preventing or mitigating loss, or of preserving the lien of its mortgage, or of conserving the value of the real property affected by its mortgage, (a) extend the time for the payment of principal or interest, (b) modify or waive any of the terms or conditions of the instrument evidencing a mortgage loan, (c) settle or compromise all or part of the amount due or to grow due on a mortgage loan, (d) sell or assign the mortgage loan, or a share or part thereof or interest therein, for such consideration as it shall deem proper, and (e) advance funds for the payment of any tax, lien, charge or claim whatsoever; and

(2) make a loan in addition to an existing mortgage loan or loans held by it, upon the security of the same real property and secured by the existing mortgage or mortgages, in an amount not to exceed the difference between the balance due on the existing mortgage or mortgages and the original amount thereof, or the sum of $10,000.00, whichever is less; provided, however, that no such additional loan shall be made which shall increase the total amount due upon such mortgages over the amount which could be loaned upon the security of such real property. Such additional loan shall be repaid in equal monthly installments, beginning within 1 year from the date of such loan, with the payments adjusted so that the additional loan shall be repaid in full either before or at the maturity of the existing mortgage. If the unexpired term of such mortgage or mortgages shall have been reduced to 10 years or less

such term may be extended for an additional period of not more than 10 years. Adjustment of payments and extension of mortgage terms pursuant to this section shall comply with the provisions of subsection F, G or H of this section. If so provided in the original mortgage or a supplement or amendment thereto, persons who acquire any rights in or liens upon the mortgaged real property subsequent to the recording of the original mortgage or such supplement or amendment, as the case may be, shall hold such rights and liens subject to the prior lien of the original mortgage and such supplement or amendment, if any, as security for such additional loan; and in such case, no title certificate or insurance under subsection C of this section shall be required with respect to such additional loan.

P. Except as otherwise provided by this section, no savings bank shall make a mortgage loan if the making of such loan would cause the total of all unpaid balances of such loans held by the savings bank upon the security of the same real property or leasehold, to exceed the limitations imposed by this section upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

Q. A savings bank may invest in

(1) (a) veterans' loans, wherever located, made pursuant to Title III of the Act of Congress of June 22, 1944, known as the "Servicemen's Readjustment Act of 1944," as amended, supplemented, revised, or recodified from time to time, which the Administrator of Veterans' Affairs or other officer or agency which succeeds to his powers and functions under said act has insured or guaranteed or has made a commitment to insure or guarantee, to the extent and in the manner provided in said act or the regulations made thereunder; and

(b) veterans' loans, wherever located, made and insured or guaranteed in part as provided in paragraph (1) (a) of this subsection of this section, and, as to the balance thereof, insured or guaranteed by an insurer or guarantor named or described in paragraph (2) of this subsection of this section.

(c) the provisions and restrictions contained in this section, except those relating to the percentage of the mortgage loan to the appraised value of the real property, the location of the real property, the term of the loan and the rate of amortization, shall apply to investments made pursuant to paragraph (1) of this subsection of this section, provided however that said loans and investments shall not be subject to the provisions of any law of this State pre-

scribing or limiting the interest which may be taken upon such loans or investments.

(2) (a) mortgages or deeds of trust or other securities of the character of mortgages which are first liens on the fee of real property or a lease of the fee of real property, wherever located, which (i) the United States, or (ii) the Federal Housing Commissioner under the Act of Congress of June 27, 1934, known as the "National Housing Act," as amended, supplemented, revised or recodified from time to time, or other officer or agency which succeeds to his powers and functions, or (iii) the State of New Jersey or an officer or agency thereof, or (iv) any other officer or agency of the United States or of this State which the commissioner shall have approved for the purposes of this section as an insurer or guarantor, has fully insured or guaranteed or made a commitment to fully insure or guarantee.

(b) mortgages or deeds of trust or other securities made pursuant to paragraph 2 (a) of this subsection of this section shall not be subject to the provisions and restrictions of this section, except that they shall be included in determining whether total mortgage investments are within the limitation prescribed by subsection B of this section, provided, however, that said mortgages or deeds of trust or other securities shall be not subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

R. The commissioner may, from time to time, with the concurrence of the banking advisory board, make, alter and rescind regulations:

(1) authorizing savings banks to make mortgage loans or specified types or classes of mortgage loans (a) which exceed the specified percentages of the appraised value of the mortgaged property; (b) which mature later than the specified periods from their date; (c) which require smaller annual payments on account of the principal amounts thereof than those specified in this section; and (d) which provide for equal monthly payments each applicable to principal and interest in amounts sufficient to pay current interest on and to repay the amount of the loan in such number of years more than 40, but not more than 45, as the regulation may specify;

(2) increasing the percentage of deposits of savings banks which savings banks may invest in mortgage loans;

(3) increasing the percentage of principal balances owing on mortgage loans referred to in subsection Q, which shall not be

included in the total of all principal balances owing on mortgage loans for the purpose of subsection B, or

(4) eliminating entirely the principal balances owing on such mortgage loans from such total of all principal balances.

2. This act shall take effect immediately.

Approved December 10, 1975.

CHAPTER 259

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 69 of P. L. 1948, c. 67 (C. 17:9A–69) is amended to read as follows:

C. 17:9A-69 Limitations on mortgage loans.

69. Limitations on mortgage loans.

A. No bank shall make a mortgage loan when the total cost of acquisition by the bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of a paragraph (5) of section 24, and the total of all principal balances owing to the bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceed, or by the making of such loan will exceed, an amount established by the Commissioner of Banking, pursuant to rule or regulation, which amount shall not be less than 70% nor exceed 80% of the time deposits of the bank or 100% of the aggregate of its capital funds, whichever is the greater. For the purposes of this subsection, principal balances owing to the bank on mortgage loans which are subject to the provisions of subsection A of section 68, other than mortgage loans upon one-family, two-family, three-family and four-family dwellings, the payment of which is fully insured by the Federal Housing Commissioner, shall only to the extent of 66⅔% of such balances owing to the bank, be included in the total of all principal balances owing to the bank on mortgage loans, and principal balances owing

to the bank on mortgage loans made by the use of funds received by the bank pursuant to the provisions of the "New Jersey Mortgage Finance Agency Law," (P. L. 1970, c. 38, C. 17:1B–4 et seq.), and principal balances owing to the bank on mortgage loans upon one-family, two-family, three-family and four-family dwellings the payment of which is fully insured by the Federal Housing Commissioner shall, only to the extent of 50% of such balances owing to the bank, be included in the total of all principal balances owing to the bank on mortgage loans. This subsection shall not, however, prevent the renewal or extension of the time for payment of a mortgage loan for the amount due thereon at the time of such renewal or extension.

B. Except as in this article otherwise provided, no bank shall, as sole lender or as a colender, make a loan secured by mortgage on real property or by mortgage on a lease of the fee of real property, nor shall any bank purchase the entire interest or a part interest in any such mortgage, if the making of such loan or the purchase of such interest would cause the total of all unpaid balances secured by a mortgage or mortgages held by the bank as sole owner or as coowner upon such real property or such leasehold, to exceed the limitations imposed by this article upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

C. The granting of mortgage loans to any person shall be without regard to race, creed, color, national origin or ancestry. The granting of such loans shall be without discrimination of any nature including, but not limited to, interest rates, terms and duration, because of race, creed, color, national origin or ancestry.

D. When a bank makes a mortgage loan the proceeds of which are to be used to pay, in whole or in part, the cost of constructing one or more industrial or commercial buildings on the mortgaged property, and such loan has a maturity of not more than 18 months, and a financially responsible lender has entered into a valid and binding agreement to repay to the bank the full amount of the bank's loan upon the completion of such industrial or commercial building or buildings; or when a bank makes a mortgage loan the proceeds of which are to be used to pay, in whole or in part, the cost of constructing a farm or residential building on the mortgaged property, and such loan has a maturity of not more than 18 months, the bank may, at its option to be exercised from time to time, treat any such loan either as a mortgage loan for all purposes of this article, or as an unsecured commercial loan. If the

bank elects to treat any such loan as an unsecured commercial loan, the loan shall be subject to all limitations and requirements applicable to unsecured commercial loans otherwise made, and the principal balance owing to the bank on any such loan shall not be included in the total of all principal balances owing to the bank on mortgage loans for the purpose of determining the limitations imposed by subsection A of this section. No bank shall treat any such loan as a commercial loan as in this subsection provided at any time when the principal balances owing to the bank on all such loans so treated exceed 100% of the bank's capital funds, or if the making of any such loan so treated would cause the principal balances owing to the bank on all such loans so treated to exceed 100% of the bank's capital funds.

E. For the purposes of this section, "capital funds" of a bank means the aggregate of the unimpaired capital stock, surplus and undivided profits of the bank.

2. This act shall take effect immediately.

Approved December 10, 1975.

CHAPTER 260

AN ACT concerning elections, amending R. S. 19:23–45 and supplementing chapter 23 of Title 19 of the Revised Statutes.

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

1. R. S. 19:23–45 is amended to read as follows:

Balloting regulations.

19:23–45. No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register.

A voter who votes in a primary election of a political party or who signs and files with the municipal clerk or the county board of elections a declaration that he desires to vote in the primary election of a political party shall be deemed to be a member of that party until he signs and files a declaration that he desires to vote in the primary election of another political party at which time he shall be deemed to be a member of such other political party.

No voter, except a newly registered voter at the first primary at which he is eligible to vote, may vote in a primary election of a political party unless he was deemed to be a member of that party on the fiftieth day next preceding such primary election.

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which he has been elected or appointed as a member of a political party shall be deemed a member of such political party.

Any person voting in the primary ballot box of any political party in any primary election in contravention of the election law shall be guilty of a misdemeanor, and any person who aids or assists any such person in such violation by means of public proclamation or order, or by means of any public or private direction or suggestions, or by means of any help or assistance or cooperation, shall likewise be guilty of a misdemeanor.

2. (New Section) Notwithstanding, the provisions of R. S. 19:23–45, any voter registered to vote on the effective date of this act, who has not previously voted in the primary election of a political party, may vote in the next subsequent regular primary election without filing 50 days before the election a declaration designating the political party in whose primary he desires to vote.

Thereafter, any voter so registered who has not voted in a primary election of a political party who desires to vote in such a primary, must file a designation as prescribed in R. S. 19:23–45.

3. This act shall take effect immediately.

Approved December 12, 1975.

CHAPTER 261

AN ACT supplementing the "New Jersey Medical Assistance and Health Services Act," approved January 15, 1969 (P. L. 1968, c. 413).

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

C. 30:4D-6.1 Termination of pregnancy; payment of claims.

1. No payments for medical assistance shall be made under the act hereby supplemented for the termination of a woman's pregnancy for any reason except where it is medically indicated to be necessary to preserve the woman's life. In any case where a pregnancy is so terminated, the act shall be performed in a hospital and the physician performing the act shall submit in writing a report to the division stating in detail his reasons for finding it necessary to terminate the pregnancy.

2. This act shall take effect immediately.

Approved December 18, 1975.

CHAPTER 262

AN ACT concerning the authority of certain municipalities to impose certain taxes and amending the "Local Tax Authorization Act of 1970," approved December 23, 1970 (P. L. 1970, c. 326).

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

1. Section 5 of P. L. 1970, c. 326 (C. 40:48C–5) is amended to read as follows:

C. 40:48C-5 Duration of tax.

5. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to alcoholic beverages delivered to a taxpayer on or after January 1, 1977.

2. Section 8 of P. L. 1970, c. 326 (C. 40:48C–8) is amended to read as follows:

C. 40:48C-8 Duration of tax.

8. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to parking services provided on or after January 1, 1977.

3. Section 12 of P. L. 1970, c. 326 (C. 40:48C–12) is amended to read as follows:

C. 40:48C-12 Duration of tax.

12. No tax shall be imposed under any ordinance adopted pur-

suant to this article with respect to sales of motor fuels on or after January 1, 1977.

4. Section 19 of P. L. 1970, c. 326 (C. 40:48C–19) is amended to read as follows:

C. 40:48C-19 Period of imposition of tax.

19. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to services performed prior to January 1, 1971, in a calendar quarter prior to that in which the ordinance is adopted on or after January 1, 1977, but any such ordinance shall remain in effect with respect to the right of the municipality to receive reports and enforce and collect taxes due thereunder for any period prior to January 1, 1977.

5. Section 26 of P. L. 1970, c. 326 (C. 40:48C–26) is amended to read as follows:

C. 40:48C-26 Duration of tax.

26. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to rental for use or occupancy of commercial premises on or after January 1, 1977.

6. Section 32 of P. L. 1970, c. 326 (C. 40:48C–32) is amended to read as follows:

C. 40:48C-32 Duration of tax.

32. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to transactions taking place on or after January 1, 1977.

7. This act shall take effect immediately.

Approved December 18, 1975.

CHAPTER 263

AN ACT concerning leave of absence from public employment and amending R. S. 38:23–2.

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

1. R. S. 38:23–2 is amended to read as follows:

Leave of absence to attend State or national conventions.

38:23–2. The head of every public department and of every court of this State, every superintendent or foreman on the public works of this State, the heads of the county offices of the several counties and the head of every department, bureau and office in the government of the various municipalities, shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative of the Grand Army of the Republic, United Spanish-American War Veterans, Disabled American Veterans of the World War, Veterans of Foreign Wars, Ladies Auxiliaries of Veterans of Foreign Wars, Ladies Auxiliary, Veterans of World War I of the U. S. A., American Gold Star Mothers, Indian War Veterans, American Legion, American Legion Auxiliary, Jewish War Veterans of the United States, Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U. S. A., Catholic War Veterans of the United States, Ladies Auxiliary of New Jersey State Department, Catholic War Veterans, The 369th Veterans Association, Incorporated, Women's Overseas Service League, American Veterans World War II, Reserve Officers Association of the United States, Marine Corps League of the United States, Army and Navy Legion of Valor, the Twenty-ninth Division Association, Council of State Employees, War Veteran Public Employees Association, New Jersey Civil Service Association, Blind Veterans Association of New Jersey, Army and Air National Guard Association of New Jersey, The National Guard Association of the United States, The United States Coast Guard Auxiliary, Navy League, Veterans of World War I of the United States of America, Polish Legion of American Veterans, Polish Legion of American Veterans, Ladies Auxiliary, the Italian American War Veterans of the United States, Incorporated, the Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated, the New Jersey Firemen's Association and the New Jersey State Exempt Firemen's Association, to attend any State or national convention of such organization.

A certificate of attendance to the State convention or encampment shall, upon request, be submitted by the representative so attending.

Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention. No person shall be entitled to a total of more than 5 days leave of absence with pay each calendar year

for the purpose of attending, as authorized representative, the State or national convention of one or more of the above enumerated organizations. The leaves of absence authorized hereunder shall not be cumulative and any unused leaves shall be canceled at the end of any given year.

2. This act shall take effect immediately.

Approved December 19, 1975.

CHAPTER 264

AN ACT concerning legal aid to members and officers of volunteer fire companies and amending N. J. S. 40A:14–28.

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

1. N. J. S. 40A:14–28 is amended to read as follows:

Defense for members or officers in any action or legal proceeding arising out of or incidental to performance of duties.

40A:14–28. Whenever a member or officer of a municipal fire department or force is a defendant in any action or legal proceeding arising out of or incidental to the performance of his duties, the governing body of the municipality shall provide said member or officer with counsel and costs incidental to such representation for the defense of such action or proceeding, other than for his defense in a disciplinary proceeding instituted against him by the municipality or in a criminal proceeding instituted as a result of a complaint on behalf of the municipality. If any such disciplinary or criminal proceeding instituted by or on complaint of the municipality shall be dismissed or finally determined in favor of the member or officer, he shall be reimbursed for the expense of his defense.

The provisions of this section shall apply to members and officers of all municipal fire departments or forces whether said departments or forces be paid, part-paid, or volunteer.

2. This act shall take effect immediately.

Approved December 19, 1975.

CHAPTER 265

AN ACT concerning financial institutions and prohibiting certain interlocking relationships among financial institutions located in the same municipality or in contiguous or adjacent municipalities.

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

C. 17:16E-1 Purpose of act.

1. The purpose of this act is to further fair competition among financial institutions by prohibiting certain interlocking relationships among institutions located in the same municipality, or in contiguous or adjacent municipalities.

C. 17:16E-2 Definitions.

2. For the purposes of this act:

a. "Financial institution" shall include State or National bank, trust company, savings bank, State or Federal savings and loan association, State or Federal credit union and bank holding company.

b. "Municipality" means a municipality located in the State of New Jersey and shall include city, town, township, village, borough, and any municipality governed by a board of commissioners or improvement commission.

c. Municipalities shall be considered contiguous when their boundaries touch or coincide at any point.

d. Municipalities shall be considered adjacent when they are located in such close proximity to one another or within the same market area as shall be determined to be adjacent by the Commissioner of Banking.

e. "Manager" means a member of a board of directors or a member of a board of managers of a savings bank.

C. 17:16E-3 Mutual directors, officers or managers of financial institutions in same, adjacent or contiguous municipalities; prohibition.

3. Except as otherwise provided in section 6 of this act no person who is a director, officer or manager of a financial institution which has a principal or branch office in a particular municipality shall serve as a director, officer or manager of another financial institution which has a principal or branch office in the same municipality or in a contiguous or adjacent municipality.

C. 17:16E-4 Rules and regulations; waiver of prohibition; determination of adjacent municipalities.

4. The Commissioner of Banking shall, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), make and issue such rules and regulations as are necessary or appropriate to enforce the provisions of this act and effectuate its purpose. The Commissioner of Banking may, upon formal application and for good cause shown, waive the application of this prohibition if special circumstances warrant such action and when such waiver is in the public interest, for a period of 2 years. In establishing criteria for determining when municipalities are adjacent to one another for the purposes of section 2 (d) of this act, the Commissioner of Banking shall consider the prohibition on interlocking relationships among banks which is imposed by Federal law, regulation, rule or practice on banks which are members of the Federal reserve system.

C. 17:16E-5 Status of interlocking relationships prior to this act; manner of termination.

5. Any interlocking relationship prohibited by section 3 of this act which existed prior to the effective date of this act may continue for such a reasonable period of time as may be necessary to terminate one or more of the relationships involved in an orderly manner, but all such interlocking relationships shall be terminated within 1 year after the effective date of this act.

C. 17:16E-6 Common ownership of certain financial institutions; act inapplicable.

6. Nothing in this act shall prevent a person who is a director or officer of a bank holding company from being a director or officer or any one or more banks which are subsidiaries of such company, nor shall anything in this act prevent a person who is a director or officer of a bank which is a subsidiary of a bank holding company from being a director or officer of any one or more other banks which are subsidiaries of such holding company. When there are two or more financial institutions in which more than 50% of the stock is owned directly by the same persons, a person who is a director or officer of any one of such financial institutions may be a director or officer of any one or more of such other institutions.

7. This act shall take effect January 1, 1976.

Approved December 22, 1975.

CHAPTER 266

AN ACT concerning county bridge commissions heretofore created by counties of this State, and supplementing article 2 of chapter 19 of Title 27 of the Revised Statutes.

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

C. 27:19-45 Replacement or reconstruction of bridges or approaches; commission's powers.

1. Notwithstanding any of the provisions of the article of which this act is a supplement, any county bridge commission created pursuant to said article shall, upon obtaining the consent of its board of chosen freeholders, have the power and be authorized to:

a. Replace or reconstruct in whole or in part any bridge or bridges and approaches thereto owned or operated by said commission on the effective date of this act, or thereafter acquired, including any such bridge or bridges and approaches thereto extending within the limits of any state other than the State of New Jersey; and

b. In connection with the replacement or reconstruction of any bridge or bridges and approaches thereto, pursuant to section a. of this act, to demolish or dispose of any such bridge or bridges and approaches owned or operated by said commission on the effective date of this act, or thereafter acquired, including any such bridge or bridges and approaches thereto extending within the limits of any state other than the State of New Jersey; and

c. In connection with the replacement or reconstruction of any bridge or bridges and approaches thereto pursuant to subsection a. of this section, to issue bonds, notes or other evidences of indebtedness payable only from toll revenues and other income from whatever sources derived and other assets of said commission; provided that use of such toll revenues, income and assets of said commission will not in any manner impair, alter or abrogate any rights and remedies of holders of other bonds, notes or other evidences of indebtedness issued by said commission.

2. This act shall take effect immediately.

Approved December 22, 1975.

CHAPTER 267

AN ACT concerning school elections and school budgets, and supplementing Title 18A of the New Jersey Statutes.

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

1. Notwithstanding any prior existing laws, the annual school election for the year 1976 for each Type II local district shall be held on March 9, 1976, and the annual school election for the year 1976 for regional districts shall be held on

(1) March 9, 1976 in any all purpose regional district consisting of a consolidated school district, or of a school district comprising two or more municipalities, which is itself a constituent district of a larger regional district; or

(2) March 2, 1976 in all other regional districts.

Present board of education members whose terms expire in 1976 and whose successors shall be elected at the annual school elections to be held in March, 1976 shall continue in office until their successors are elected and qualified.

2. The board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before March 1, 1976, and the board of education of every other school district shall prepare a budget for the school district for the school year beginning July 1, 1976, in districts other than regional districts, on or before February 10, 1976, and in regional districts on or before February 3, 1976.

3. Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the school year beginning July 1, 1976 and the various items and purposes for which the same are to be appropriated, which hearing in districts having a board of school estimate, shall be held before said board of school estimate between March 1 and March 15, 1976 and in districts having no board of school estimate shall be held before the board of education between February 10, 1976 and March 1, 1976, except in regional districts in which such hearing shall be held between February 3 and February 24, 1976.

4. At or after said public hearing but no later than on March 15, 1976, the board of school estimate of a Type I district shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the commissioner, and shall make two certificates of such amount signed by at least three members of the board, one of which shall be delivered to the board of education of the district and the other to the governing body of the district.

Within 20 days after receiving such certificate the board of education shall notify the board of school estimate and governing body of the district if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

5. At or after said public hearing but not later than on March 15, 1976, the board of school estimate of a Type II district having a board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall be apportioned to it by the commissioner for said year and shall make a certificate of such amount signed by at least a majority of all the members of such board, which shall be delivered to the board of education and a copy thereof, certified under oath to be correct and true by the secretary of the board of school estimate, shall be delivered to the county board of taxation on or before April 1, 1976 and a duplicate of such certificate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the district having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the county superintendent of schools and such amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes voted to be raised at an annual or special election of the legal voters in Type II districts and shall be paid to the custodian of school moneys of the district for such purposes.

Within 20 days after receiving such certificate the board of education shall notify the board of school estimate and governing body of each municipality within the territorial limits of the school

district if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

6. At or after the public hearing on the budget but not later than on March 1, 1976, the board of education of each Type II district having no board of school estimate shall fix and determine the amount of money to be voted upon by the legal voters of the district at the annual elections, which sum or sums shall be designated in the notice calling such election as required by law.

7. If the voters reject any of the items submitted at the 1976 annual school election, the board of education of each Type II district, not having a board of school estimate, shall deliver the proposed school budget to the governing body of the municipality, or of each of the municipalities included in the district within 2 days thereafter. The governing body of the municipality or of each municipality included in the district shall, after consultation with the board, and within 15 days after receipt of the proposed school budget from the board, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. Current expenses of schools;

b. Vocational evening schools or classes;

c. Evening schools or classes for foreign-born residents;

d. Appropriations to capital reserve fund; or

e. Any capital project, the cost whereof is to be paid directly from such taxes;

which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

Within 20 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the commissioner the amounts which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

8. This act shall take effect immediately.

Approved January 5, 1976.

CHAPTER 268

AN ACT concerning falsification and forgery of motor vehicle registry certificates and driver licenses, amending section 1 of P. L. 1964, c. 172, approved August 19, 1964, and supplementing Title 39 of the Revised Statutes.

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

1. Section 1 of P. L. 1964, c. 172 (C. 39:3–38.1) is amended to read as follows:

C. 39:3-38.1 Possessing, concealing or exhibiting altered, forged or counterfeited certificate of registration or driver's license; penalty.

1. Any person who:

a. Keeps in his possession or conceals any falsely made, forged, altered or counterfeited certificate of registration or driver's license knowing the same to be falsely made, altered, forged or counterfeited with the intent to use the same unlawfully; or

b. Exhibits to a motor vehicle inspector, police officer or magistrate in accordance with R. S. 39:3–29 any falsely made, altered, forged or counterfeited motor vehicle certificate of registration or driver's license, knowing the same to be falsely made, altered, forged or counterfeited; or

c. Exhibits to any person, for purposes of identification, any falsely made, altered, forged or counterfeited motor vehicle certificate of registration or driver's license, knowing the same to be falsely made, altered, forged or counterfeited, and representing the same as a certificate or license lawfully issued to him by the Director of Motor Vehicles, is guilty of a disorderly persons offense.

C. 39:3-38.2 Possession with intent to distribute; making, altering or counterfeiting certificate of registration or driver's license; sale, transfer or delivery; making, selling or possessing plates; penalty.

2. (New section) Any person who:

a. Possesses with intent to distribute two or more false, forged, altered or counterfeited certificates of registration or driver's licenses;

b. Falsely makes, alters, forges or counterfeits any motor vehicle certificate of registration or driver's license; or

c. Sells, transfers or delivers any false, forged, altered or counterfeited certificate of registration or driver's license, with the intent that the same be sold or used as true and genuine; or

d. Makes, sells or has in his control, custody or possession any plate made after or in the similitude of any plate from which any motor vehicle certificate of registration or driver's license has been printed, with the intent to use such plates or to cause the same to be used in forging or counterfeiting any such registration or driver's license, is guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved January 7, 1976.

CHAPTER 269

AN ACT concerning the transfer of sound recordings in certain instances and providing penalties for violations.

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

C. 2A:111-52 Definitions.

1. As used in this act:

a. "Sound recording" means any phonograph record, disc, tape, film, wire, cartridge, cassette, player piano roll or similar material object from which sounds can be reproduced either directly or with the aid of a machine.

b. "Owner" means the person who owns the master sound recording on which the original sounds were fixed and from which transferred recorded sounds are directly or indirectly derived.

C. 2A:111-53 Transfer of sounds on sound recording without owner's consent; promotion or sale of article; penalty.

2. Any person who, without the consent of the owner knowingly transfers or causes to be transferred any sounds recorded on a sound recording with intent to sell or cause to be sold such article on which such sounds are so transferred or to use such article to promote the sale of any product, shall be guilty of a misdemeanor.

C. 2A:111-54 Advertisement, sale or resale of sound recording; penalty.

3. Any person who knows or has reasonable grounds to know that a sound recording has been produced in violation of section 2 of this act, and who advertises, sells, resells, or offers for sale or resale any such sound recording, shall be guilty of a misdemeanor.

C. 2A:111-55 Applicability of act.

4. The provisions of this act shall not apply to:

a. Any broadcaster who, in connection with or as part of a radio or television broadcast transmission, or for the purposes of archival preservation, transfers any sounds recorded on a sound recording;

b. Any person who, in his own home, for his own personal use, and without deriving any profit, transfers any sounds recorded on a sound recording.

5. This act shall take effect immediately.

Approved January 7, 1976.

CHAPTER 270

AN ACT to authorize petit juries of six members in certain civil causes and amending N. J. S. 2A:74–1 and 2A:74–2.

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

1. N. J. S. 2A:74–1 is amended to read as follows:

Selection of trial jury from general panel; procedure.

2A:74–1. Selection of trial jury from general panel; procedure. The name of each person summoned and returned by a sheriff or other proper officer as a petit juror shall be written or printed on separate pieces of paper of as nearly as possible uniform size, color and shape. The sheriff or other proper officer or the clerk of the court, or a person designated by the sheriff, officer or clerk for that purpose, shall roll up each piece of paper separately and deposit it in a box.

When a jury is required for the trial of a cause, either civil or criminal, the box in which the names have been placed shall be shaken so as to intermix thoroughly the pieces of paper therein,

and the sheriff, clerk or other person shall, by direction of the court, publicly and in open court, draw from the box, one at a time, the pieces of paper therein, until 12 persons or six persons in such civil causes as may be authorized by the New Jersey Court Rules, whose names are found written thereon, shall appear. If any of the 12 persons so appearing are successfully challenged or excused from serving on that jury, the drawing shall be continued until 12 persons or six persons in an appropriate civil cause not so challenged or excused appear, and they, being severally sworn, shall constitute the jury for the trial of such cause.

2. N. J. S. 2A:74–2 is amended to read as follows:

Impaneling of additional jurors; service of jurors.

2A:74–2. When the trial of any civil or criminal case is likely to be protracted, the court in its discretion may direct the impaneling of a jury of such additional members as it determines to be appropriate, all having the same qualifications and impaneled and sworn in the same manner as a jury of 12 or six. All the jurors shall sit and hear the case, but the court for good cause may excuse any of them from service provided the number of jurors is not reduced to less than 12 or six in an appropriate civil cause. If more than the prescribed number are left on the jury at the conclusion of the court's charge, the clerk of the court in its presence shall put their names on slips folded to conceal the names, shall place the slips in a suitable box, and from it draw such number of names of jurors as will reduce the jury to the number required to determine the issues.

3. This act shall take effect 30 days after enactment.

Approved January 8, 1976.

CHAPTER 271

AN ACT to amend the title of "An act authorizing the Commissioner of Transportation to establish a program to provide motor bus transportation services to senior citizens at reduced fares, and making an appropriation therefor," approved May 10, 1973 (P. L. 1973, c. 126), so that the same shall read "An act authorizing the Commissioner of Transportation to establish a program to provide intrastate and interstate motor bus and rail transportation services to senior citizens and handicapped citizens at reduced fares, and making an appropriation therefor," and to amend the body of said act.

WHEREAS, The Legislature has found that it is a valid public purpose and in the best interest of the people of the State to provide for reduced bus fares for senior citizens at State expense; and

WHEREAS, Pursuant to P. L. 1973, c. 126, the Commissioner of Transportation established a program for State subsidization of half-fares for senior citizen rides on intrastate regular route motor bus passenger service during off-peak hours; and

WHEREAS, Section 103(a) of the National Mass Transportation Assistance Act of 1974 (Public Law 93–503) requires that before approving any operating assistance grants the Secretary of Transportation must be assured that any carrier, whose services are to be assisted by Federal funds, directly or indirectly, will not charge fares to elderly persons and handicapped persons during nonpeak hours which would exceed one-half of the regular adult fare; and

WHEREAS, It is necessary to amend the present senior citizen legislation by providing for reduced fares for the handicapped, as well as the elderly, on interstate, as well as intrastate, for rail, as well as motor bus, passenger service in order to ensure that the State will qualify for operating assistance under the National Mass Transportation Assistance Act of 1974; now, therefore,

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

1. Section 1 of P. L. 1973, c. 126 (C. 27:1A–64) is amended to read as follows:

C. 27:1A-64 Legislature's findings.

1. The Legislature hereby finds and declares that:

a. Many senior citizens and handicapped citizens of this State must depend on public transportation facilities to obtain the necessities of life, such as food, clothing and medical services, and to visit their families and friends; ready access to transportation services is thus essential to their health, safety and welfare.

b. Many senior citizens and handicapped citizens live on fixed or limited incomes, and the high cost of transportation services thus makes it difficult for them to take advantage of such services.

c. The need for transportation services for senior citizens and handicapped citizens can largely be satisfied by providing reduced fare service during offpeak times, when many public transportation services are operating below capacity.

d. A reduced fare program for senior citizens and handicapped citizens will increase riding during offpeak times, thus helping to insure the continued viability of regular public transportation service during those hours.

e. It is therefore a valid public purpose, and in the best interest of all the people of this State, to provide for reduced bus and rail fares for senior citizens and handicapped citizens at State expense.

2. Section 2 of P. L. 1973, c. 126 (C. 27:1A–65) is amended to read as follows:

C. 27:1A-65 Definitions.

2. For the purposes of this act, unless the context clearly indicates otherwise:

a. "Commissioner" means the Commissioner of Transportation; provided, however, that he may delegate any of his powers or duties under this act to any subordinate division, agency or employee of the Department of Transportation.

b. "Carrier" means any individual, copartnership, association, corporation, joint stock company, public agency, trustee or receiver operating motor buses or rail passenger service on established routes within this State or between points in this State and points in adjacent states.

c. "Motor bus" means "autobus" as defined in R. S. 48:4–1, and includes those autobuses, commonly called jitneys, as defined in R. S. 48:16–23.

d. "Offspeak times" means the hours from 9:30 a.m. to 4 p.m. and from 7 p.m. to 6 a.m. during the weekdays, and all day on Saturdays, Sundays and holidays.

e. "Senior citizen" means any individual 62 years of age or over.

f. "Handicapped citizen" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

3. Section 3 of P. L. 1973, c. 126 (C. 27:1A–66) is amended to read as follows:

C. 27:1A-66 Bus and rail passenger service for senior and handicapped citizens during offpeak times; reduced rates; implementation of program.

3. The Commissioner of Transportation is hereby authorized and directed to establish and implement within 120 days of the effective date of this amendatory act a program to provide motor bus and rail passenger service for senior citizens and handicapped citizens during offpeak times on regular routes of carriers within the State or between points in this State and points in adjacent states at one-half of the regular adult rates of fare as set forth in the tariffs of carriers filed with the Interstate Commerce Commission, Board of Public Utility Commissioners or the Commuter Operating Agency. The commissioner may take such action as he deems necessary to implement this program, including contracts with carriers for the provision of tansportation services under this program, purchase of regular tickets and resale to eligible senior citizens at one-half the ordinary fare, or direct payments to carriers for services provided to senior citizens and handicapped citizens under this program. Where carriers may be entitled to receive or do receive funds from sources other than the New Jersey Department of Transportation for provision of service to senior citizens and handicapped citizens, reimbursement payments which may be made by the New Jersey Department of Transportation to the carriers may be adjusted accordingly.

4. Section 4 of P. L. 1973, c. 126 (C. 27:1A–67) is amended to read as follows:

C. 27:1A-67 Establishment of program; uniform procedures.

4. In establishing this program, the commissioner shall, after consulting with the Commissioner of Community Affairs, the New

Jersey State Commission on Aging and the Board of Public Utility Commissioners, establish uniform procedures for:

a. Determining the eligibility of persons to receive the reduced fares provided pursuant to this act;

b. Making such reduced fares available to eligible persons; and

c. Auditing and accounting to insure that no carrier receives payments in excess of the value of services actually rendered to senior citizens and handicapped citizens pursuant to this act.

5. Section 7 of P. L. 1973, c. 126 (C. 27:1A–70) is amended to read as follows:

C. 27:1A-70 Further fare reductions.

7. Nothing in this act shall preclude any carrier from providing further fare reductions for senior citizens and handicapped citizens or preclude any municipality from contracting for such further reductions pursuant to P. L. 1973, c. 67 (C. 40:58–4.1 et seq.), or any other law.

6. Section 8 of P. L. 1973, c. 126 (C. 27:1A–71) is amended to read as follows:

C. 27:1A-71 Employees; advertisement.

8. The commissioner is hereby authorized to hire, employ or assign such secretarial, clerical and other personnel as shall be required for complying with the provisions of this act. The commissioner may also expend a reasonable sum, not to exceed $50,000.00 annually, for advertising to make senior citizens and handicapped citizens aware of the program and the availability of the reduced fares thereunder.

7. Section 9 of P. L. 1973, c. 126 (C. 27:1A–72) is amended to read as follows:

C. 27:1A-72 Authorization for reduced transport fares.

9. Notwithstanding any of the provisions of chapter 3 of Title 48 of the Revised Statutes or of any other law to the contrary, any eligible senior citizen or handicapped citizen may be transported by any motor bus carrier at less than the usual and ordinary fare charged to one person.

8. This act shall take effect immediately.

Approved January 8, 1976.

CHAPTER 272

AN ACT concerning and authorizing the appointment of deputy sheriffs in certain counties.

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

C. 40A:9-117.2 Counties over 900,000; appointment of deputy sheriffs without compensation; duties.

1. In addition to the deputies authorized to be appointed pursuant to N. J. S. 40A:9–117, the sheriff of any county having a population of more than 900,000 inhabitants, according to the 1970 Federal census, may designate and appoint to serve at the pleasure of the sheriff without compensation up to 85 persons to the positions of deputy sheriffs. As an auxiliary force of the sheriff's office, they shall assist in providing for the health, safety and welfare of the people of the State of New Jersey and aid in the prevention of damage to and the destruction of property during any emergency and such other duties as may be prescribed and directed by the sheriff.

C. 40A:9-117.3 Rights, privileges and immunities of deputy sheriffs; training.

2. Deputy sheriffs in good faith carrying out, complying with, or attempting to comply with the directions of the sheriff, or performing any authorized service in connection therewith, shall have and possess all of the rights, privileges and immunities conferred upon law enforcement officers of the sheriff; provided that all such deputy sheriff shall, at the time of or prior to their appointment, complete an appropriate course of training approved by the police training commission.

C. 40A:9-117.4 Issuance of identification and badges.

3. The sheriff shall issue identification and badges to such deputy sheriffs as he shall designate and approve.

4. This act shall take effect immediately.

Approved January 8, 1976.

CHAPTER 273

A SUPPLEMENT to "An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations and medical service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Medical Service Corporations,'" approved May 29, 1940 (P. L. 1940, c. 74; C. 17:48A–1 et seq.).

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

C. 17:48A-31 Services performed by physical therapist.

1. Notwithstanding any other provision of the act to which this act is a supplement, benefits shall not be denied to an eligible individual for eligible services when such services are performed or rendered such persons by a duly registered physical therapist within the scope of his practice whether in an approved hospital or within the confines of his office. The practice of a physical therapist shall be deemed to be within the provisions of the act to which this act is a supplement and duly registered physical therapists shall have the privileges and benefits in the scope of their practice under such act as are afforded thereunder to licensed physicians and surgeons in the scope of their practice.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 274

AN ACT concerning insurance and supplementing Title 17 of the Revised Statutes.

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

C. 17:18-17 Furnishing accounting record of transaction to policy holder.

1. The provisions of any other law to the contrary notwithstanding, every insurance company when making compensation to

or on behalf of the holder of any insurance policy issued by such company for any loss incurred by or on behalf of such holder pursuant to the terms of such policy, shall upon request furnish such holder a complete accounting record of the transaction resulting in such compensation. Such record shall contain dollar amounts for each specific item in the transaction, including, but not limited to, attorneys fees, court costs, any amount deductible from the insured value of any such loss pursuant to the terms of such policy and the amount of compensation actually received by or on behalf of such holder.

Such record shall be mailed to the policyholder, or furnished him by his agent, at his last known address.

C. 17:18-18 Violation of act; penalty.

2. Any insurance company violating any provision of this act shall be liable to penalty of $200.00 for each violation which shall be collected pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.).

3. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 275

AN ACT concerning alcoholic beverage control in relation to the issuance of certain licenses by municipalities.

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

C. 33:1-19.1 Issuance of new or additional retail licenses; procedure; notice.

1. Whenever a municipality is authorized to issue one or more new or additional plenary retail consumption, seasonal retail consumption or plenary retail distribution licenses and the governing body by resolution determines to permit the issuance thereof, the governing body shall cause to be published a notice of the proposed issuance of said license or licenses and that applications therefor will be accepted by the governing body or in municipalities having a municipal board of alcoholic beverage control or municipal excise commission, by the board or commission, as the case may be. The

notice shall specify a time and date after which no further applications will be accepted. The notice shall be published in a newspaper circulating generally in the municipality by not less than two insertions, 1 week apart, the second of which shall be made not less than 30 days prior to the time and date specified in the notice as the time and date after which no further applications will be accepted.

C. 33:1-19.2 Issuance of license after publication of notice.

2. The provisions of this act shall not be construed to require the issuance of any license or licenses with respect to which a notice has been published pursuant to this act, but in any case in which any such license or licenses have not been issued within 6 months after the closing time and date for acceptance of applications specified in the notice, no such license or licenses shall be issued without again complying with the provisions of this act.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 276

AN ACT to amend "An act defining 'blighted area,' authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas," approved May 21, 1949 (P. L. 1949, c. 187).

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

1. Section 10 of P. L. 1949, c. 187 (C. 40:55–21.10) is amended to read as follows:

C. 40:55-21.10 Acquisition of property within blighted area; redevelopment plan; necessity; approval by municipality.

10. If the determination is that an area is a blighted area, the governing body of the municipality, upon the approval of a redevelopment plan as hereinafter provided, may, but shall not be required to, acquire the real property within the area by purchase, or by eminent domain proceedings, and may proceed with the clearance, replanning, development or redevelopment of the area as a public

purpose and for public use, or the said governing body may, by resolution, agree that a private corporation may undertake such clearance, replanning, development or redevelopment in accordance with statutory authority and subject to the provisions of paragraph 1, Section III, Article VIII, of the Constitution; provided, however, that the power of eminent domain hereinbefore conferred upon the governing body of the municipality shall not be exercised to acquire, for any of the purposes of this act, any property or interests in property owned or used by any public utility (as defined in R. S. 48:2–13) in furnishing any commodity or service which by law it is authorized to furnish; and provided further, however, that in any eminent domain proceeding instituted by virtue of the power hereinbefore conferred, the value of any property sought to be acquired shall be fixed and determined to be no less than the value as of the date of the declaration of blight by the governing body either in the first instance or the date of final action by the governing body upon a report by a planning board.

No municipality shall acquire any real property or proceed with the clearance, development or redevelopment of any blighted area, or agree that a private corporation may undertake such clearance, development or redevelopment unless the governing body of the municipality has first, by ordinance, approved a redevelopment plan after study and recommendation of its planning board, if any, and finds that said plan provides an outline for the replanning, development or redevelopment of said blighted area sufficient to indicate: (1) its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements; (2) proposed land uses and building requirements in the area; (3) provision for the temporary and permanent relocation of persons living in such areas, by arranging for (unless already available) decent, safe and sanitary dwelling units at rents within the means of the persons displaced from said areas.

No municipality shall adopt a redevelopment plan until it first has been reviewed by the planning board, if any, in the municipality. The planning board shall be given an opportunity to make recommendations to the governing body in connection with said redevelopment plan. The redevelopment plan shall conform to the master plan or any part thereof which has been approved by the municipality. Said master plan, as finally approved by the governing

body, shall control. In considering the plans originally submitted or recommended to it the governing body shall have the power to approve, disapprove or modify same.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 277

AN ACT concerning orthoptics, and repealing section 11 of P. L. 1968, c. 114.

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

C. 45:12A-11 Repealed.

1. Section 11 of P. L. 1968, c. 114 (C. 45:12A–11) is repealed.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 278

AN ACT authorizing counties and municipalities to make appropriations for the care and treatment of certain emotionally maladjusted or physically undernourished children, and supplementing chapter 5 of Title 40 of the Revised Statutes.

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

C. 40:23-8.17 Private nonprofit camps for emotionally maladjusted or physically undernourished children; annual appropriations.

1. The governing body of any county or municipality may appropriate annually to any privately-operated, nonprofit organization, whose services are nonsectarian and interracial, funds for the purpose of defraying the necessary expense incident to the feeding,

care, treatment, and training of emotionally maladjusted or physically undernourished children between the ages of 5 and 12 years, who are residents of any county or municipality making such appropriation, at a camp or camps operated for said purpose within the county, including the cost of transporting such children to and from, and their support and maintenance at, such camp.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 279

AN ACT to amend the "Charitable Fund Raising Act of 1971," approved March 2, 1972 (P. L. 1971, c. 469).

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

1. Section 3 of P. L. 1971, c. 469 (C. 45:17A–3) is amended to read as follows:

C. 45:17A-3 Definitions.

3. The following words and phrases as used in this article shall have the following meanings unless a different meaning is required by the context:

(a) "Charitable organization." Any benevolent, philanthropic, patriotic, or eleemosynary person or one purporting to be such and shall include any such person who in any manner employs a charitable or philanthropic appeal as the basis of any solicitation or which could be reasonably interpreted to suggest that there is a charitable or philanthropic purpose to any such solicitation.

(b) "Contribution." The promise or grant of any money or property of any kind or value, including a grant or other financial assistance from any agency of government, but except payments by members of an organization for membership fees, dues, fines, or assessments, or for services rendered to individual members, if membership in such organization confers a bona fide right, privilege, professional standing, honor or other direct benefit, other than the right to vote, elect officers, or hold offices.

(c) "Professional fund raiser." Any person who for compensation or other consideration plans, conducts, manages, or carries on any drive or campaign in this State for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons in this State as independently engaged in the business of soliciting contributions for such purpose. A bona fide officer or employee of a charitable organization shall not be deemed a professional fund raiser.

(d) "Professional solicitor." Any person who is employed or retained for compensation by a professional fund raiser to solicit contributions for charitable purposes from persons in this State.

(e) "Person." Any individual, organization, group, association, partnership, corporation, or any combination of them.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 280

AN ACT concerning county detectives and investigators, and amending N. J. S. 2A:157–9 and N. J. S. 2A:157–16.

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

1. N. J. S. 2A:157–9 is amended to read as follows:

County detectives in sixth class counties.

2A:157–9. In counties of the sixth class there may be appointed not in excess of six county detectives, of whom one may be designated chief of county detectives and one captain of county detectives; their annual salaries shall be fixed as follows: chief of county detectives, not less than $7,500.00; captain of county detectives, not less than $6,500.00; and other county detectives, not less than $5,500.00.

2. N. J. S. 2A:157–16 is amended to read as follows:

County investigators in sixth class counties.

2A:157–16. In counties of the sixth class there may be appointed

not in excess of six county investigators, who shall be paid annual salaries of not less than $5,000.00.

3. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 281

A SUPPLEMENT to the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48, C. 54:4–23.1 et seq.).

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

1. In the case of any real estate property tax for land actively devoted to agricultural or horticultural use under P. L. 1964, c. 48, C. 54:4–23.1 et seq., for which an application by the owner of such land for its valuation, assessment and taxation as land actively devoted to agricultural or horticultural use for the tax year 1974 was not submitted on or before August 1, 1973, such owner may file an application with the tax assessor of the local taxing district in which such land is situated on the form prescribed by the Director of the Division of Taxation, and such application filed with the assessor after August 1, 1973, and prior to September 1, 1973 shall be deemed to have been timely made for the tax year 1974, and the taxes of any such applicant whose land qualifies for valuation, assessment and taxation as land actively devoted to agricultural or horticultural use shall be adjusted accordingly for the tax year 1974 and credited or debited, as the case may be, against any taxes due or to become due on such land, notwithstanding any provision to the contrary of the act to which this act is a supplement or of any other law, rule or regulation.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 282

AN ACT concerning hospital records and amending R. S. 26:8–5.

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

1. R. S. 26:8–5 is amended to read as follows:

Institutional records.

26:8–5. The person in charge of a hospital, almshouse, lying-in, penal, or other institution, public or private, to which any person resorts for treatment of disease or for confinement, or is committed by process of law, shall make a record of all the personal and statistical particulars relative to each inmate in such institution, at the time of admission, and shall make a complete medical record covering the period of such person's confinement in such institution.

The medical records provided for herein or photographic reproductions thereof shall be retained by the custodian of records of such institution for a period of 10 years following the most recent discharge of the patient, or until the person confined therein reaches the age of 23 years, whichever is the longer period of time. In addition, a discharge summary sheet shall be retained by such custodian of records for a period of 20 years following the most recent discharge of the patient. The discharge summary sheet shall contain the patient's name, address, dates of admission and discharge and a summary of the treatment and medication rendered during the patient's stay. Any X-ray films related to such confinement, or any size reproductions thereof which maintain the clarity of the original, shall be retained by such custodian of records for a period of 5 years.

In case of any person admitted or committed for treatment of disease, the physician in charge shall specify, for entry in the record, the nature of the disease and where, in his opinion, it was contracted.

The personal particulars and information required by this section shall be obtained from the individual himself if practicable; and when not, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 283

AN ACT to amend and supplement "An act to provide for exemption from taxation in certain cases, and supplementing chapter 4 of Title 54 of the Revised Statutes," approved May 29, 1975 (P. L. 1975, c. 104).

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

1. Section 2 of P. L. 1975, c. 104 (C. 54:4–3.73) is amended to read as follows:

C. 54:4-3.73 Definitions.

2. As used in this act:

a. "Assessor" means the assessor, board of assessors or any other official or body of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

b. "Completion" means substantially ready for the use for which it was intended.

c. "Dwelling" means any building or part of a building used, to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof.

d. "Home Improvement" means the improvement of a dwelling which does not change its permitted use, and shall include the modernization, rehabilitation, renovation, alteration or repair of a dwelling.

e. "Qualified municipality" means any municipality in which residential neighborhoods have been declared by the county planning board or the Commissioner of the Department of Community Affairs to be endangered by blight, pursuant to section 3 of this act.

2. Section 4 of P. L. 1975, c. 104 (C. 54:4–3.75) is amended to read as follows:

C. 54:4-3.75 Home improvement deduction; limitations.

4. In determining the value of real property for the purposes of taxation, qualified municipalities, after passage by the municipal governing body of a general ordinance providing for such abatements either throughout the municipality or in designated residential neighborhoods to be specified in such ordinance, may regard the first $4,000.00 in assessor's full and true value of home

improvements for each dwelling unit primarily and directly affected by a home improvement in any single or multiple-dwelling property more than 20 years old, as not increasing the value of such property for a period of 5 years, notwithstanding that the value of the dwelling to which such improvements are made is increased thereby, provided, however, that during said period, the assessment on such dwelling shall in no case, except that of damage through action of the elements sufficient to warrant a reduction, be less than the assessment thereon existing immediately prior to such home improvements.

C. 54:4-3.79 Rules and regulations.

3. (New section) The commissioner of the Department of Community Affairs is authorized to promulgate rules and regulations to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 284

AN ACT concerning school bus drivers, amending R. S. 39:3–10.1 and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

1. R. S. 39:3–10.1 is amended to read as follows:

Transportation of passengers for hire; special license to drive motor vehicle or trackless trolley.

39:3–10.1. No person shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers and used for the transportation of passengers for hire, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce, or any bus used to transport children to and from school pursuant to chapter 39 of Title 18A of the New Jersey Statutes or when being used by a private school to transport children to and from school, unless specially licensed so to do by the director. Such license shall not be granted 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, 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 section 39:3–10 of this Title.

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 12 months after the issuance of the special license.

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.

The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

C. 39:4-10.1a School bus drivers; examination for presence of alcohol, narcotics or habit-producing drugs.

2. All drivers of buses or other vehicles used by a board of education or by a private school for the transportation of pupils to and from school shall, in addition to any exam required by law, submit to a medical exam for the presence of alcohol, narcotics or habit-producing drugs within the scope of the "New Jersey Controlled Dangerous Substances Act" (P. L. 1970, c. 226, C. 24:21–1 et seq.).

3. This act shall take effect January 1 next succeeding enactment.

Approved January 12, 1976.

CHAPTER 285

AN ACT concerning municipal engineers and amending N. J. S. 40A:9–140 and P. L. 1971, c. 407.

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

1. N. J. S. 40A:9–140 is amended to read as follows:

Municipal engineer; appointment; compensation; term.

40A:9–140. In every municipality the governing body, by ordinance, shall provide for the appointment of a municipal engineer and fix his compensation on an annual salary or fixed fee basis or at an hourly rate and based upon actual time and expenses agreed on prior to the rendering of the services. No municipal engineer shall be compensated by receiving a percentage of the contract for which he renders services. Unless otherwise provided by law his term of office shall be 3 years.

2. Section 2 of P. L. 1971, c. 407 (C. 40:69A–199.2) is amended to read as follows:

C. 40:69A-199.2 Ward commissioner; compensation; reimbursement for expenses.

2. Each ward commissioner shall be entitled to be reimbursed for necessary expenses incurred in the performance of his duties and to such compensation, not to exceed $500.00, as shall be determined by the municipal governing body. Upon certification of the ward commissioners, the municipal governing body shall provide for payment of the expenses of the ward commissioners, their compensation as determined by the governing body, and the expenses for the services of the surveyor, engineer or such other assistants as shall have been incurred by the ward commissioners; however, no engineer hired under this section shall be compensated by receiving a percentage of the contract for which he renders services.

3. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 286

AN ACT to prohibit the sale of nonflame-resistant tents and sleeping bags.

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

C. 2A:123-16 Definitions.

1. As used in this act:

a. "Director" means the Director of the Division of Consumer Affairs and his designated representatives.

b. "Flame resistant" means the ability of a material to resist combustion and the conduction or continuation of fire when an ignition source is removed.

c. "Sale," "sell" or "sold" means offering or exposing for sale, or exchange or hire or lease, or consigning and delivering in consignment for sale, exchange, hire, or lease, or holding in possession with like intent. The possession of any tents or sleeping bags, as herein defined, by any dealer, or his agent or servant in the course of business shall be presumptive of intent to sell.

d. "Sleeping bag" means a bag that is usually lined or padded and normally designed for sleeping outdoors or in a camp or tent.

e. "Tent" means a collapsible shelter, for one or more persons, of canvas or other material, either natural or synthetic or any combination thereof, stretched and sustained by poles and used for camping outdoors or as a temporary building.

C. 2A:123-17 Sale or transportation for sale of nonflame resistant sleeping bags or tents; prohibition.

2. It shall be unlawful for anyone to sell, hold for sale, or to cause the transportation for purposes of sale or delivery after sale within the State any sleeping bag or tent that is not classified by the Director of the Division of Consumer Affairs as being flame resistant according to the standards and regulations that the director shall promulgate pursuant to this act.

C. 2A:123-18 Standards and regulations.

3. The director is authorized, empowered and directed, within 6 months of the effective date of this act, to establish and to promulgate pursuant to law, such standards and regulations necessary to implement and enforce this act; provided, however, that all such standards and regulations, including standards and facilities for testing material for its compliance with this act, shall be acceptable and safe standards for flame resistance.

C. 2A:123-19 Inspection; power to examine and test articles sold in violation of act.

4. Every place where tents and sleeping bags are sold shall be subject to inspection by the director, or his agents who shall have power to inspect the sale or delivery of all such tents, sleeping bags, covered by this act. The director shall have the power to cause examinations and tests to be made of such tents and sleeping bags and to seize and hold as evidence any such article sold or

held in possession in violation of this act or of the rules and regulations promulgated hereunder.

C. 2A:123-20 Violations of act; confiscation of articles.

5. Whenever the director has reason to believe that any tent or sleeping bag has been offered for sale in violation of the provisions of this act or of the rules and regulations promulgated hereunder, proceedings to enjoin such sale or other disposition of such articles may be instituted by the director in the Superior Court, and said director may also institute proceedings for the confiscation of such tents or sleeping bags in said Superior Court and shall make such disposition of said tents or sleeping bags as he shall be ordered so to do by the court; provided, however, that the court may order the delivery of such confiscated articles to the owner or claimant thereof upon payment of legal costs and charges and upon the execution and deposit with the court of a good and sufficient bond conditioned upon said tents or sleeping bags not being disposed of until properly and adequately treated or processed so that such articles will comply with the provisions of this act and the rules and regulations promulgated pursuant thereto.

C. 2A:123-21 Violations of act; penalty.

6. Any person who willfully violates this act shall forfeit and pay a penalty of not less than $200.00 nor more than $500.00 for the first offense, and not less than $500.00 nor more than $1,000.00 for the second or any subsequent offense, to be sued for and recovered by and in the name of the division in a summary proceeding in accordance with the penalty enforcement law (N. J. S. 2A:58–1 et seq.). Each tent or sleeping bag sold or exposed for sale shall constitute a separate violation.

C. 2A:123-22 Applicability of penalty provisions; guaranty of flame resistance by manufacturer or supplier of article.

7. The penalties provided for a violation of this act shall not apply to any person who establishes a guaranty received in good faith, signed by and containing the name and address of the person by whom the tent or sleeping bag covered by the guaranty was manufactured or from whom it was received, to the effect that reasonable and representative tests made under the rules and regulations in accordance with the procedures prescribed in this act show that the specific type tent or sleeping bag covered by the guaranty when so tested was flame resistant within the meaning of this act; and that he has not, by further processing affected the flammability of the tent or sleeping bag covered by the guaranty

which he received. Such guaranty shall either be a separate guaranty specifically designating the tent or sleeping bag guaranteed, in which case it may be on the invoice or other paper relating to such articles, or a continuing guaranty filed with the director or with the Federal Trade Commission applicable to any tent or sleeping bag handled by the guarantor in such form as the director or the Federal Trade Commission, as the case may be, by rules and regulations, may prescribe. It is provided, however, that a person furnishing such a guaranty, except a person relying upon a guaranty received in good faith to furnish a guaranty to the same effect, if he, by further processing, has not affected the flammability of the tent or sleeping bag covered by the guaranty, shall not be relieved thereby from any of the penalties prescribed for the violations of this act.

C. 2A:123-23 Application of act; exemptions.

8. The provisions of this act shall not apply (a) to any common carrier, contract carrier or freight forwarder with respect to any tent or sleeping bag shipped or delivered for shipment in the ordinary course of its business; or (b) to any person manufacturing, delivering for shipment, shipping, selling or offering for sale or export any tent or sleeping bag from this State to any other state or foreign country, or (c) to any convertor, processor, or finisher in performing a contract or commission service for the account of a person subject to the provisions of this act; provided, however, that said convertor, processor, or finisher does not cause any tent or sleeping bag to become subject to this act contrary to the terms of the contract or commission service; or (d) to any tent or sleeping bag shipped or delivered for shipment into commerce for the purpose of finishing or processing to render the articles flame resistant under the provisions of this act or the rules and regulations promulgated pursuant thereto.

C. 2A:123-24 Application of act; exemptions to articles in transit or being held for delivery.

9. Nothing contained in this act shall apply to tents or sleeping bags being transported upon vessels, vehicles or railroad cars, or being held for delivery; provided, such transport and delivery is subject to and in conformity with regulations now or hereafter prescribed by the Interstate Commerce Commission.

10. This act shall take effect immediately, except that section 2 hereof shall take effect on December 1, 1976.

Approved January 12, 1976.

CHAPTER 287

AN ACT pertaining to educational loans made by banking institutions and supplementing "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

C. 17:9A-53.2 Definitions.

1. As used in this act:

a. "Banking institution" includes State-chartered banks, Federally-chartered banks, and mutual savings banks;

b. "Educational loan" means a loan which is represented by the borrower to the banking institution to be made for either or both the following purposes: (1) defraying the cost of attendance at a college or university of one or more students; and (2) defraying the cost of attendance of one or more pupils at an elementary or secondary school. An educational loan may consist of a single advance or of two or more advances made pursuant to an agreement governing, or a commitment to make, such loan;

c. "College or university" includes, but is not limited to, any qualified institution of collegiate grade, located in this State or elsewhere which is approved by any regional accrediting association recognized by the National Commission on Accrediting, or approved by the Board of Higher Education of New Jersey; and also includes any "other eligible institution," and "any post-secondary nondegree institution of higher education" as defined in the "Higher Education Assistance Authority Law," chapter 72 of Title 18A of the New Jersey Statutes.

C. 17:9A-53.3 Educational loans.

2. In addition to such other loans which banking institutions are authorized by law to make, such institutions may make educational loans upon the terms and conditions prescribed by this act.

C. 17:9A-53.4 Interest rate.

3. A banking institution may make educational loans and may charge and collect interest thereon at a rate not in excess of 1% per month on the first $10,000.00 of the principal sum owing on all such loans for the payment of which a person is liable to the banking institution in any capacity, and ¾ of 1% on the excess over $10,000.00 owing on all such loans for the payment of which a

person is so liable to the banking institution. Interest shall be calculated according to the actuarial method, pursuant to which payments made on the loan are applied first to accumulated interest on the principal amount of the loan and the remainder applied to the unpaid principal balance of the loan in reduction thereof. All payments shall be applied no later than the next day, other than a Sunday or a public holiday, after the date of receipt, and a day shall be counted as one-three hundred sixty-fifth of a year.

C. 17:9A-53.5 Limitations on amount of educational loans.

4. No banking institution shall make an educational loan or an advance on an educational loan for the payment of which any person shall be liable to the banking institution in any capacity, if the amount of such loan or advance, and the amounts owing on all other educational loans for the payment of which such person is so liable to such banking institution, will, in the aggregate exceed $20,000.00; provided that not more than $7,500.00 shall be advanced on any educational loan in any 12-month period.

C. 17:9A-53.6 Limitation on duration of educational loan.

5. No banking institution shall make an educational loan, or an advance on an educational loan which is disbursed in more than one advance, which is repayable in more than 7 years. For the purposes of this section an educational loan shall be deemed to be made each time an advance is made thereon.

C. 17:9A-53.7 Security; endorsers or guarantors of loan.

6. No security shall be taken for an educational loan, but this prohibition shall not preclude a banking institution from requiring one or more endorsers or guarantors of such loan.

C. 17:9A-53.8 Disbursement.

7. When pursuant to an agreement between a banking institution and a borrower, an educational loan will be disbursed in more than one advance, the principal amount immediately following an advance shall be the amount owing on such loan immediately before such advance is made, plus the principal amount of the advance then being made.

C. 17:9A-53.9 Terms and conditions of repayment.

8. Educational loans shall be repaid in such manner and shall be subject to such terms and conditions not inconsistent with this act as the parties thereto may agree upon; except that no banking institution shall make any further interest or charge or demand in connection with such loan, other than those expressly authorized by

subsections A (3) and B (3) of section 55 of P. L. 1948, c. 67 (C. 17:9A–55).

C. 17:9A-53.10 Insurance.

9. When a person liable for the payment of an educational loan consents in writing thereto, the banking institution may obtain or provide either or both credit life insurance and credit health insurance on such person, pursuant to chapter 29 of subtitle 3 of Title 17B of the New Jersey Statutes, and may deduct and retain from the proceeds of such loan an amount equal to the premium lawfully charged by the insurer issuing such insurance. If there is more than one person who is liable for the payment of such loan, insurance may be obtained as herein authorized only upon one of such persons. Nothing in any law of this State shall prohibit a banking institution or any employee thereof from collecting the premium or identifiable charge for such insurance, or prevent a banking institution from receiving or retaining any dividend or other gain or advantage resulting from such insurance.

C. 17:9A-53.11 Loans or extension of credit not subject to act.

10. Nothing in this act shall be construed to apply to any loan or extension of credit which a banking institution may make pursuant to any other law of this State or any regulation promulgated pursuant to such law, nor shall this act be construed as prescribing an exclusive method for the making of loans for educational purposes.

11. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 288

AN ACT concerning meadowlands title studies and surveys, and amending section 92 of P. L. 1968, c. 404 (C. 13:1B–13.6).

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

1. Section 92 of P. L. 1968, c. 404 (C. 13:1B–13.6) is amended to read as follows:

C. 13:1B-13.6 Progress reports.

92. The council shall make progress reports to the Governor and Legislature at least annually and shall complete its studies and

title surveys and make its determinations as to interest of the State in meadowlands throughout the State on or before December 31. 1977.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 289

AN ACT concerning elections and amending R. S. 19:12–7.

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

1. R. S. 19:12–7 is amended to read as follows:

Newspaper notice of election days, registration and offices to be filled.

19:12–7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week next preceding the week in which the primary election is held, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week next preceding the week in which the general election is held.

b. Such notice shall set forth:

(1) For the primary election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours and at the places provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register; the procedure for the transfer of regis-

tration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(2) For the general election:

(a) That a general election will be held on the day and between the hours and at the places provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register; the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices to be filled and, except as provided in section 19:14–33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county and municipal public questions to be voted upon at such general election.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal offices or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county shall be published in at least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. The cost of publishing the notices required by this section shall be paid by the respective counties.

2. This act shall take effect upon the sixtieth day next preceding the date of the next primary election occurring not sooner than 60 days from the date of its enactment.

Approved January 12, 1976.

CHAPTER 290

AN ACT to amend the "New Jersey Housing Finance Agency Law of 1967," approved May 31, 1967 (P. L. 1967, c. 81).

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

1. Section 34 of P. L. 1967, c. 81 (C. 55:14J–34) is amended to read as follows:

C. 55:14J-34 Additional powers of agency.

34. In order to carry out the purposes and provisions of this act, the agency, in addition to any powers granted to it elsewhere in this act, shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter the same at pleasure; to maintain an office at such place or places within this State as it may designate; to sue and be sued in its own name;

(b) To conduct examinations and hearings and to head testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of this act;

(c) To issue subpenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such agency, or before one or more of the members of the agency appointed by it to conduct such hearing;

(d) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

(e) To acquire by purchase, gift, foreclosure or condemnation any real or personal property, or any interest therein, to enter into any lease of property and to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage lien interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption, in property foreclosed by it and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law;

(f) To adopt such rules and regulations as shall be expressly authorized by this act and such additional rules and regulations as shall be necessary or desirable to carry out the purposes of this act; it shall publish the same and file them with the Secretary of State;

(g) To borrow money or secure credit on a temporary, short-term, interim or on a long-term basis, and to issue negotiable bonds, bond anticipation notes or other obligations and to provide for the rights of the holders thereof;

(h) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including contracts or agreements with qualified financial institutions for the servicing and processing of mortgage loans pursuant to this act;

(i) To appoint an executive director and such additional officers, who need not be members of the agency as the agency deems advisable, and to employ consulting architects, engineers, attorneys, accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11 of the Revised Statutes, Civil Service;

(j) To receive and accept aid or contributions from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this State for payment of rent supplements to eligible families or for the payment in whole or in part of the interest expense for a housing project or for any other purpose consistent with this act;

(k) To enter into agreements to pay annual sums in lieu of taxes to any political subdivision of the State with respect to any real property owned or operated directly by the agency;

(l) To procure insurance against any loss in connection with its property and other assets (including mortgages and mortgage loans) in such amounts and from such insurers as it deems desirable;

(m) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations of the agency, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the agency is a party;

(n) To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other obligations, to enter into contracts with any qualified housing sponsor containing provisions enabling the said qualified housing sponsor to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges where by reason of other income or payment from the agency, any department or agency of the United States or this State, such reductions can be made without jeopardizing the economic stability of the housing project;

(o) To make and collect such fees and charges, including but not limited to payment for all costs of financing by the agency, service charges, mortgage insurance premiums, reserves against losses and reimbursement for advances made to the agency, as it shall determine is reasonable to enable the agency, to the extent feasible, to be self-sustaining;

(p) To invest and reinvest any moneys of the agency not required for immediate use or disbursement and any moneys held in the Housing Finance Fund, reserve funds or sinking funds, in the same manner as trust funds in the custody of the State Treasurer.

All functions, powers and duties relating to the investment or reinvestment of such funds, including the purchase, sale or exchange of any investments or securities may, upon the request of the agency, be exercised and performed by the Director of the Division of Investment, in accordance with written directions of the agency signed by an authorized officer;

(q) To provide, contract or arrange for, where by reason of the financing arrangement review of the application and proposed construction of a project is required by or in behalf of any department

or agency of the United States, consolidated processing of any such application or supervision to avoid duplication thereof by either undertaking the processing in whole or in part for any such department or agency or, in the alternative, delegating the processing in whole or in part to any such department or agency;

(r) To make mortgage loans and to participate with any department or agency of the United States, this State, a municipality, or any banking institution, foundation, labor union, insurance company, trustee or fiduciary in a loan to a qualified housing sponsor secured by a single participating mortgage or by separate mortgages, the interest of each having equal priority as to lien in proportion to the amount of the loan so secured, but need not be equal as to interest rate, time or rate of amortization or otherwise and to undertake commitments to make such loans;

(s) To sell, at public or private sale, with or without bidding, any mortgage or other obligation securing a mortgage loan made by the agency;

(t) To make commitments to purchase, and to purchase, service and sell, mortgages insured by any department or agency of the United States, and to make loans directly upon the security of any such mortgage;

(u) To provide qualified housing sponsors with such advisory consultation, training and educational services as will assist them to plan, construct, rehabilitate and operate housing projects for moderate income families, including but not limited to assistance in community development and organization, home management and advisory services for the residents of the housing projects, and to encourage community organizations to assist in developing such projects;

(v) To encourage research in, and demonstration projects to develop new and better techniques and methods for increasing the supply of housing for moderate income families and to engage in such research and demonstration projects and to receive and accept contributions, grants or aid, from any source, public or private, including but not limited to the United States and this State, for carrying out this purpose;

(w) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act; and

(x) To provide to qualified housing sponsors through mortgage loans or otherwise, financing or refinancing of fully completed, as well as partially completed, projects which may or may not be occupied, provided that said projects meet all the requirements of

the act to which this act is amendatory, except that, prior to the making of the mortgage loan commitment by the agency, said projects need not have complied with section 37 of the act to which this act is amendatory.

2. This act shall take effect immediately.

Approved January 12, 1976.

CHAPTER 291

AN ACT relating to the planning and regulation of land uses, and revising parts of the statutory law.

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

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ARTICLE I

GENERAL PROVISIONS

C. 40:55D-1 Short title.

1. Short title. This act may be cited and referred to as the "Municipal Land Use Law."

Source: New.

C. 40:55D-2 Purpose of the act.

2. Purpose of the act. It is the intent and purpose of this act:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

b. To secure safety from fire, flood, panic and other natural and man-made disasters;

c. To provide adequate light, air and open space;

d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;

j. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;

k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site; and

l. To encourage senior citizen community housing construction consistent with provisions permitting other residential uses of a similar density in the same zoning district.

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view

of lessening the cost of such development and to the more efficient use of land.

Source: New.

C. 40:55D-3 Definitions.

3. For the purposes of this act, unless the context clearly indicates a different meaning:

The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action.

"Administrative officer" means the clerk of the municipality unless a different municipal official or officials, are designated by ordinance or statute.

"Applicant" means a developer submitting an application for development.

"Application for development" means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to section 25 or section 27 of this act.

"Approving authority" means the planning board of the municipality unless a different agency is designated by ordinance when acting pursuant to the authority of this act.

"Board of adjustment" means the board established pursuant to section 56 of this act.

"Building" means a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

"Capital improvement" means a governmental acquisition of real property or major construction project.

"Circulation" means systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

"Common open space" means an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

"Conditional use" means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the zoning ordinance, and upon the issuance of an authorization therefor by the planning board.

"Conventional" means development other than planned development.

"County master plan" means a composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to R. S. 40:27–2 and R. S. 40:27–4.

"County planning board" means the planning board of the county in which the land or development is located.

C. 40:55D-4 Definitions.

3.1. "Days" means calendar days.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this act.

"Development regulation" means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to this act.

"Division" means the Division of State and Regional Planning in the Department of Community Affairs.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

"Environmental commission" means a municipal advisory body created pursuant to P. L. 1968, c. 245 (C. 40:56A–1 et seq.).

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

"Final approval" means the official action of the planning board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

"Governing body" means the chief legislative body of the municipality. In municipalities having a board of public works, "governing body" means such board.

"Historic site" means any building, structure, area or property that is significant in the history, architecture, archeology or culture of this State, its communities or the Nation and has been so designated pursuant to this act.

"Interested party" means (a) in a criminal or quasicriminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrtaive proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this act.

"Land" includes improvements and fixtures on, above or below the surface.

"Lot" means a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

C. 40:55D-5 Definitions.

3.2. "Maintenance guarantee" means any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required by this act.

"Major subdivision" means any subdivision not classified as a minor subdivision.

"Master plan" means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of this act.

"Mayor" means the chief executive of the municipality, whatever his official designation may be, except that in the case of

municipalities governed by municipal council and municipal manager the term "mayor" shall not mean the "municipal manager" but shall mean the mayor of such municipality.

"Minor subdivision" means a subdivision of land that does not involve (1) the creation of more than the maximum number of lots specifically permitted by ordinance as a minor subdivision, (2) planned development, (3) any new street or (4) extension of any off-tract improvement.

"Municipality" means any city, borough, town, township or village.

"Municipal agency" means a municipal planning board or board of adjustment, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this act.

"Nonconforming lot" means a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

"Nonconforming structure" means a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R. S. 40:27–5.

"Official map" means a map adopted by ordinance pursuant to article 5.

"Offsite" means located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

"Off-tract" means not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

"Onsite" means located on the lot in question.

"On-tract" means located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

"Open-space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and offstreet parking and other improvements that are designed to be incidental to the natural openness of the land.

C. 40:55D-6 Definitions.

3.3 "Party immediately concerned" means for purposes of notice any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under section 7.1.

"Performance guarantee" means any security, which may be accepted by a municipality, including cash; provided that a municipality shall not require more than 10% of the total performance guarantee in cash.

"Planned commercial development" means an area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

"Planned development" means planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

"Planned industrial development" means an area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

"Planned unit development" means an area with a specified minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance.

"Planned unit residential development" means an area with a specified minimum contiguous acreage of 5 acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

"Planning board" means the municipal planning board established pursuant to section 14 of this act.

"Plat" means a map or maps of a subdivision or site plan.

"Preliminary approval" means the conferral of certain rights pursuant to sections 34, 36 and 37 of this act prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

"Preliminary floor plans and elevations" means architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

"Public areas" means (1) public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

"Public development proposal" means a master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

"Public drainage way" means the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation, and erosion.

"Public open space" means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational or conservational uses.

"Quorum" means the majority of the full authorized membership of a municipal agency.

"Residential cluster" means an area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

"Residential density" means the number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

"Resubdivision" means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

C. 40:55D-7 Definitions.

3.4 "Sedimentation" means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

"Site plan" means a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to article 6 of this act.

"Standards of performance" means standards (1) adopted by ordinance pursuant to subsection 52 d. regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality or (2) required by applicable Federal or State laws or municipal ordinances.

"Street" means any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing State, county or municipal roadway, or (2) which is shown upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by this act, or (4) which is shown on a plat duly

filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

"Structure" means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created: (1) divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are 5 acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order and (4) conveyances so as to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "resubdivision."

"Variance" means permission to depart from the literal requirements of a zoning ordinance pursuant to section 47 and subsections 29. 2b., 57 c. and 57 d. of this act.

"Zoning permit" means a document signed by the administrative officer (1) which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and (2) which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency pursuant to sections 47 and 57 of this act.

Source: C. 40:55–1.2 (1953, c. 433, s. 2 as amended); C. 40:55–1.15 (1953, c. 433, s. 15); C. 40:55–1.31 (1953, c. 434, s. 2); R. S. 40:55–22; C. 40:55–47.1 (1969, c. 277, s. 2); C. 40:55–65 (1967, c. 61, s. 11).

C. 40:55D-8 Administrative procedures; fees.

4. Administrative procedures; fees. 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. A municipality may by ordinance provide for reasonable 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.

Source: New.

C. 40:55D-9 Meetings; municipal agency.

5. Meetings; municipal agency. a. Every municipal agency shall by its rules fix the time and place for holding its regular meetings for business authorized to be conducted by such agency. Regular meetings of the municipal agency shall be scheduled not less than once a month and shall be held as scheduled unless canceled for lack of applications for development to process. The municipal agency may provide for special meetings, at the call of the chairman, or on the request of any two of its members, which shall be held on notice to its members and the public in accordance with municipal regulations. No action shall be taken at any meeting without a quorum being present. All actions shall be taken by a majority vote of a quorum except as otherwise required by sections 23, 25, 49, 50, and subsections 8 e., 17 a., 17 b. and 57 d. of this act. Nothing herein shall be construed to contravene any act providing for procedures for governing bodies.

b. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with municipal regulations. An executive session for the purpose of discussing and studying any matters to come before the agency shall not be deemed a regular or special meeting within the meaning of this act.

c. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the municipal agency and of the persons appearing by attorney, the action taken by the municipal agency, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the administrative officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his use.

Source: R. S. 40:55–38.

C. 40:55D-10 Hearings.

6. Hearings. a. The municipal agency shall hold a hearing on each application for development, or adoption, revision or amendment of the master plan.

b. The municipal agency shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the administrative officer. The applicant may produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

c. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," P. L. 1953, c. 38 (C. 2A:67A-1 et seq.) shall apply.

d. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

e. Technical rules of evidence shall not be applicable to the hearing, but the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

f. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense; provided that the governing body may provide by ordinance for the municipality to assume the expense of any transcripts necessary for appeal to the governing body pursuant to section 8 of this act of decisions by the zoning board of adjustment pursuant to subsection 57d. of this act, up to a maximum amount as specified by the ordinance.

g. Each decision on any application for development shall be in writing and shall include findings of facts and conclusions based thereon.

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h. A copy of the decision shall be mailed by the municipal agency within 10 days of the date of decision to the applicant, or if represented then to his attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the municipal agency in the office of the administrative officer. The administrative officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his office during reasonable hours.

i. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained in this act shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the municipality or the applicant.

Source: C. 40:55–1.7 (1953, c. 433, s. 7); C. 40:55–1.40 (1953, c. 434, s. 11); R. S. 40:55–25; R. S. 40:55–37 (as amended); R. S. 40:55–42.

C. 40:55D-11 Contents of notice of hearing on application for development or adoption of master plan.

7. Contents of notice of hearing on application for development or adoption of master plan. Notices pursuant to sections 7.1 and 7.2 of this act shall state the date, time and place of the hearing, the nature of the matters to be considered and, in the case of notices pursuant to subsection 7.1 of this act, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office, and the location and times at which any maps and documents for which approval is sought are available pursuant to subsection 6 b.

C. 40:55D-12 Notice of applications.

7.1. Notice of applications. Notice pursuant to subsections a., b., d., e., f. and g. of this section shall be given by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained herein shall prevent the applicant from giving such notice if he so desires. Notice pursuant to sub-

sections a., b., d., e., f. and g. of this section shall be given at least 10 days prior to the date of the hearing.

a. Public notice of a hearing on an application for development shall be given except for (1) conventional site plan review pursuant to section 34 of this act, (2) minor subdivisions pursuant to section 35 of this act or (3) final approval pursuant to section 38 of this act; provided that the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance; and further provided that public notice shall be given in the event that relief is requested pursuant to section 47 of this act as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

b. Notice of a hearing requiring public notice pursuant to subsection a. of this section shall be given to the owners of all real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of such hearing. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

c. Upon the written request of an applicant, the administrative officer of a municipality shall, within 7 days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b. of this section. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed $10.00 may be charged for such list.

d. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality.

e. Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.

f. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

g. Notice shall be given by personal service or certified mail to the director of the division of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the municipal clerk pursuant to subsection 6 b. of this act.

h. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.

C. 40:55D-13 Notice concerning master plan.

7.2. Notice concerning master plan. The planning board shall give:

(1) Public notice of a hearing on adoption, revision or amendment of the master plan; such notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality at least 10 days prior to the date of the hearing;

(2) Notice by personal service or certified mail to the clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a master plan involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing;

(3) Notice by personal service or certified mail to the county planning board of (a) all hearings on the adoption, revision or amendment of the municipal master plan at least 10 days prior to the date of the hearing; such notice shall include a copy of any such proposed master plan, or any revision or amendment thereto; and (b) the adoption, revision or amendment of the master plan not more than 30 days after the date of such adoption, revision or amendment; such notice shall include a copy of the master plan or revision or amendment thereto.

C. 40:55D-14 Effect of mailing notice.

7.3. Effect of mailing notice. Any notice made by certified mail pursuant to sections 7.1 and 7.2 of this act shall be deemed complete upon mailing.

C. 40:55D-15 Notice of hearing on ordinance or capital improvement program; notice of action on capital improvement or official map.

7.4. Notice of hearing on ordinance or capital improvement program; notice of action on capital improvement or official map.

a. Notice by personal service or certified mail shall be made to the clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of a development regulation involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing.

b. Notice by personal service or certified mail shall be made to the county planning board of (1) all hearings on the adoption, revision or amendment of any development regulation at least 10 days prior to the date of the hearing, and (2) the adoption, revision or amendment of the municipal capital improvement program or municipal official map not more than 30 days after the date of such adoption, revision or amendment. Any notice provided hereunder shall include a copy of the proposed development regulation, the municipal official map or the municipal capital program, or any proposed revision or amendment thereto, as the case may be.

Notice of hearings to be held pursuant to this section shall state the date, time and place of the hearing and the nature of the matters to be considered. Any notice by certified mail pursuant to this section shall be deemed complete upon mailing.

C. 40:55D-16 Filing of ordinances.

7.5. Filing of ordinances. The zoning, subdivision, site plan review ordinances or any revision or amendment thereto shall not take effect until a copy thereof shall be filed with the county planning board. The secretary of the county planning board shall within 10 days of the date of receipt of a written request for copies of any such ordinance make such available to the party so requesting with said secretary's certification that said copies are true copies and that all filed amendments are included. A reasonable charge may be made by the county planning board for said copies.

The official map of the municipality shall not take effect until filed with the county recording officer.

Copies of all development regulations and any revisions or amendments thereto shall be filed and maintained in the office of the municipal clerk.

Source: C. 40:55–1.7 (1953, c. 433, s. 7); C. 40:55–1.36 (1953, c. 434, s. 7 as amended); R. S. 40:55–34 (as amended); R. S. 40:55–42; R. S. 40:55–44 (as amended); C. 40:55–53 (1965, c. 162 as amended); C. 40:55–53.1 (1968, c. 70).

C. 40:55D-17 Appeal to the governing body; time; notice; modification, stay of proceedings.

8. Appeal to the governing body; time; notice; modification; stay of proceedings.

a. Any interested party may appeal to the governing body (1) any final decision of a board of adjustment approving an application for development pursuant to subsection 57 d. of this act, and (2) if so permitted by ordinance, any other final decision of a board of adjustment or planning board on any other class of applications for development. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to subsection 6i. In the case of any board established pursuant to article 10 of this act, the governing body of the municipality in which the land is situated shall be the "governing body" for purposes of this section. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the planning board or board of adjustment.

b. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection 6 h. and to the board from which the appeal is taken at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting pursuant to subsection 6 f.

c. The governing body shall conclude a review of the record below not later than 45 days from the date of receipt of the transcript of the hearing unless the appellant consents in writing to an extension of such period. The appellant shall arrange for a transcript pursuant to subsection 6 f., or otherwise, for use by the governing body. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period, without such written consent

of the appellant, shall constitute a decision affirming the action of the board.

d. The governing body may reverse, remand or affirm, wholly or in part, or may modify the final decision of the planning board or board of adjustment, as the case may be.

e. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or modify any final action of either board.

f. An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such board, that by reasons of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the board from whom the appeal is taken and on good cause shown.

g. The governing body shall mail a copy of the decision to the appellant or if represented then to his attorney, without separate charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the applicant.

h. Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

Source: C. 40:55–1.19 (1953, c. 433, s. 19 as amended); C. 40:55–1.39 (1953, c. 434, s. 10); R. S. 40:55–40; R. S. 40:55–41; R. S. 40:55–43 (as amended); R. S. 40:55–45 (as amended).

C. 40:55D-18 Enforcement.

9. Enforcement. The governing body of a municipality shall enforce this act and any ordinance or regulation made and adopted hereunder. To that end, the governing body may require the issuance of specified permits, certificates or authorizations as a condition precedent to (1) the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure, (2) the use or occupancy of any building, structure or land, and (3) the subdivision or resubdivision of any land; and shall establish an administrative officer and offices for the purpose of issuing such permits, certificates or authorizations; and may condition the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized hereunder and upon the express approval of the appropriate State, county or municipal agencies; and may establish reasonable fees to cover administrative costs for the issuance of such permits, certificates and authorizations. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Source: R. S. 40:55–47 (as amended); R. S. 40:55–58.

C. 40:55D-19 Appeal or petition in certain cases to the Board of Public Utility Commissioners.

10. Appeal or petition in certain cases to the Board of Public Utility Commissioners. If a public utility, as defined in R. S. 48:2–13, is aggrieved by the action of a municipal agency through said agency's exercise of its powers under this act, with respect to any action in which the public utility has an interest, an appeal to the Board of Public Utility Commissioners of the State of New Jersey may be taken within 35 days after such action without appeal to the municipal governing body pursuant to section 8 of this act unless such public utility so chooses. In such case appeal to the Public Utility Commissioners may be taken within 35 days after action by the governing body. A hearing on the appeal of a public

utility to the Public Utility Commissioners shall be had on notice to the agency from which the appeal is taken and to all parties primarily concerned, all of whom shall be afforded an opportunity to be heard. If, after such hearing, the Board of Public Utility Commissioners shall find that the present or proposed use by the public utility of the land described in the petition is necessary for the service, convenience or welfare of the public, the public utility may proceed in accordance with such decision of the Board of Public Utility Commissioners, any ordinance or regulation made under the authority of this act notwithstanding.

This act or any ordinance or regulation made under authority thereof, shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service, if upon a petition of the public utility, the Board of Public Utility Commissioners shall after hearing, of which any municipalities affected shall have notice, decide the proposed installation of the development in question is reasonably necessary for the service, convenience or welfare of the public.

Nothing in this act shall be construed to restrict the right of any interested party to obtain a review of the action of the municipal agency or of the Board of Public Utility Commissioners by any court of competent jurisdiction according to law.

Source: C. 40:55–1.19 (1953, c. 433, s. 19 as amended); R. S. 40:55–50.

C. 40:55D-20 Exclusive authority of planning board and board of adjustment.

11. Exclusive authority of planning board and board of adjustment. Any power expressly authorized by this act to be exercised by (1) planning board or (2) board of adjustment shall not be exercised by any other body, except as otherwise provided in this act.

Source: New.

C. 40:55D-21 Tolling of running of period of approval.

12. Tolling of running of period of approval. In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the

developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this act or under any act repealed by this act, as the case may be, shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

Source: C. 40:55–1.18a (1970, c. 64).

C. 40:55D-22 Conditional approvals.

13. Conditional approvals. a. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the municipal agency shall process such application for development in accordance with this act and municipal development regulations, and, if such application for development complies with municipal development regulations, the municipal agency shall approve such application conditioned on removal of such legal barrier to development.

b. In the event that development proposed by an application for development requires an approval by a governmental agency other than the municipal agency, the municipal agency shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency; provided that the municipality shall make a decision on any application for development within the time period provided in this act or within an extension of such period as has been agreed to by the applicant unless the municipal agency is prevented or relieved from so acting by the operation of law.

Source: C. 40:55–1.18a (1970, c. 64).

Article 2

Municipal Planning Board

C. 40:55D-23 Planning board membership.

14. Planning board membership. a. The governing body may, by ordinance, create a planning board of seven or nine members. The membership shall consist of, for convenience in designating the manner of appointment, the four following classes:

Class I—the mayor or, in the case of the council-manager form of government pursuant to the "Optional Municipal Charter Law,"

P. L. 1950, c. 210 (C. 40:69A–1 et seq.) or "The Municipal Manager Form of Government Law" (Subtitle 5 of Title 40 of the Revised Statutes), the manager, if so provided by the aforesaid ordinance.

Class II—one of the officials of the municipality other than a member of the governing body, to be appointed by the mayor; provided that if there be an environmental commission, the member of the environmental commission who is also a member of the planning board as required by section 1 of P. L. 1968, c. 245 (C. 40:56A–1), shall be deemed to be the Class II planning board member for purposes of this act in the event that there be among the Class IV member of the planning board both a member of the zoning board of adjustment and a member of the board of education.

Class III—a member of the governing body to be appointed by it, except that no member for Class III shall be appointed to the planning board if the governing body consists of only three members.

Class IV—other citizens of the municipality, to be appointed by the mayor or, in the case of the council-manager form of government pursuant to the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A–1 et seq.) or "The Municipal Manager Form of Government Law" (Subtitle 5 of Title 40 of the Revised Statutes), by the council, if so provided by the aforesaid ordinance.

The members of Class IV shall hold no other municipal office, except that in the case of nine-member boards, one such member may be a member of the zoning board of adjustment. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P. L. 1968, c. 245 (C. 40:56A–1), shall be a Class IV planning board member, unless there be among the Class IV members of the planning board both a member of the zoning board of adjustment and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board.

b. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class

II and Class III shall be for 1 year or terminate at the completion of their respective terms of office, whichever occurs first except for a Class II member who is also a member of the environmental commission. The term of a Class II or Class IV member who is also a member of the environmental commission shall be for 3 years or terminate at the completion of his term of office as a member of the environmental commission, whichever occurs first. The term of a Class IV member who is also a member of the board of adjustment, or board of education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this act shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first 4 years after their appointment; provided that the initial Class IV term of no member shall exceed 4 years. Thereafter, the Class IV term of each such member shall be 4 years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the planning board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

c. When any hearing before a planning board shall carry over two or more meetings, a member of the board who was absent for one or more of the meetings, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such board member has available to him a transcript or recording of the meeting from which he was absent, and certifies in writing to the board that he has read such transcript or listened to such recording.

Source: C. 40:55–1.4 (1953, c. 433, s. 4 as amended).

C. 40:55D-24 Organization of planning board.

15. Organization of planning board. The planning board shall elect a chairman and vice chairman from the members of Class IV, select a secretary who may or may not be a member of the planning board or a municipal employee, and create and fill such other offices as established by ordinance. It may employ, or contract for, and fix the compensation of legal counsel, other than the municipal attorney, and experts, and other staff and services as it may deem

necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

Source: C. 40:55–1.5 (1953, c. 433, s. 5); C. 40:55–1.6 (1953, c. 433, s. 6).

C. 40:55D-25 Powers of planning board.

16. Powers of planning board. a. The planning board shall follow the provisions of this act and shall accordingly exercise its power in regard to:

(1) The master plan pursuant to article 3;

(2) Subdivision control and site plan review pursuant to article 6;

(3) The official map pursuant to article 5;

(4) The zoning ordinance including conditional uses pursuant to article 8;

(5) The capital improvements program pursuant to article 4;

(6) Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to article 7.

b. The planning board may:

(1) Participate in the preparation and review of programs or plans required by State or Federal law or regulation;

(2) Assemble data on a continuing basis as part of a continuous planning process; and

(3) Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

Source: C. 40:55–1.10 (1953, c. 433, s. 10 as amended); C. 40:55–1.13 (1953, c. 433, s. 13); C. 40:55–1.14 (1953, c. 433, s. 14 as amended); C. 40:55–1.18 (1953, c. 433, s. 18 as amended); C. 40:55–1.35 (1953, c. 434, s. 6); R. S. 40:55–35 (as amended).

C. 40:55D-26 Referral powers.

17. Referral powers. a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral a report including recommendations concerning the proposed development regulation, revision or amendment. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following

such recommendations. Failure of the planning board to transmit its report within the 35-day period provided herein shall relieve the governing body from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the planning board.

b. The governing body may by ordinance provide for the reference of any matter or class of matters to the planning board before final action thereon by a municipal body or municipal officer having final authority thereon. Such reference shall not extend the time for action by the referring body, whether or not the planning board has submitted its report. Whenever the planning board shall have made a recommendation regarding a matter authorized by this act to another municipal body, such recommendation may be rejected only by a majority of the full authorized membership of such other body.

Source: C. 40:55–1.13 (1953, c. 433, s. 13).

C. 40:55D-27 Citizens advisory committee; environmental commission.

18. Citizens advisory committee; environmental commission. a. After the appointment of a planning board, the mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, but such person or persons shall have no power to vote or take other action required of the board. Such person or persons shall serve at the pleasure of the mayor.

b. Whenever the environmental commission has prepared and submitted to the planning board an index of the natural resources of the municipality, the planning board shall make available to the environmental commission an informational copy of every application for development submitted to the planning board. Failure of the planning board to make such informational copy available to the environmental commission shall not invalidate any hearing or proceeding.

Source: C. 40:55–1.9 (1953, c. 433, s. 9).

Article 3

Master Plan

C. 40:55D-28 Preparation; contents; modification.

19. Preparation; contents; modification. a. The planning board may prepare and, after public hearing adopt or amend a master plan, or component parts thereof, to guide the use of lands within

the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting where appropriate, the following elements:

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element (a) taking into account the other master plan elements and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands. (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes, and (c) including a statement of the standards of population density and development intensity recommended for the municipality.

(3) A housing plan element, including but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities;

(6) A community facilities plan element showing the location and type of educational or cultural facilities, historic sites, libraries, hospitals, fire houses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation; and

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, open space, water, forests, soil, marshes,

wetlands, harbors, rivers and other waters, fisheries, wildlife and other natural resources; and

(9) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located and (3) any comprehensive guide plan pursuant to section 15 of P. L. 1961, c. 47 (C. 13:1B–15.52).

Source: C. 40:55–1.10 (1953, c. 433, s. 10 as amended); C. 40:55–1.11 (1953, c. 433, s. 11 as amended); C. 40:55–1.12 (1953, c. 433, s. 12).

Article 4

Capital Improvements Program and Project Review

C. 40:55D-29 Preparation of capital improvement program.

20. Preparation of capital improvement program. a. The governing body may authorize the planning board from time to time to prepare a program of municipal capital improvement projects projected over a term of at least 6 years, and amendments thereto. Such program may encompass major projects being currently undertaken or future projects to be undertaken, with Federal, State, county and other public funds or under Federal, State or county supervision. The first year of such program shall, upon adoption by the governing body, constitute the capital budget of the municipality as required by N. J. S. 40A:4–43 et seq. The program shall classify projects in regard to the urgency and need for realization, and shall recommend a time sequence for their implementation. The program may also contain the estimated cost of each project and indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the implementation and operation of each project. The program shall, as far as possible, be based on existing information in the possession of the departments and agencies of the municipality and shall take into account public facility needs indicated by the prospective

development shown in the master plan of the municipality or as permitted by other municipal land use controls.

In preparing the program, the planning board shall confer, in in a manner deemed appropriate by the board, with the mayor, the chief fiscal officer, other municipal officials and agencies, and the school board or boards.

Any such program shall include an estimate of the displacement of persons and establishments caused by each recommended project.

b. In addition to any of the requirements in subsection a. of this section, whenever the planning board is authorized and directed to prepare a capital improvements program, every municipal department, authority or agency shall, upon request of the planning board, transmit to said board a statement of all capital projects proposed to be undertaken by such municipal department, authority or agency, during the term of the program, for study, advice and recommendation by the planning board.

Source: C. 40:55–1.13 (1953, c. 433, s. 13).

C. 40:55D-30 Adoption of capital improvement program.

21. Adoption of capital improvement program. Whenever the planning board has prepared a capital improvement program pursuant to section 20 of this act, it shall recommend such program to the governing body which may adopt such program with any modification approved by affirmative vote of a majority of the full authorized membership of the governing body and with the reasons for said modification recorded in the minutes.

Source: New.

C. 40:55D-31 Review of capital projects.

22. Review of capital projects. Whenever the planning board shall have adopted any portion of the master plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating the expenditure of any public funds, incidental to the location, character or extent of such project, shall refer the action involving such specific project to the planning board for review and recommendation in conjunction with such master plan and shall not act thereon, without such recommendation or until 45 days have elapsed after such reference without receiving such recommendation. This requirement shall apply to action by a housing, parking, highway, special district, or other authority, redevelopment agency, school board or other similar public agency, State, county or municipal.

Source: C. 40:55–1.13 (1953, c. 433, s. 13).

ARTICLE 5
THE OFFICIAL MAP

C. 40:55D-32 Establish an official map.

23. Establish an official map. The governing body may by ordinance adopt or amend an official map of the municipality, which shall reflect the appropriate provisions of any municipal master plan; provided that the governing body may adopt an official map or an amendment or revision thereto which, in whole or in part, is inconsistent with the appropriate designations in the subplan elements of the master plan, but only by the affirmative vote of a majority of its full authorized membership with the reasons for so acting recorded in the minutes when adopting the official map. Prior to the hearing on the adoption of any official map or any amendment thereto, the governing body shall refer the proposed official map or amendment to the planning board pursuant to subsection 17 a. of this act.

The official map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the municipality may reserve for future public use, the aforesaid streets, ways, basins, and areas in the manner provided in section 32.

Source: C. 40:55–1.32 (1953, c. 434, s. 3 as amended); C. 40:55–1.34 (1953, c. 434, s. 5); C. 40:55–1.35 (1953, c. 434, s. 6).

C. 40:55D-33 Change or addition to map.

24. Change or addition to map. The approval by the municipality by ordinance under the provisions of any law other than as contained in this article of the layout, widening, changing the course of or closing of any street, or the widening or changing the course of any public drainage way or changing the boundaries of a flood control basin or public area, shall be subject to relevant provisions of this act.

Source: C. 40:55–1.34 (1953, c. 434, s. 5); C. 40:55–1.37 (1953, c. 434, s. 8).

C. 40:55D-34 Issuance of permits for buildings or structures.

25. Issuance of permits for buildings or structures. For purpose of preserving the integrity of the official map of a municipality no permit shall be issued for any building or structure in the bed

on any street or public drainage way, flood control basin or public area reserved pursuant to section 23 hereof as shown on the official map, or shown on a plat filed pursuant to this act before adoption of the official map, except as herein provided. Whenever one or more parcels of land, upon which is located the bed of such a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 hereof, cannot yield a reasonable return to the owner unless a building permit is granted, the board of adjustment, in any municipality which has established such a board, may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the board, direct the issuance of a permit for a building or structure in the bed of such mapped street or public drainage way or flood control basin or public area reserved pursuant to section 23 hereof, which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the official map and the board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. Sections 59 through 62 of this act shall apply to applications or appeals pursuant to this section. In any municipality in which there is no board of adjustment, the planning board shall have the same powers and be subject to the same restrictions as provided in this section.

Source: C. 40:55–1.38 (1953, c. 434, s. 9 as amended).

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 plat 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, 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.

Source: C. 40:55–1.39 (1953, c. 434, s. 10).

C. 40:55D-36 Appeals.

27. Appeals. Where the enforcement of section 26 hereof would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street, the board of adjustment may upon application or appeal, vary the application of section 26 of this act and direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the official map or on a general circulation plan element of the municipal master plan pursuant to paragraph (4) of subsection 19 b.

Sections 59 through 62 of this act shall apply to applications or appeals pursuant to this section. In any municipality in which there is no board of adjustment, the planning board shall have the same powers and be subject to the same restrictions as provided in this section.

Source: C. 40:55–1.40 (1953, c. 434, s. 11).

Article 6

Subdivision and Site Plan Review and Approval

C. 40:55D-37 Grant of power; referral of proposed ordinance; county planning board approval.

28. Grant of power; referral of proposed ordinance; county planning board approval. a. The governing body may by ordinance require approval of subdivision plats by resolution of the planning board as a condition for the filing of such plats with the county recording officer and approval of site plans by resolution of the planning board as a condition for the issuance of a permit for any development, except that subdivision or individual lot applications for detached one or two dwelling-unit buildings shall be exempt from such site plan review and approval; provided that the resolution of the board of adjustment shall substitute for that of the planning board whenever the board of adjustment has jurisdiction over a subdivision or site plan pursuant to subsection 63 b. of this act.

b. Prior to the hearing on adoption of an ordinance providing for planning board approval of either subdivisions or site plans or both or any amendment thereto, the governing body shall refer any such proposed ordinance or amendment thereto to the planning board pursuant to subsection 17 a. of this act.

c. Each application for subdivision approval, where required pursuant to section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), and each application for site plan approval, where required pursuant to section 8 of P. L. 1968, c. 285 (C. 40:27–6.6) shall be submitted by the applicant to the county planning board for review or approval, as required by the aforesaid sections, and the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Source: C. 40:55–1.13 (1953, c. 433, s. 13); C. 40:55–1.14 (1953, c. 433, s. 14 as amended); C. 40:55–1.17 (1953, c. 433, s. 17).

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; 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 used contained in the zoning ordinance pursuant to subsection 52 c. of this act;

(6) Regulation of land designated as subject to flooding pursuant to subsection 52 e. to avoid danger to life or property; and

(7) Protection and conservation of soils from erosion by wind or water or from excavation or grading;

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, street lights, 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;

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.

C. 40:55D-39 Discretionary contents of ordinance.

29.1. Discretionary contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans or both may include the following:

a. Provisions for off-tract water, sewer, drainage, and street improvements which are necessitated by a subdivision or land development, subject to the provisions of section 30;

b. Provisions for standards encouraging and promoting flexibility, and economy in layout and design through the use of planned unit development, planned unit residential development and residential cluster; provided that such standards shall be appropriate to the type of development permitted; and provided further that the ordinance shall set forth the limits and extent of any special provisions applicable to such planned developments, so that the manner in which such special provisions differ from the standards otherwise applicable to subdivisions or site plans can be determined;

c. Provisions for planned development:

(1) Setting forth any variations from the ordinary standards for preliminary and final approval to provide the increased flexibility desirable to promote mutual agreement between the applicant and the planning board on the basic scheme of a planned development at the stage of preliminary approval;

(2) Requiring that any common open space resulting from the application of standards for density, or intensity of land use, be set aside for the use and benefit of the owners or residents in such development subject to section 31 of this act;

(3) Setting forth how the amount and location of any common open space shall be determined and how its improvement and maintenance for common open space use shall be secured subject to section 31 of this act;

(4) Authorizing the planning board to allow for a greater concentration of density, or intensity of land use, within a section or sections of development, whether it be earlier, later or simultaneous in the development, than in others;

(5) Setting forth any requirement that the approval by the planning board of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by grant of easement or by covenant in favor of the municipality; provided that such reservation shall, as far as practicable, defer the precise location of common open space until an application for final approval is filed, so that flexibility of development can be maintained;

(6) Setting forth any requirements for timing of development among the various types of uses and subgroups thereunder and, in the case of planned unit development and planned unit residential development, whether some nonresidential uses are required to be built before, after or at the same time as the residential uses.

d. Provisions ensuring in the case of a development which proposes construction over a period of years, the protection of the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development.

e. Provisions that require as a condition for local municipal approval the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision, site plan, or planned development application is made.

f. Provisions for the creation of a Site Plan Review Advisory Board for the purpose of reviewing all site plan applications and making recommendations to the planning board in regard thereto.

C. 40:55D-40 Discretionary contents of subdivision ordinance.

29.2 Discretionary contents of subdivision ordinance. An ordinance requiring subdivision approval by the planning board pursuant to this article may also include:

a. Provisions for minor subdivision approval pursuant to section 35 of this act; and

b. Standards encouraging and promoting flexibility, economy and environmental soundness in layout and design in accordance with which the planning board may approve the varying, within a conventional subdivision, of lot areas and dimensions, and yards and setbacks otherwise required by municipal development regulations in such a way that the average lot areas and dimensions, yards and setbacks within the subdivision conform to the conventional norms of the municipal development regulations; provided that such standards shall be appropriate to the type of development permitted.

C. 40:55D-41 Contents of site plan ordinance.

29.3. Contents of site plan ordinance. An ordinance requiring site plan review and approval pursuant to this article shall include and shall be limited to, except as provided in sections 29 and 29.1 of this act standards and requirements relating to:

a. Preservation of existing natural resources on the site;

b. Safe and efficient vehicular and pedestrian circulation, parking and loading;

c. Screening, landscaping and location of structures; and

d. Exterior lighting needed for safety reasons in addition to any requirements for street lighting.

Source: C. 40:55–1.15 (1953, c. 433, s. 15); C. 40:55–1.20 (1953, c. 433, s. 20); C. 40:55–1.21 (1953, c. 433, s. 21 as amended); C. 40:55–1.32 (1953, c. 434, s. 3 as amended); C. 40:55–55 (1967, c. 61, s. 1); C. 40:55–56 (1967, c. 61, s. 2); C. 40:55–57 (1967, c. 61, s. 3 as amended); C. 40:55–58 (1967, c. 61, s. 3); (C. 40:55–59 (1967, c. 61, s. 4).

C. 40:55D-42 Contribution for off-tract water, sewer, drainage, and street improvements.

30. Contribution for off-tract water, sewer, drainage, and street improvements. The governing body may by ordinance adopt regulations requiring a developer, as a condition for approval of a subdivision or site plan, to pay his pro-rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located outside the property limits of the subdivision or development but necessitated or required by construction or improvements within such subdivision or development. Such regulations shall be based on circulation and comprehensive utility service plans pursuant to subsections 19 b. (4) and 19 b. (5) of this act, respectively, and shall establish fair and reasonable standards to determine the proportionate or pro-rata amount of the cost of such facilities that shall be borne by each developer or owner within a related and common area, which standards shall not be altered subsequent to preliminary approval. Where a developer pays the amount determined as his pro-rata share under protest he shall institute legal action within 1 year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

C. 40:55D-43 Standards for the establishment of open space organization.

31. Standards for the establishment of open space organization. a. An ordinance pursuant to this article permitting planned unit development, planned unit residential development or residential cluster may provide that the municipality or other governmental agency may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance,

but the ordinance shall not require, as a condition of the approval of a planned development, that land proposed to be set aside for common open space be dedicated or made available to public use.

An ordinance pursuant to this article providing for planned unit development, planned unit residential development, or residential cluster shall require that the developer provide for an organization for the ownership and maintenance of any open space for the benefit of owners or residents of the development, if said open space is not dedicated to the municipality or other governmental agency. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the municipality or municipalities wherein the land is located.

b. In the event that such organization shall fail to maintain the open space in reasonable order and condition, the municipal body or officer designated by ordinance to administer this subsection may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 35 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice. At such hearing, the designated municipal body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 35 days or any permitted extension thereof, the municipality, in order to preserve the open space and maintain the same for a period of 1 year may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the designated municipal body or officer, as the case may be, shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days written notice to such organization and to the owners of the development, to be held by such municipal

body or officer, at which hearing such organization and the owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the municipality, continue for a succeeding year. If the designated municipal body or officer, as the case may be, shall determine that such organization is ready and able to maintain said open space in reasonable condition, the municipality shall cease to maintain said open space at the end of said year. If the municipal body or officer, as the case may be, shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the municipality may, in its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the municipal body or officer in any such case shall constitute a final administrative decision subject to judicial review.

If a municipal body or officer is not designated by ordinance to administer this subsection, the governing body shall have the same powers and be subject to the same restrictions as provided in this subsection.

c. The cost of such maintenance by the municipality shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with assessed value at the time of imposition of the lien, and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

Source: C. 40:55–57(c) (1967, c. 61, s. 3(c) as amended).

C. 40:55D-44 Reservation of public areas.

32. Reservation of public areas. If the master plan or the official map provides for the reservation of designated streets, public drainageways, flood control basins, or public areas within the proposed development, before approving a subdivision or site plan, the planning board may further require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses. The planning board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of 1 year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the municipality shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee

or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to streets and roads, flood control basins or public drainageways necessitated by the subdivision or land development and required for final approval.

The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation; provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering, or other professional services incurred in connection with obtaining subdivision approval or site plan approval, as the case may be, caused by the reservation. The municipality shall provide by ordinance for a procedure for the payment of all compensation payable under this section.

Source: C. 40:55–1.20 (1953, c. 433, s. 20); C. 40:55–1.32 (1953, c. 434, s. 3 as amended).

C. 40:55D-45 Findings for planned developments.

33. Findings for planned developments. Every ordinance pursuant to this article that provides for planned developments shall require that prior to approval of such planned developments the planning board shall find the following facts and conclusions:

a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52 c. of this act;

b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;

c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;

d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;

e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

Source: C. 40:55–61 (1967, c. 61, s. 7).

C. 40:55D-46 Procedure for preliminary site plan approval.

34. Procedure for preliminary site plan approval. a. An ordinance requiring site plan review and approval shall require that the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient. If an application for development is found to be incomplete, the developer shall be notified thereof within 45 days of the submission of such application or it shall be deemed to be properly submitted.

b. If the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval.

c. Upon the submission to the administrative officer of a complete application for a site plan for 10 acres of land or less, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan of more than 10 acres, the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the

planning board shall be deemed to have granted preliminary approval of the site plan.

Source: C. 40:55–59 (1967, c. 61, s. 5); C. 40:55–60 (1967, c. 61, s. 6); C. 40:55–62 (1967, c. 61, s. 8); C. 40:55–63 (1967, c. 61, s. 9).

C. 40:55D-47 Minor subdivision.

35. Minor subdivision. An ordinance requiring approval of subdivisions by the planning board may authorize the planning board to waive notice and public hearing for an application for development if the planning board or subdivision committee of the board appointed by the chairman find that the application for development conforms to the definition of "minor subdivision" in section 3.2 of this act. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board; provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to sections 29 and 41 of this act.

Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," P. L. 1960, c. 141 (C. 46:23–9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted

for such filing shall have been signed by the chairman and secretary of the planning board. In reviewing the application for development for a proposed minor subdivision the planning board may be permitted by ordinance to accept a plat not in conformity with the "Map Filing Act," P. L. 1960, c. 141 (C. 46:23–9.9 et seq.); provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of said act.

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of 2 years after the date of minor subdivision approval; provided that the approved minor subdivision shall have been duly recorded as provided in this section.

Source: C. 40:55–1.14 (1953, c. 433, s. 14 as amended); C. 40:55–1.15 (1953, c. 433, s. 15).

C. 40:55D-48 Procedure for preliminary major subdivision approval.

36. Procedure for preliminary major subdivision approval. a. An ordinance requiring subdivision approval by the planning board shall require that the developer submit to the administrative officer a plat and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary approval have been met; provided that minor subdivisions pursuant to section 35 of this act shall not be subject to this section. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If the application for development is found to be incomplete, the developer shall be notified thereof within 45 days of submission of such application or it shall be deemed to be properly submitted.

b. If the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed subdivision complies with the ordinance and this act, grant preliminary approval to the subdivision.

c. Upon the submission to the administrative officer of a complete application for a subdivision of 10 or fewer lots, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete

application for a subdivision of more than 10 lots, the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval to the subdivision.

Source: C. 40:55–1.14 (1953, c. 433, s. 14 as amended).

C. 40:55D-49 Effect of preliminary approval.

37. Effect of preliminary approval. Preliminary approval of a major subdivision pursuant to section 36 of this act or of a site plan pursuant to section 34 of this act shall, except as provided in subsection d. of this section, confer upon the applicant the following rights for a 3-year period from the date of the preliminary approval:

a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval pursuant to subsection 29.3 of this act; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;

b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be; and

c. That the applicant may apply for and the planning board may grant extensions on such preliminary approval for additional periods of at least 1 year but not to exceed a total extension of 2 years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision of or site plan for an area of 50 acres or more, the planning board may grant the rights referred to in subsections a., b., and c. above for such period of time, longer than 3 years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and

the planning board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

Source: C. 40:55–1.18 (1953, c. 433, s. 18 as amended).

C. 40:55D-50 Final approval of site plans and major subdivisions.

38. Final approval of site plans and major subdivisions. a. The planning board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law," P. L. 1960, c. 141 (C. 46:23–9.9 et seq.); provided that in the case of a planned unit development, planned unit residential development or residential cluster, the planning board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

b. Final approval shall be granted or denied within 45 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute final approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), in the case of a subdivision, or section 8 of P. L. 1968, c. 285 (C. 40:27–6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon

timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Source: C. 40:55–1.18 (1953, c. 433, s. 18 as amended); C. 40:55–57 (f) (1967, c. 61, s. 3 (f) as amended); C. 40:55–61 (1967, c. 61, s. 7).

C. 40:55D-51 Exception in application of subdivision or site plan regulation; simultaneous review and approval.

39. Exception in application of subdivision or site plan regulation; simultaneous review and approval. a. The planning board when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

b. The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

c. The planning board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the planning board, or the planning board being required to hold further hearings. The longest time period for action by the planning board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional use.

Source: New.

C. 40:55D-52 Effect of final approval of a site plan or major subdivision.

40. Effect of final approval of a site plan or major subdivision. a. The zoning requirements applicable to the preliminary approval

first granted and all other rights conferred upon the developer pursuant to section 37 of this act, whether conditionally or otherwise, shall not be changed for a period of 2 years after the date of final approval; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 42 of this act. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 42 of this act, the planning board may extend such period of protection for extensions of 1 year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval pursuant to section 37 of this act for the section granted final approval.

b. In the case of a subdivision or site plan for a planned unit development or planned unit residential development or residential cluster of 50 acres or more or conventional subdivision or site plan for 150 acres or more, the planning board may grant the rights referred to in subsection a. of this section for such period of time, longer than 2 years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

Source: New.

C. 40:55D-53 Guarantees required; surety; release.

41. Guarantees required; surety; release. a. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection 52 d. of this act, the approving authority may require and shall accept in accordance with the standards adopted by ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P. L. 1960, c. 141 (C. 46:23–9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

(2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed 2 years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The amount of any performance guarantee may be reduced by the governing body, by resolution, when portions of the improvements have been certified by the municipal engineer to have been completed. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by said body by resolution.

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

d. When all of the required improvements have been completed, the obligor shall notify the governing body in writing, by certified mail addressed in care of the municipal clerk of the completion of said improvements and shall send a copy thereof to the municipal engineer. Thereupon the municipal engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

e. The governing body shall either approve, partially approve or reject the improvements, on the basis of the report of the municipal engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto, not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guarantee.

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

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

h. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements.

Source: C. 40:55–1.21 (1953, c. 433, s. 21 as amended); C. 40:55–1.22 (1953, c. 433, s. 22 as amended).

C. 40:55D-54 Recording of final approval of major subdivision; filing of all subdivision plats.

42. Recording of final approval of major subdivision; filing of all subdivision plats. a. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The planning board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

b. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the planning board as indicated on the instrument by the signature of the chairman and secretary of the planning board or a certificate has been issued pursuant to sections 35, 38, 44, 48, 54 or 63 of this act. The signatures of the chairman and secretary of the planning board shall not be affixed until the developer has posted the guarantees required

pursuant to section 41 of this act. If the county recording officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

c. It shall be the duty of the county recording officer to notify the planning board in writing within 7 days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

Source: C. 40:55–1.17 (1953, c. 433, s. 17).

C. 40:55D-55 Selling before approval; penalty; suits by municipalities.

43. Selling before approval; penalty; suits by municipalities. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this act, such person shall be subject to a penalty not to exceed $1,000.00, and each lot disposition so made may be deemed a separate violation.

In addition to the foregoing, the municipality may institute and maintain a civil action:

a. For injunctive relief; and

b. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with section 44 of this act, but only if the municipality (1) has a planning board and (2) has adopted by ordinance standards and procedures in accordance with section 29 of this act.

In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within 2 years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within 6 years, if unrecorded.

Source: C. 40:55–1.23 (1953, c. 433, s. 23).

C. 40:55D-56 Certificates showing approval; contents.

44. Certificates showing approval; contents. The prospective purchaser, prospective mortgagee, or any other person interested

in any land which forms part of a subdivision, or which formed part of such a subdivision 3 years preceding the effective date of this act, may apply in writing to the administrative officer of the municipality, for the issuance of a certificate certifying whether or not such subdivision has been approved by the planning board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

The administrative officer shall make and issue such certificate within 15 days after the receipt of such written application and the fees therefor. Said officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.

Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:

a. Whether there exists in said municipality a duly established planning board and whether there is an ordinance controlling subdivision of land adopted under the authority of this act.

b. Whether the subdivision, as it relates to the land shown in said application, has been approved by the planning board, and, if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.

The administrative officer shall be entitled to demand and receive for such certificate issued by him a reasonable fee not in excess of those provided in R. S. 54:5–14 and 54:5–15. The fees so collected by such official shall be paid by him to the municipality.

Source: C. 40:55–1.24 (1953, c. 433, s. 24).

C. 40:55D-57 Right of owner of land covered by certificate.

45. Right of owner of land covered by certificate. Any person who shall acquire for a valuable consideration an interest in the lands covered by any such certificate of approval of a subdivision in reliance upon the information therein contained shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to the provisions of section 43 of this act.

If the administrative officer designated to issue any such certificate fails to issue the same within 15 days after receipt of an application and the fees therefor, any person acquiring an interest in the lands described in such application shall hold such interest

free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to section 43 of this act.

Any such application addressed to the clerk of the municipality shall be deemed to be addressed to the proper designated officer and the municipality shall be bound thereby to the same extent as though the same was addressed to the designated official.

Source: C. 40:55–1.25 (1953, c. 433, s. 25).

C. 40:55D-58 Condominiums and cooperative structures and uses.

46. Condominiums and cooperative structures and uses. This act and all development regulations pursuant thereto shall be construed and applied with reference to the nature and use of a condominium or cooperative structures or uses without regard to the form of ownership. No development regulation shall establish any requirement concerning the use, location, placement or construction of buildings or other improvements for condominiums or cooperative structures or uses unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then or thereafter under the condominium or cooperative corporate form of ownership. No approval pursuant to this act shall be required as a condition precedent to the recording of a condominium master deed or the sale of any unit therein unless such approval shall also be required for the use or development of the lands described in the master deed in the same manner had such lands not been under the condominium form of ownership.

Source: New.

C. 40:55D-59 Valuation, assessment and taxation of land receiving preliminary subdivision, site plan, or planned development approval or extended tentative planned unit development approval.

(C. 54:4–23.8 and 23.9) 46.1. Valuation, assessment and taxation of land receiving preliminary subdivision, site plan, or planned development approval or extended tentative planned unit development approval.

a. Any parcel of land receiving preliminary subdivision, site plan or planned development approval for a use other than agriculture or horticulture, notwithstanding its valuation, assessment, and taxation as an agricultural or horticultural use pursuant to the provisions of the "Farmland Assessment Act of 1964," (P. L. 1964, c. 48, C. 54:4–23.1 et seq.), shall be valued, assessed and taxed as of January 1 of the year following such preliminary approval as other land in the taxing district, such value and assessment to be established and taxes paid in accordance with the provisions of sections 8 and 9 of the "Farmland Assessment Act of 1964," (P. L.

1964, c. 48, C. 54:4–23.1 et seq.); provided that the provisions hereof shall apply serially to any development whose preliminary approval proposes construction in stages and separate application for final approval for each stage and only that stage of the development designated for the earliest application for final approval shall be valued, assessed and taxed as provided herein until certificates of occupancy for 50% of the building permits in such stage have been issued, at which time the second stage shall be valued, assessed and taxed as provided herein and so on until qualification for valuation, assessment and taxation pursuant to the provisions of the "Farmland Assessment Act of 1964," (P. L. 1964, c. 48, C. 54:4–23.1 et seq.) lapses for the last stage of such development.

b. Any parcel of land, otherwise qualifying as an agricultural or horticultural use pursuant to the provisions of the "Farmland Assessment Act of 1964" (P. L. 1964, c. 48, C. 54:4–23.1 et seq.) for which preliminary approval shall have lapsed pursuant to law, or for which the owner thereof shall have made request in writing to the approving municipal body for rescinding of such preliminary and all subsequent approvals, shall be assessed, valued and taxed in the manner provided in the "Farmland Assessment Act of 1964" (P. L. 1964, c. 48, C. 54:4–23.1 et seq.), as of January 1 of the year following such lapse or rescission.

c. Any parcel of land to which the provisions of subsection a. hereof are applicable but which cannot be developed because of the lack of available sanitary sewerage or water supply capacity necessary to serve such development shall be exempt from the operation of the provisions of subsection a. herein for the period from January 1 of the year following the calendar year in which such development becomes impracticable because of such lack of capacity to January 1 of the year following the calendar year in which such capacity becomes available.

d. The provisions of this section shall apply to any parcel of land designated as an agricultural or horticultural use, pursuant to the provisions of the "Farmland Assessment Act of 1964" (P. L. 1964, c. 48, C. 54:4–23.1 et seq.) which has tentative or subsequent planned unit development approval or site plan approval on the effective date of this act which approval is thereafter extended in duration of time beyond the period approved therefor before the effective date of this act.

ARTICLE 7

ANCILLARY POWERS OF PLANNING BOARD

C. 40:55D-60 Planning board review in lieu of board of adjustment.

47. Planning board review in lieu of board of adjustment. The planning board when reviewing applications for approval of subdivision plats, site plans or conditional uses shall have the power to grant to the same extent and subject to the same restrictions as the board of adjustment:

a. Variances pursuant to subsection 57 c. of this act from lot area, lot dimensional, setback and yard requirements; provided that relief pursuant to this subsection from lot area requirements shall not be granted for more than one lot;

b. Direction pursuant to section 25 of this act for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 of this act;

c. Direction pursuant to section 27 of this act for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance, or direction for issuance of a permit, as the case may be.

Source: C. 40:55–1.8 (1953, c. 433, s. 8); C. 40:55–1.40 (1953, c. 434, s. 11).

C. 40:55D-61 Time periods.

48. Time periods. Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to section 47 of this act, the planning board shall grant or deny approval of the application within 95 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285

(C. 40:27–6.3), in the case of a subdivision, or section 8 of P. L. 1968, c. 285 (C. 40:27–6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Source: C. 40:55–1.18 (1953, c. 433, s. 18 as amended).

ARTICLE 8

ZONING

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 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 of the master plan or designed to effectuate such plan element; 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, 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 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 77 b. of this act.

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.

Source: R. S. 40:55–30 (as amended); R. S. 40:55–31 (as amended); R. S. 40:55–32 (as amended).

C. 40:55D-63 Protest.

50. Protest. A protest against any proposed amendment or revision of a zoning ordinance may be filed with the municipal clerk, signed by the owners of 20% or more either of the area of the lots or land included in such proposed change, or of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the municipality. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds of all the members of the governing body of the municipality.

Source: R. S. 40:55–35 (as amended).

C. 40:55D-64 Referral to planning board.

51. Referral to planning board. Prior to the hearing on adoption of a zoning ordinance, or any amendments thereto, the governing body shall refer any such proposed ordinance or amendment thereto to the planning board pursuant to subsection 17 a. of this act.

Source: R. S. 40:55–35 (as amended).

C. 40:55D-65 Contents of zoning ordinance.

52. Contents of zoning ordinance. A zoning ordinance may:

a. Limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes.

b. Regulate the bulk, height, number of stories, and size of buildings and the other structures; the percentage of lot or development area that may be occupied by structures; lot sizes and dimensions; and for these purposes may specify floor area ratios and other ratios and regulatory techniques governing the intensity of land use and the provision of adequate light and air.

c. Provide districts for planned developments; provided that an ordinance providing for approval of subdivisions and site plans by the planning board has been adopted and incorporates therein the provisions for such planned developments in a manner consistent with article 6 of this act. The zoning ordinance shall establish standards governing the type and density, or intensity of land use, in a planned development. Said standards shall take into account that the density, or intensity of land use, otherwise allowable may not be appropriate for a planned development. The standards may vary the type and density, or intensity of land use, otherwise applicable to the land within a planned development in considera-

tion of the amount, location and proposed use of common open space; the location and physical characteristics of the site of the proposed planned development; and the location, design and type of dwelling units and other uses. Such standards may, in order to encourage the flexibility of housing density, design and type, authorize a deviation in various residential clusters from the density, or intensity of use, established for an entire planned development. The standards and criteria by which the design, bulk and location of buildings are to be evaluated, shall be set forth in the zoning ordinance and all standards and criteria for any feature of a planned development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for a planned development can be evaluated.

d. Establish, for particular uses or classes of uses, reasonable standards of performance and standards for the provision of adequate physical improvements including, but not limited to, off-street parking and loading areas, marginal access roads and roadways, other circulation facilities and water, sewerage and drainage facilities; provided that section 41 of this act shall apply to such improvements.

e. Designate and regulate areas subject to flooding (1) pursuant to P. L. 1972, c. 185 (C. 58:16A–55 et seq.) or (2) as otherwise necessary in the absence of appropriate flood hazard area designations pursuant to P. L. 1962, c. 19 (C. 58:16A–50 et seq.) or floodway regulations pursuant to P. L. 1972, c. 185 or minimum standards for local flood fringe area regulation pursuant to P. L. 1972, c. 185.

f. Provide for conditional uses pursuant to section 54 of this act.

g. Provide for senior citizen community housing consistent with provisions permitting other residential uses of a similar density in the same zoning district.

h. Require that as a condition for any approval by the zoning board of adjustment that no taxes or assessments for local improvements are due or delinquent on the property for which any application is made.

Source: R. S. 40:55–30 (as amended); R. S. 40:55–31 (as amended); R. S. 40.55–32 (as amended); C. 40:55–55 (1967, c. 61, s. 1); C. 40:55–57 (1967, c. 61, s. 3 as amended).

C. 40:55D-66 Miscellaneous provisions; model homes; public and private day schools; placement of foster children in single family dwellings.

53. Miscellaneous provisions; model homes; public and private day schools; placement of foster children in single family dwellings.

a. For purposes of this act, model homes or sales offices within a subdivision and only during the period necessary for the sale of new homes within such subdivision shall not be considered a business use.

b. No zoning ordinance governing the use of land by or for schools shall, by any of its provisions or by any regulation adopted in accordance therewith, discriminate between public and private nonprofit day schools of elementary or high school grade accredited by the State Department of Education.

c. No zoning ordinance shall, by any of its provisions or by any regulation adopted in accordance therewith, discriminate between children who are members of families by reason of their relationship by blood, marriage or adoption, and foster children placed with such families in a dwelling by the Division of Youth and Family Services in the Department of Institutions and Agencies or a duly incorporated child care agency and children placed pursuant to law in single family dwellings known as group homes. As used in this section, the term "group home" means and includes any single family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Institutions and Agencies in accordance with rules and regulations adopted by the Commissioner of Institutions and Agencies provided, however, that no group home shall contain more than 12 children.

Source: C. 40:55–33.1 (1961, c. 138); C. 40:55–33.2 (1962, c. 177).

C. 40:55D-67 Conditional uses; site plan review.

54. Conditional uses; site plan review. a. A zoning ordinance may provide for conditional uses to be granted by the planning board according to definite specifications and standards which shall be clearly set forth with sufficient certainty and definiteness to enable the developer to know their limit and extent. The planning board shall grant or deny an application for a conditional use within 95 days of submission of a complete application by a developer to the administrative officer, or within such further time as may be consented to by the applicant.

b. The review by the planning board of a conditional use shall include any required site plan review pursuant to article 6 of this act. The time period for action by the planning board on conditional uses pursuant to subsection a. of this section shall apply to such site plan review. Failure of the planning board to act within the period prescribed shall constitute approval of the application

and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), in the case of a subdivision, or section 8 of P. L. 1968, c. 285 (C. 40:27–6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Source: R. S. 40:55–30 (as amended).

C. 40:55D-68 Nonconforming structures and uses.

55. Nonconforming structures and uses. Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

Source: R. S. 40:55–48.

Article 9

Zoning Board of Adjustment

C. 40:55D-69 Zoning board of adjustment.

56. Zoning board of adjustment. Upon the adoption of a zoning ordinance, the governing body shall create, by ordinance, a zoning board of adjustment which shall consist of seven members. Notwithstanding the provisions of any other law or charter heretofore adopted, such ordinance shall provide the method of appointment of such members. The terms of the members first appointed under this act shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first 4 years after their appointment; provided the initial term of no member shall exceed 4 years. Thereafter, the term of each such member shall be 4 years. No member may hold any elective office or position under the municipality. No member of the board of adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member may, after public hearing if he

requests it, be removed by the governing body for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

The board of adjustment shall elect a chairman and vice-chairman from its members and select a secretary who may or may not be a member of the board of adjustment or a municipal employee.
Source: R. S. 40:55–36 (as amended).

C. 40:55D-70 Powers.

57. Powers. The board of adjustment shall have the power to:

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance;

b. Hear and decide in accordance with the provisions of any such ordinance, requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance in accordance with this act;

c. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use in conjunction with which the planning board shall review a request for a variance pursuant to subsection 47 a. of this act.

d. Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by affirmative vote of at least two-thirds of the full authorized membership of the board.

No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted

without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. An application under this section may be referred to any appropriate person or agency, including the planning board pursuant to section 17 of this act, for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

Source: R. S. 40:55–39 (as amended).

C. 40:55D-71 Expenses and costs.

58. Expenses and costs. a. The governing body shall make provision in its budget and appropriate funds for the expenses of the board of adjustment.

b. The board of adjustment may employ, or contract for, and fix the compensation of legal counsel, other than the municipal attorney, and experts and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

Source: C. 40:55–36.1 (1955, c. 126, s. 1 as amended); C. 40:55–36.2 (1955, c. 126, s. 2 as amended).

C. 40:55D-72 Appeals and applications to board of adjustment.

59. Appeals and applications to board of adjustment. a. Appeals to the board of adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the zoning ordinance or official map. Such appeal shall be taken within 65 days by filing a notice of appeal with the officer from whom the appeal is taken specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

b. A developer may file an application for development with the board of adjustment for action under any of its powers without prior application to an administrative officer.

Source: R. S. 40:55–42.

C. 40:55D-73 Time for decision.

60. Time for decision. a. The board of adjustment shall render a decision not later than 120 days after the date (1) an appeal is taken from the decision of an administrative officer or (2) the submission of a complete application for development to the board of adjustment pursuant to section 59 b. of this act.

b. Failure of the board to render a decision within such 120-day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.

Source: C. 40:55–39.1 (1969, c. 293); R. S. 40:55–45 (as amended).

C. 40:55D-74 Modification on appeal.

61. Modification on appeal. The board of adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.

Source: R. S. 40:55–40.

C. 40:55D-75 Stay of proceedings by appeal; exception.

62. Stay of proceedings by appeal; exception. An appeal to the board of adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

Source: R. S. 40:55–43 (as amended).

C. 40:55D-76 Other powers.

63. Other powers. a. Sections 59 through 62 of this article shall apply to the power of the board of adjustment to:

(1) Direct issuance of a permit pursuant to section 25 of this act for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 of this act; or

(2) Direct issuance of a permit pursuant to section 27 of this act for a building or structure not related to a street.

b. The board of adjustment shall have the power to grant to the same extent and subject to the same restrictions as the planning board subdivision or site plan approval pursuant to article 6 of this act or conditional use approval pursuant to section 54 of this act whenever the board of adjustment is reviewing an application for approval of a variance pursuant to subsection 57 d. of this act.

c. Whenever an application for development requests relief pursuant to subsection b. of this section, the board of adjustment

shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the board of adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the board of adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P. L. 1968, c. 285 (C. 40:27–6.3), in the case of a subdivision, or section 8 of P. L. 1968, c. 285 (C. 40:27–6.6), in the case of a site plan, the municipal board of adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time.

An application under this section may be referred to any appropriate person or agency, including the planning board pursuant to section 17 of this act, for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

Source: C. 40:55–1.38 (1953, c. 434, s. 9 as amended); C. 40:55–1.39 (1953, c. 434, s. 10); C. 40:55–1.40 (1953, c. 434, s. 11).

Article 10

Joint Exercise of Powers of Planning and Land Use Control

C. 40:55D-77 Generally.

64. Generally. The governing bodies of two or more municipalities, independently or with the board or boards of chosen freeholders of any county or counties in which such municipalities are located or of any adjoining county or counties or the governing body of any municipality and the board of chosen freeholders in which such municipality is located, or the boards of chosen freeholders of any two or more adjoining counties, may, by substantially similar ordinances or resolutions, as the case may be, duly adopted by each of such governing bodies within 6 calendar months after the adoption of the first such ordinance or resolution

after notice and hearing as herein required, enter into a joint agreement providing for the joint administration of any or all of the powers conferred upon each of the municipalities or counties pursuant to this act. Such ordinance may also provide for the establishment and appointment of a regional planning board, a regional board of adjustment, or a joint building official, joint zoning officer or other officials responsible for performance of administrative duties in connection with any power exercised pursuant to this act.

Source: R. S. 40:27–9.

C. 40:55D-78 Terms of joint agreement.

65. Terms of joint agreement. The ordinance shall, subject to this article, set forth the specific duties to be exercised jointly; the composition, membership and manner of appointment of any regional board including the representation of each municipality or county; the qualifications and manner of appointment of any joint building official, joint zoning officer or other joint administrative officer; the term of office, the manner of financing, the expenses of such joint exercise of powers, the share of financing to be borne by each county and municipality joining therein, the duration of such agreement and the manner in which such agreement may be terminated or extended.

Source: R. S. 40:27–9.

C. 40:55D-79 Membership of regional boards.

66. Membership of regional boards. Every joint agreement creating a regional board under this article shall provide for a representative member on such board for each constituent municipality or county and may provide for additional representative members for any such constituent municipality or county. The representative member or members on a regional board for a constituent municipality shall be appointed by the mayor.

Any such member, after a public hearing if he requests one, may be removed for cause by the governing body of such constituent municipality. The representative member or members of a regional board for a constituent county shall be appointed by the board of chosen freeholders of such county. Any such member, after public hearing if he requests one, may be removed for cause by the board of chosen freeholders of such constituent county.

Source: R. S. 40:27–9.

C. 40:55D-80 Organization of regional boards; rules and procedures.

67. Organization of regional boards; rules and procedures. Each regional board shall elect a chairman and a vice chairman from among its members, with a term of 1 year and eligibility for reelection, and select a secretary, who may or may not be a member or employee of the board, and may create and fill such other offices as it may determine.

Each regional board shall adopt rules for the transaction of its business and keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Each regional board shall be subject to the provisions of article 1 of this act relating to rules of procedures, meetings, hearings and notices.

Source: R. S. 40:27–9.

C. 40:55D-81 Expenses; staff and consultants.

68. Expenses; staff and consultants. The regional board or agency may employ, or contract for and fix the compensation of legal counsel, other than an attorney for a constituent municipality or county, and experts and other staff and services, as it may deem necessary, not exceeding, exclusive of gifts or grants, the amounts agreed upon and appropriated for its use.

Source: R. S. 40:27–9.

C. 40:55D-82 Sharing of costs and expenses.

69. Sharing of costs and expenses. The apportionment of costs and expenses under any joint agreement may be based upon apportionment valuations determined under R. S. 54:4–49, or upon population, budgets and such other factor or factors, or any combination thereof as provided in the agreement.

Source: R. S. 40:27–9.

C. 40:55D-83 Termination of agreement.

70. Termination of agreement. Termination of a joint agreement pursuant to section 65 of this act shall not be made effective earlier than June 30 next succeeding the expiration of 12 full calendar months following the decision to terminate; provided that such termination may occur at an earlier date if the parties to the joint agreement unanimously agree to such earlier date on or after the date of the decision to terminate as provided by the joint agreement.

Source: New.

C. 40:55D-84 Regional planning board; powers.

71. Regional planning board; powers. A regional planning board shall prepare a master plan for the physical, economic and social development of the region, as created pursuant to the agreement, with elements similar to those mentioned in section 19, and may make such additional surveys and studies as may be necessary to carry out its duties. The governing body of any constituent municipality, by ordinance, or the board of chosen freeholders of any constituent county, by resolution, may delegate to the regional planning board, any or all of the powers and duties of a municipal planning board, in the case of a municipality, and, in the case of a county, any or all of the powers and duties of a county planning board.

Notwithstanding any other provision of this act, no application for development shall be required to be reviewed and approved by both a regional planning board and the planning board of a constituent municipality.

Source: R. S. 40:27–10; R. S. 40:27–11.

C. 40:55D-85 Regional board of adjustment.

72. Regional board of adjustment. A regional board of adjustment shall consist of at least seven members. Each member shall be appointed for a term of 4 years, except that of the first members to be appointed, the term of at least one member shall expire at the end of every year. A regional board of adjustment shall have all the powers of a municipal board of adjustment of each of the constituent municipalities and, unless otherwise specified herein, shall be subject to the provisions of this act relating to municipal boards of adjustment. Except for determination of matters pending before them at the time of creation of a regional board of adjustment, the jurisdiction of all municipal boards of adjustment in the constituent municipalities shall be terminated by the regional board.

Source: New.

C. 40:55D-86 Appointment of joint building officials, zoning officers and planning administrative officers.

73. Appointment of joint building officials, zoning officers and planning administrative officers. The governing bodies of two or more constituent municipalities may provide by agreement, pursuant to procedures set forth herein, for the appointment of a joint building official, zoning officer, planning administrative

officer or any thereof, and any other personnel necessary for the enforcement of the provisions of this act.

Source: New.

C. 40:55D-87 Joint administrative functions.

74. Joint administrative functions. The building official, zoning office and planning administration functions, or any thereof, or a joint office shall be exercised in the same manner, to the same extent and with the same obligation to attend and report to the governing bodies, boards, communities and officials of each of the several municipalities as though such functions were exercised in each municipality separately, and all records for each of the municipalities shall be maintained separately and shall be available for public inspection pursuant to law.

Except as otherwise provided by joint agreement, any person or persons who may hereafter be appointed as a joint building official, zoning officer or planning administrative officer shall serve at the pleasure of the regional planning board.

Source: New.

C. 40:55D-88 Delegation to county, regional and interstate bodies.

75. Delegation to county, regional and interstate bodies. The governing body of any municipality may, by ordinance pursuant to a written agreement, provide for the joint administration of any or all of the powers conferred upon the municipality by this act with a county, regional or interstate body authorized to act in the region of which the municipality is part. The ordinance shall set forth the membership of the joint body, the specific administrative duties to be exercised, in the manner of financing, the share of financing to be borne by the bodies involved, the duration of the agreement and the manner in which the agreement may be terminated or extended.

Source: R. S. 40:27–11.

Article 11

Periodic Reexamination of Municipal Plans and Regulations

C. 40:55D-89 Periodic reexamination.

76. Periodic reexamination. The governing body shall, at least every 6 years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare a report on the findings of such reexamination, a copy of which shall be sent to the county planning board and the

municipal clerks of each adjoining municipality. The 6-year period shall commence with the adoption or termination of the last general reexamination of such plan and regulations. The first such reexamination shall be completed within 6 years after the effective date of this act.

Such report shall state:

a. The major problems and objectives relating to land development in the municipality at the time of such adoption, last revision or reexamination, if any.

b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources and changes in State, county and municipal policies and objectives.

d. The specific changes recommended for such plan or regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

Source: New.

C. 40:55D-90 Moratoriums; interim zoning.

77. Moratoriums; interim zoning. a. The prohibition of development in order to prepare a master plan and development regulations is prohibited.

b. A municipality may adopt a reasonable interim zoning ordinance not related to the land use plan element of the municipal master plan without special vote as required pursuant to subsection 49 a. of this act, pending the adoption of a new or substantially revised master plan or new or substantially revised development regulations. Such interim zoning ordinance shall not be valid for a period longer than 1 year unless extended by ordinance for a period no longer than an additional year for good cause and upon the exercise of diligence in the preparation of a master plan, development regulations or substantial revisions thereto, as the case may be.

Source: New.

Article 12

Severability, Construction and Effective Date

C. 40:55D-91 Severability of provisions.

78. Severability of provisions. If the provisions of any article, section, subsection, paragraph, subdivision or clause or this act shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this act and, to this end, the provisions of each article, section, subsection, paragraph, subdivision or clause of this act are hereby declared to be severable.

Source: C. 40:55–1.3 (1953, c. 433, s. 3); C. 40:55–67 (1967, c. 61, s. 13).

C. 40:55D-92 Construction.

79. Construction. This act being necessary for the welfare of the State and its inhabitants shall be considered liberally to effect the purposes thereof.

Source: C. 40:55–1.3 (1953, c. 433, s. 3); C. 40:55–67 (1967, c. 61, s. 13).

Repealer.

80. Acts repealed. The following acts and parts of acts are hereby repealed:

Sections 40:27–9 to 40:27–11, inclusive, of the Revised Statutes;

Sections 40:55–22 to 40:55–45 and 40:55–47 to 40:55–51, inclusive, of the Revised Statutes;

P. L. 1953, c. 377 (C. 40:55–14.1);
P. L. 1953, c. 433 (C. 40:55–1.1 to C. 40:55–1.29, inclusive);
P. L. 1953, c. 434 (C. 40:55–1.30 to C. 40:55–1.42, inclusive);
P. L. 1955, c. 126 (C. 40:55–36.1, C. 40:55–36.2);
P. L. 1961, c. 138 (C. 40:55–33.1);
P. L. 1962, c. 177 (C. 40:55–33.2);
P. L. 1965, c. 162 (C. 40:55–53);
P. L. 1967, c. 61 (C. 40:55–54 to C. 40:55–67, inclusive);
P. L. 1968, c. 70 (C. 40:55–53.1);
P. L. 1969, c. 277 (C. 40:55–47.1);
P. L. 1969, c. 293 (C. 40:55–39.1);
P. L. 1970, c. 55 (C. 40:55–1.2a); and
P. L. 1970, c. 64 (C. 40:55–1.18a).

81. Continuance. a. Notwithstanding any other provision of this act, any municipality regulating development prior to the effective date of this act pursuant to the acts repealed by this act is authorized to continue to exercise such authority thereunder for a period of 6 months after the effective date of this act or until the municipality exercises the authority delegated by this act to regulate development, whichever occurs first.

b. Members of municipal planning boards and zoning boards of adjustment on the effective date of this act shall continue in office until the completion of their terms as provided by law immediately prior to the effective date of this act. Any new appointments or reappointments to said board shall be governed by the provisions of this act.

c. All applications for development made pursuant to lawful authority preceding the effective date of this act may be continued.

Source: C. 40:55–1.27 (1953, c. 433, s. 27); R. S. 40:55–51.

82. Effective date. This act shall take effect on the first day of the month immediately following 6 full calendar months after the date of approval thereof.

Approved January 14, 1976.

MUNICIPAL LAND USE LAW

Schedule of Allocations of Source Material

Land Use Law Sections	*Source Sections*
1	New
2	New
3-3.4	C. 40:55–1.2 (1953, c. 433, s. 2 as am.); C. 40:55–1.15 (1953, c. 433, s. 15); C. 40:55–1.31 (1953, c. 434, s. 2); R. S. 40:55–22; C. 40:55–47.1 (1969, c. 277, s. 2); C. 40:55–65 (1967, c. 61, s. 11)
4	New
5	R. S. 40:55–38
6	C. 40:55–1.7 (1953, c. 433, s. 7); C. 40:55–1.40 (1953, c. 434, s. 11); R. S. 40:55–25; R. S. 40:55–37 (as am.); R. S. 40:55–42

Land Use Law Sections	*Source Sections*
7-7.5	C. 40:55–1.7 (1953, c. 433, s. 7); C. 40:55–1.36 (1953, c. 434, s. 7 as am.); R. S. 40:55–34 (as am.); R. S. 40:55–42; R. S. 40:55–44 (as am.); C. 40:55–53 (1965, c. 162 as am.); C. 40:55–53.1 (1968, c. 70)
8	C. 40:55–1.19 (1953, c. 433, s. 19 as am.); C. 40:55–1.39 (1953, c. 434, s. 10); R. S. 40:55–40; R. S. 40:55–41; R. S. 40:55–43 (as am.); R. S. 40:55–45 (as am.)
9	R. S. 40:55–47 (as am.); R. S. 40:55–58
10	C. 40:55–1.19 (1953, c. 433, s. 19 as am.); R. S. 40:55–50
11	New
12	C. 40:55–1.18a (1970, c. 64)
13	C. 40:55–1.18a (1970, c. 64)
14	C. 40:55–1.4 (1953, c. 433, s. 4 as am.)
15	C. 40:55–1.5 (1953, c. 433, s. 5); C. 40:55–1.6 (1953, c. 433, s. 6)
16	C. 40:55–1.10 (1953, c. 433, s. 10 as am.); C. 40:55–1.13 (1953, c. 433, s. 13); C. 40:55–1.14 (1953, c. 433, s. 14 as am.); C. 40:55–1.18 (1953, c. 433, s. 18 as am.); C. 40:55–1.35 (1953, c. 434, s. 6); R. S. 40:55–35 (as am.)
17	C. 40:55–1.13 (1953, c. 433, s. 13)
18	C. 40:55–1.9 (1953, c. 433, s. 9)
19	C. 40:55–1.10 (1953, c. 433, s. 10 as am.); C. 40:55–1.11 (1953, c. 433, s. 11 as am.); C. 40:55–1.12 (1953, c. 433, s. 12)
20	C. 40:55–1.13 (1953, c. 433, s. 13)
21	New
22	C. 40:55–1.13 (1953, c. 433, s. 13)
23	C. 40:55–1.32 (1953, c. 434, s. 3 as am.); C. 40:55–1.34 (1953, c. 434, s. 5); C. 40:55–1.35 (1953, c. 434, s. 6)

Land Use Law Sections	*Source Sections*
24	C. 40:55–1.34 (1953, c. 434, s. 5); C. 40:55–1.37 (1953, c. 434, s. 8)
25	C. 40:55–1.38 (1953, c. 434, s. 9 as am.)
26	C. 40:55–1.39 (1953, c. 434, s. 10)
27	C. 40:55–1.40 (1953, c. 434, s. 11)
28	C. 40:55–1.13 (1953, c. 433, s. 13); C. 40:55–1.14 (1953, c. 433, s. 14 as am.); C. 40:55–1.17 (1953, c. 433, s. 17)
29-29.3	C. 40:55–1.15 (1953, c. 433, s. 15); C. 40:55–1.20 (1953, c. 433, s. 20); C. 40:55–1.21 (1953, c. 433, s. 21 as am.); C. 40:55–1.32 (1953, c. 434, s. 3 as am.); C. 40:55–55 (1967, c. 61, s. 1); C. 40:55–56 (1967, c. 61, s. 2); C. 40:55–57 (1967, c. 61, s. 3 as am.); C. 40:55–58 (1967, c. 61, s. 3); C. 40:55–59 (1967, c. 61, s. 4)
30	New
31	C. 40:55–57(c) (1967, c. 61, s. 3(c) as am.)
32	C. 40:55–1.20 (1953, c. 433, s. 20); C. 40:55–1.32 (1953, c. 434, s. 3 as am.)
33	C. 40:55–61 (1967, c. 61, s. 7)
34	C. 40:55–59 (1967, c. 61, s. 5); C. 40:55–60 (1967, c. 61, s. 6); C. 40:55–62 (1967, c. 61, s. 8); C. 40:55–63 (1967, c. 61, s. 9)
35	C. 40:55–1.14 (1953, c. 433, s. 14 as am.); C. 40:55–1.15 (1953, c. 433, s. 15) C. 40:55–14.1 (1953, c. 377, s. 2)
36	C. 40:55–1.14 (1953, c. 433, s. 14 as am.)
37	C. 40:55–1.18 (1953, c. 433, s. 18 as am.)
38	C. 40:55–1.18 (1953, c. 433, s. 18 as am.); C. 40:55–57(f) (1967, c. 61, s. 3(f) as am.); C. 40:55–61 (1967, c. 61, s. 7)
39	New
40	New
41	C. 40:55–1.21 (1953, c. 433, s. 21 as am.); C. 40:55–1.22 (1953, c. 433, s. 22 as am.)
42	C. 40:55–1.17 (1953, c. 433, s. 17)
43	C. 40:55–1.23 (1953, c. 433, s. 23)

Land Use Law Sections	*Source Sections*
44	C. 40:55–1.24 (1953, c. 433, s. 24)
45	C. 40:55–1.25 (1953, c. 433, s. 25)
46-46.1	New
47	C. 40:55–1.8 (1953, c. 433, s. 8); C. 40:55–1.40 (1953, c. 434, s. 11)
48	C. 40:55–1.18 (1953, c. 433, s. 18 as am.)
49	R. S. 40:55–30 (as am.); R. S. 40:55–31 (as am.); R. S. 40:55–32 (as am.)
50	R. S. 40:55–35 (as am.)
51	R. S. 40:55–35 (as am.)
52	R. S. 40:55–30 (as am.); R. S. 40:55–31 (as am.); R. S. 40:55–32 (as am.); C. 40:55–55 (1967, c. 61, s. 1); C. 40:55–57 (1967, c. 61, s. 3 as am.)
53	C. 40:55–33.1 (1961, c. 138); C. 40:55–33.2 (1962, c. 177)
54	R. S. 40:55–30 (as am.)
55	R. S. 40:55–48
56	R. S. 40:55–36 (as am.)
57	R. S. 40:55–39 (as am.)
58	C. 40:55–36.1 (1955, c. 126, s. 1 as am.); C. 40:55–36.2 (1955, c. 126, s. 2 as am.)
59	R. S. 40:55–42
60	C. 40:55–39.1 (1969, c. 293); R. S. 40:55–45 (as am.)
61	R. S. 40:55–40
62	R. S. 40:55–43 (as am.)
63	C. 40:55–1.38 (1953, c. 434, s. 9 as am.); C. 40:55–1.39 (1953, c. 434, s. 10); C. 40:55–1.40 (1953, c. 434, s. 11)
64	R. S. 40:27–9
65	R. S. 40:27–9
66	R. S. 40:27–9
67	R. S. 40:27–9
68	R. S. 40:27–9
69	R. S. 40:27–9
70	New
71	R. S. 40:27–10; R. S. 40:27–11

Land Use Law Sections	*Source Sections*
72	New
73	New
74	New
75	R. S. 40:27–11
76	New
77	New
78	C. 40:55–1.3 (1953, c. 433, s. 3); C. 40:55–67 (1967, c. 61, s. 13)
79	C. 40:55–1.3 (1953, c. 433, s. 3); C. 40:55–67 (1967, c. 61, s. 13)
80	Repealer
81	C. 40:55–1.27 (1953, c. 433, s. 27); R. S. 40:55–51
82	Effective date.

CHAPTER 292

AN ACT concerning the compensation of the commissioners and mayors of municipalities and supplementing subtitle 4 of Title 40 of the Revised Statutes.

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

C. 40:72-26 Mayors and commissioners; annual salary; ordinance; protest; ratification at election.

1. Notwithstanding any other provision of law, in all municipalities the governing body thereof shall, by ordinance, fix the annual salary of the mayor and commissioners at any amount it determines is appropriate. The salaries of the mayor and commissioners shall be payable in installments in the same manner as in the case of other officials of the municipality. Any ordinance passed pursuant to this act shall become operative in 10 days after the publication thereof after its final passage, unless within said days a petition, signed by the electors of such municipality equal in number to at least 15% of the entire vote cast at the last preceding general election, protesting against the passage of such ordinance, be presented to the governing body, in which case such ordinance shall

remain inoperative until a proposition for the ratification thereof shall be adopted at the next general or municipal election.

Repealer.

2. R. S. 40:72–21, R. S. 40:72–22, R. S. 40:72–23, R. S. 40:72–24, R. S. 40:72–24.1, R. S. 40:72–24.1 a. R. S. 40:72–24.2, R. S. 42:72–24.3, R. S. 40:72–24.4, R. S. 40:72–24.5, R. S. 40:72–24.6, R. S. 40:72–24.7, R. S. 40:72–24.8, R. S. 40:72–24.9, R. S. 40:72–24.10, R S. 40:72–24.11, R. S. 40:72–24.12, R. S. 40:72–24.13, R. S. 40:72–24.14, R. S. 40:72–24.15, R. S. 40:72–24.16 and R. S. 40:72–25 are repealed.

3. This act shall take effect immediately and shall be effective retroactively to February 4, 1971.

Approved January 14, 1976.

CHAPTER 293

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39, C. 56:8–1 et seq.).

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

C. 56:8-2.7 Solicitation of funds or contributions, or sale or offer for sale of goods or services under false representation on behalf of charitable or nonprofit organizations.

1. It shall be an unlawful practice for any person to solicit funds or a contribution of any kind, or to sell or offer for sale any goods, wares, merchandise or services, by telephone or otherwise, where it has been falsely represented by such person or where the consumer has been falsely led to believe that such person is soliciting by or on behalf of any charitable or nonprofit organization, or that a contribution to or purchase from such person shall substantially benefit handicapped persons.

2. This act shall take effect immediately.

Approved January 19, 1976.

CHAPTER 294

AN ACT to amend "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

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

1. Section 2 of P. L. 1960, c. 39 (C. 56:8–2) is amended to read as follows:

C. 56:8-2 Fraud, etc., in connection with sale or advertisement of merchandise or real estate as unlawful practice.

2. The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher, or operator has no knowledge of the intent, design or purpose of the advertiser.

2. This act shall take effect immediately.

Approved January 19, 1976.

CHAPTER 295

AN ACT concerning insurance and amending sections 6 and 13 of P. L. 1944, c. 175, and N. J. S. 17B:22–23.

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

1. Section 6 of P. L. 1944, c. 175 (C. 17:22–6.6) is amended to read as follows:

C. 17:22-6.6 Application for license; age; fees; certification; educational requirement; waiver.

6. Any person not now engaged in the insurance business in this State as agent or broker, and hereafter desiring to engage in said business as agent, broker, or solicitor, and any licensed agent or solicitor hereafter desiring to be licensed for an additional group or groups of insurance as may be provided by section 5 of this act, shall apply, in accordance with the provisions of this act, to the commissioner for a license authorizing him to engage in and transact such business, or such group or groups thereof respectively. Every applicant for a broker's license shall be at least 21 years of age and if such applicant be a nonresident he shall show that he is the holder of an unexpired license as an insurance broker or agent in the State of his residence, or in which he maintains his principal office for the conduct of his insurance business, or that he has established a principal office in this State for the transaction of such business. If the application be for a solicitor's license it shall be accompanied by a written request of a licensed agent or broker with whom such solicitor has established a solicitor relationship. All such applications shall be in writing on uniform forms and supplements prepared by the commissioner, and shall be accompanied by a nonrefundable examination fee of $20.00 for each examination scheduled for such applicant (unless applicant be exempt from examination as set forth in section 10 of this act). The applicant shall make sworn answers to such interrogatories as the commissioner may require, and the application shall include a certificate by a resident representative of an insurance company lawfully authorized to transact business in this State, or by a licensed insurance agent or broker of this State, certifying:

(a) That the applicant is a resident of this State, or if a nonresident has his principal office for the conduct of such business in this State, or that he is an applicant for a nonresident broker's or solicitor's license;

(b) That the applicant is personally known to him;

(c) That the applicant has had experience or instruction in the general insurance business or (if seeking an agent or solicitor license) some group or groups of the kind or kinds of insurance for which he may desire to be specifically licensed;

(d) That the applicant is of good reputation and is worthy of a license.

Before a first-time applicant for an insurance agent's, broker's or solicitor's license shall be admitted to the examination, the applicant shall be required to have taken, and successfully completed a program of studies established by regulation of the commissioner to the end that the applicant shall be reasonably familiar with the groups of insurance for which he desires to be licensed.

The commissioner may waive the educational requirement set forth herein if the commissioner is satisfied that the applicant possesses sufficient knowledge of the group or groups of kinds of insurance for which such applicant desires a license.

2. Section 13 of P. L. 1944, c. 175 (C. 17:22–6.13) is amended to read as follows:

C. 17:22-6.13 Annual license fees.

13. The annual fee to be paid to the commissioner by each person licensed shall be $20.00 for an agent's license except that the fee shall be $10.00 for persons exempt from examination under the provisions of section 10 (a), and shall be $50.00 for a broker's license and $50.00 for a solicitor's license.

3. N. J. S. 17B:22–23 is amended to read as follows:

Fees.

17B:22–23. a. The following license fees shall be paid to the commissioner at the time of the original application and at the time of the annual renewal thereof:

(1) Agent's license	$5.00
(2) Broker's license	$50.00
(3) Solicitor's license	$50.00

b. The following examination fees shall be paid to the commissioner at the time of the original application for each examination scheduled unless the applicant be exempt hereunder:

(1) Agent's examination fee	$15.00
(2) Broker's examination fee	$15.00
(3) Solicitor's examination fee	$15.00

The agent's examination fee shall be waived if the applicant shall concurrently take an examination for an agent's, broker's or solicitor's license under Title 17, chapter 22 and shall have paid the examination fee therefor.

c. The following temporary license fees shall be paid to the commissioner at the time of the application:

(1) Agent's temporary license fee	$5.00
(2) Broker's temporary license fee	$50.00

Notwithstanding anything in this section to the contrary, an applicant who having paid the above cited temporary license fee and who shall thereafter pass his examination and be properly licensed, such applicant shall not be required to pay any further license fee until the next ensuing annual license renewal date.

d. If the applicant fails to qualify for, or is refused, a license, the license fee shall be returned. The examination fee shall not be returned for any reason.

e. An examination fee shall be paid for each examination and reexamination permitted pursuant to this chapter. One examination fee shall entitle the applicant to take an examination for life insurance, health insurance or annuity or any combination thereof.

4. This act shall take effect immediately.

Approved January 21, 1976.

CHAPTER 296

AN ACT concerning the imposition of sentences by municipal magistrates and amending P. L. 1969, c. 146.

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

1. Section 1 of P. L. 1969, c. 146 (C. 2A:8–30.1) is amended to read as follows:

C. 2A:8-30.1 Imprisonment for 3 months or less; periodic service.

1. Upon conviction of a person of an offense punishable by imprisonment, where the sentence imposed includes imprisonment for 3 months or less the judge may order and direct that the sentence of imprisonment be served periodically, instead of consecutively, during periods of time between Friday at 6 p.m. and Monday 8 a.m. or on other days, whenever he in his discretion determines the existence of proper circumstances and that the ends of justice will be served thereby. For the purposes of this act the person imprisoned shall be given credit for each day or fraction of a day to the nearest hour actually served.

2. This act shall take effect immediately.

Approved January 26, 1976.

CHAPTER 297

AN ACT prohibiting certain charges to patients by physicians for completing certain claim forms in connection with certain health insurance claims and supplementing chapter 9 of Title 45.

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

C. 45:9-22.1 Extra fee for completion of medical claim form; penalty; enforcement.

1. No physician and no professional service corporation engaged in the practice of medicine and surgery in this State shall charge a patient an extra fee for services rendered in completing a medical claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of $100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). Every county district court and municipal court shall have jurisdiction within its territory of such proceedings. Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the State Board of Medical Examiners.

2. This act shall take effect immediately.

Approved January 30, 1976.

CHAPTER 298

AN ACT concerning school elections and amending N. J. S. 18A:14–62.

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

1. N. J. S. 18A:14–62 is amended to read as follows:

Canvass of votes, ballots, poll lists and tally sheets; forwarding to county superintendent; preservation; public inspection.

18A:14–62. The secretary of the board of education shall, within 5 days after the date of the election, forward a sealed package con-

taining a statement of the canvass of the votes in the school district, the ballots, including the irregular ballots, the poll lists and the tally sheets to the county superintendent who shall preserve them for 1 year.

All poll lists forwarded to the county superintendent under this section shall be made available for public inspection during the year in which they are to be preserved.

2. This act shall take effect immediately.

Approved January 30, 1976.

CHAPTER 299

AN ACT prohibiting certain charges to patients by dentists for completing certain claim forms in connection with certain health insurance claims and supplementing chapter 6 of Title 45.

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

C. 45:6-18.1 Extra charge for completion of dental claim form; penalty; enforcement.

1. No dentists and no professional service corporation engaged in the practice of dentistry in this State shall charge a patient an extra fee for services rendered in completing a dental claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of $100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). Every county district court and municipal court shall have jurisdiction within its territory of such proceedings. Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the New Jersey State Board of Dentistry, as plaintiff.

2. This act shall take effect immediately.

Approved January 30, 1976.

CHAPTER 300

AN ACT prohibiting certain charges to patients by podiatrists, optometrists or psychologists for completing certain claim forms in connection with certain health insurance claims.

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

C. 45:1-12 Extra fee for completion of medical claim form by podiatrist, optometrist, psychologist or professional service corporation; penalty; enforcement.

1. No podiatrist, optometrist or psychologist and no professional service corporation engaging in the practice of podiatry, optometry or psychology in this State shall charge a patient an extra fee for services rendered in completing a medical claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of $100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). Every county district court and municipal court shall have jurisdiction within its territory of such proceedings. Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the State Board of Medical Examiners with respect to podiatrists, the New Jersey State Board of Optometry for optometrists or the State Board of Psychological Examiners for psychologists.

2. This act shall take effect immediately.

Approved January 30, 1976.

CHAPTER 301

AN ACT concerning medical malpractice liability insurance, creating a New Jersey Medical Malpractice Reinsurance Association and a New Jersey Medical Malpractice Reinsurance Recovery Fund and granting emergency powers to the Commissioner of Insurance.

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

C. 17:30D-1 Short title.

1. This act shall be known and may be cited as the "Medical Malpractice Liability Insurance Act."

C. 17:30D-2 Purpose of act; application.

2. a. The purpose of this act is to assure that medical malpractice liability insurance is readily available to licensed medical practitioners and health care facilities by requiring certain general liability insurance carriers to write medical malpractice liability insurance and establishing a reinsurance association to equitably spread the risks for such insurance, to provide for recoupment of losses resulting from the operation of the association through surcharges on insureds and to grant the Commissioner of Insurance temporary, emergency powers to set up and operate the reinsurance association if such insurance is unavailable for any class of licensed medical practitioners or health care facilities.

b. This act shall apply to medical malpractice liability insurance as defined herein.

C. 17:30D-3 Definitions.

3. As used in this act:

a. "Association" means the New Jersey Medical Malpractice Reinsurance Association established pursuant to the provisions of this act.

b. "Commissioner" means the Commissioner of Insurance.

c. "Licensed medical practioner" means and includes all persons licensed in this State to practice medicine and surgery, chiropractic, podiatry, dentistry, optometry, psychology, pharmacy, nursing, physicial therapy and as a bioanalytical laboratory director.

d. "Medical malpractice liability insurance" means insurance coverage against the legal liability of the insured and against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed medical practitioner or health care facility or a claim arising out of ownership, operation or maintenance of the practitioner's or facility's business premises, including primary and umbrella coverages.

e. "Health care facility" means and includes all hospitals within this State, and any other health care facility as defined in the

"Health Care Facilities Planning Act" (P. L. 1971, c. 136, C. 26:2H–1 et seq.).

f. "Plan of operation" means the plan of operation of the association approved or promulgated by the commissioner pursuant to the provisions of this act.

C. 17:30D-4 New Jersey Medical Malpractice Reinsurance Association; creation; membership.

4. There is hereby created an unincorporated, nonprofit association to be known as the New Jersey Medical Malpractice Reinsurance Association consisting of all insurers authorized to write, and engaged in writing within this State, on a direct basis, personal injury and property damage liability insurance as provided in R. S. 17:17–1 d. and e., excluding such insurers which are engaged in writing only workmen's compensation and employer's liability insurance written in connection therewith. Every such insurer shall be and shall continue to be a member of the association and shall be bound by the plan of operation thereof so long as the association is in existence as a condition of its authority to continue to transact such personal injury and property damage liability insurance in this State.

C. 17:30D-5 Powers of association.

5. The association shall, pursuant to the provisions of this act and the plan of operation, have the power:

a. To assume or cede 100% reinsurance or a lesser percentage on any policy of insurance or binder subject to this act;

b. To provide for separate accounts of reinsurance assumed for categories and subcategories of insureds;

c. To maintain relevant loss, expense and premium data relative to all risks reinsured in the association and to require each member to furnish statistics in connection with insurance ceded to the association at such times and in such form and detail as may be deemed necessary;

d. To establish fair and reasonable procedures for the sharing among the members of profit or loss on risks reinsured in the association and other costs, charges, expenses, liabilities, income, property and other assets of the association, and to assess members for their appropriate shares in accordance with participation ratios to be established in the plan of operation on the basis of the ratio of the members' direct premiums written to the total direct premium written by all members in this State on insurance against

liability for damages to persons or property as provided in R. S. 17:17–1 d. and e., excluding workmen's compensation and employer's liability insurance written in connection therewith;

e. To receive and distribute all sums required by the operation of the association;

f. To establish procedures for reviewing claims procedures and practices of members and in the event that the claims procedures or practices of any company are considered inadequate to properly service the risks ceded by it to the association, the association may establish a claims program that will undertake to adjust or assist in the adjustment of claims for the company on risks ceded by it, and in such event shall charge such company a reasonable fee for establishing and operating such claims program;

g. To audit the operations of member companies to such extent as the Board of Directors determines to be necessary to assure compliance with this act, in a reasonable manner and at such reasonable time or times prescribed by the Board of Directors;

h. To sue and be sued, provided that no judgment against the association shall create any direct liability in the individual member companies, and the association may provide for the indemnification of its member companies, members of the Board of Directors and officers and employees and such other persons acting on behalf of the association to the extent permitted by law;

i. To review the market for insurance subject to this act throughout this State to make certain that eligible risks can readily obtain such insurance and to provide in the plan of operation a reasonable means for achieving this objective by requiring all members, in a fair and equitable manner, to discharge their responsibilities under this act.

C. 17:30D-6 Temporary board of directors; appointment; powers and responsibilities.

6. Within 30 days after the effective date of this act, the commissioner shall call an organization meeting of the association for the purpose of constituting a temporary board of directors. The commissioner shall appoint nine members to serve as members of the board of directors after consultation with all the members of the association, and in making such appointments he shall give due consideration to the various methods of operation and the distribution by class of risks among the members.

The commissioner shall appoint three representatives of licensed producers to be members of the board of directors.

Each member of the board of directors shall be entitled to one vote. The producer representatives on the board of directors shall be eligible to vote on all matters not directly involving the association's budget and personnel administration.

Except as may be delegated to others in the plan of operation or reserved to the members, the board of directors shall have full power and responsibility for the establishment and operation of the association.

C. 17:30D-7 Plan of operation; contents; review and approval; certification; amendment.

7. a. Within such time as shall be prescribed by the commissioner in written notice to the board, the directors shall submit to the commissioner, for his review and approval, a proposed plan of operation. Such plan shall provide for the establishment of a permanent board of directors, the length of terms of the directors and the method of their selection, for economical, fair and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice liability insurance throughout the State. Such proposed plan shall include: preliminary assessment of all members for initial expenses necessary to commence operations; establishment of necessary facilities; management of the association; assessment of members to defray losses and expenses; underwriting standards; procedures for acceptance and cession of reinsurance; and such other provisions as may be deemed necessary by the commissioner to carry out the purposes of this act. The plan of operation shall provide that the premium charged for reinsurance shall be the primary premium charged for the coverages and limits ceded less the expense allowances. The expense allowances shall consist of the amounts actually incurred by the member on the ceded risk subject to a maximum of the total expense allowances provided in ratemaking for the respective categories and subcategories of medical malpractice liability insurance in the latest rate revision or experience reveiw for the member accepted by the commissioner.

b. The proposed plan shall be reviewed by the commissioner and approved by him if he finds that such plan fulfills the purposes of this act. In his review of the proposed plan the commissioner may, in his discretion, consult with the directors and other members of the association and any other individual or organization. If the commissioner approves the proposed plan he shall certify such approval to the directors and said plan shall take effect 10 days after such certification. If the commissioner disapproves all

or any part of the proposed plan of operation he shall return same to the directors with a statement, in writing, of the reasons for his disapproval and any recommendations he may wish to make. The directors may accept the commissioner's recommendations, or may propose a new plan, which accepted recommendations or a new plan shall be submitted to the commissioner within 30 days after the return of a disapproved plan to the directors. If the directors do not submit a proposed plan of operation within the time prescribed by the commissioner, or a new plan which is acceptable to the commissioner, or accept the recommendations of the commissioner within 30 days after the disapproval of a proposed plan, the commissioner shall promulgate a plan of operation and certify same to the directors. Any such plan promulgated by the commissioner shall take effect 10 days after certification to the directors.

c. The directors of the association may, on their own initiative, amend the plan of operation at any time, subject to the approval by the commissioner.

d. The commissioner may review the plan of operation whenever he deems expedient, and shall review same at least once a year, and may amend said plan after consultation with the directors and upon certification to the directors of such amendment.

C. 17:30D-8 Activation of facility; designation of coverage provider; acceptance of risks; noninterference with agents.

8. On and after the date that reinsurance is available from the association:

a. The commissioner may, upon finding that medical malpractice liability insurance is not readily available for any category or subcategory of insureds to which this act applies, activate the facility with respect to such category or subcategory.

b. Upon such activation, the board shall issue an invitation to each member of the association which has written during the 24 months preceding the date of such activation medical malpractice liability insurance of the type for which the association was activated anywhere in the United States of America, to become a qualified provider of such coverage in this State. If the board qualifies no company as a provider or if the commissioner determines, after a review of the company or companies qualified by the board, that the company or companies were not properly qualified, the commissioner shall designate as providers of such coverage one or more companies from among the companies that have written, in descending order, the largest volumes of such coverage

in this State during the latest year for which this information is available. Qualified or designated providers shall be compensated in accordance with the provisions of the plan of operation.

c. No member of the association qualified or designated as a provider in accordance with this section shall refuse to issue to any eligible risk a policy of insurance of the type normally afforded by such insurer to the public, utilizing the rates, rating plans, rules and classification systems then in effect for such insurer; provided, however, that the coverages and coverage limits to be afforded may be ceded to the association; and provided further that nothing herein contained shall require and insurer to accept any risk if such insurer's policy forms or rates do not apply to such risk;

d. No duly licensed insurance agent of a qualified or designated provider broker or solicitor shall refuse to furnish to any eligible risk quotations of premiums for such provider with whom such agent, broker or solicitor regularly places medical malpractice liability insurance policies, or shall fail to submit any eligible risk to such provided;

e. No company shall terminate any agent or restrict the authority of any agent, directly or indirectly, or in any manner whatsoever, solely by reason of the volume of such agent's business it cedes to the association or the experience produced by such ceded business. Neither shall any company make any distinction in remuneration to the agent between business retained and business ceded, or use any promise of reward or threat of penalty, present or future, or any device whatever, related to certain classes of risks or other classes of business, which would tend to induce the agent to avoid certain classes or types of risks.

C. 17:30D-9 New Jersey Medical Malpractice Reinsurance Recovery Fund; creation; purpose; contents; administration.

9. There is hereby created a fund to be known as the New Jersey Medical Malpractice Reinsurance Recovery Fund (hereinafter referred to as the recovery fund). The purpose of the recovery fund is to provide a financial backup for the plan of operation of the association and shall be used to reimburse the association for losses sustained in excess of premiums ceded and expenses incurred in the operation of the association, including reimbursement of members for any and all assessments levied as a result of their participation in the association. The fund shall consist of all payments made to it by insurers as hereinafter provided, of securities acquired by and through the use of moneys belonging to the fund, moneys appropriated to the fund, together with interest and accretions earned

upon such payments or investments. The fund shall be administered by the commissioner and the State Treasurer in accordance with the provisions of this act.

C. 17:30D-10 Additional premium charges.

10. For the purpose of providing moneys necessary to establish the recovery fund in an amount sufficient to meet the requirements of this act, the commissioner shall establish reasonable provisions through additional premium charges for policies of the various categories and subcategories of medical malpractice liability insurance. Such provisions may vary by category or subcategory of risk in reasonable relationship to the loss experience both past and prospective of the association and its members attributable to such category or subcategory.

C. 17:30D-11 Fund separate and apart; custodian; disbursements; investment and reinvestment.

11. The fund created by this act shall be separate and apart from any other fund and from all other State moneys. The State Treasurer shall be custodian of the fund and all disbursements from said fund shall be made by the treasurer upon vouchers signed by the commissioner. The moneys in the fund shall be invested and reinvested by the Director of the Division of Investment as other trust funds in the custody of the State Treasurer in the manner provided by law.

C. 17:30D-12 Rules and regulations; suspension or revocation of certificate of authority.

12. The commissioner may promulgate reasonable rules and regulations to carry out the purposes of this act, and may suspend or revoke, after reasonable notice and a hearing, the certificate of authority to transact insurance in this State of any insurer which fails to comply with the provisions of this act, rules or regulations promulgated thereunder or any plan of operation.

C. 17:30D-13 Emergency powers of commissioner; termination.

13. Upon finding that immediate activation of the association for any category or subcategory of insureds is required because medical malpractice liability insurance is or will be unavailable for such category or subcategory, the commissioner shall have the following emergency powers:

a. To appoint a temporary board of directors or operate the association without such board.

b. To adopt a temporary plan of operation to meet the immediate needs of the association.

c. To perform on behalf of the association on a temporary basis all functions necessary for the operation of the association otherwise delegated to the board of directors or the members of the association.

d. To charge the association for reasonable expenses incurred on its behalf in the emergency operation of the association pursuant to this section.

e. Subject to the same standards applicable for the approval of rates and rating-systems pursuant to P. L. 1944, c. 27 (C. 17:29A–1 et seq.), to promulgate rates, rules, policy forms and rating plans for such category or subcategory of insureds for limits up to $3,000,000.00 over primary limits to be used by any company qualifying or designated as a provider for such coverage which does not have rates, rules, policy forms and rating plans in effect for such coverage.

These emergency powers shall terminate 60 days after the effective date of this act.

C. 17:30D-14 Severability.

14. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are declared to be severable.

C. 17:30D-15 Construction of act.

15. This act shall be liberally construed to effectuate its purposes, and all laws or parts of laws of this State inconsistent with this act are hereby superseded to the extent of such inconsistency.

C. 17:30D-16 Effective date; expiration.

16. This act shall take effect immediately and shall be inoperative commencing on the first day of the sixth year after the effective date of this act.

Approved January 30, 1976.

CHAPTER 302

AN ACT amending P. L. 1944, c. 255 and supplementing "An act concerning the Police and Firemen's Retirement System, providing for membership therein by certain law enforcement officers and revising parts of the statutory law," approved June 1, 1973 (P. L. 1973, c. 156).

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

1. Section 1 of P. L. 1944, c. 255 (C. 43:16A–1) is amended to read as follows:

C. 43:16A-1 Definitions.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator or inspector of combustibles of any police or fire department. It shall also mean any permanent, active, and full-time officer employee of the State of New Jersey with police powers and holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, inspectors, and investigators, in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer, in the Division of Fish, Game, and Shell Fisheries, rangers, and chief ranger in the Bureau of Parks, marine patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, and deputy keepers in the Division of Correction and Parole, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Institutions and Agencies, county detective, lieutenant of county detectives, captain of county detectives, chief of county detectives, and county investigator in the office of the county prosecutors,

sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the office of the county sheriffs, county correction officer, county correction sergeant, county correction lieutenant, county correction captain, and county deputy warden in the several county jails, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, supervising juvenile officer, patrolman capitol police, patrolman institutions, sergeant patrolman institutions, and supervising patrolman institutions and patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14–21.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

(9) "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 system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the 3 years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any 3 fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Parent" shall mean the parent of a member who was receiving at least one-half of his 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.

(23) "Widower" shall mean the man to whom a member or retirant was married at least 5 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least 5 years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the 5-year qualification shall be waived.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) "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 work day.

(27) "Department" shall mean any police or fire department of a municipality or a fire department of a fire district located in a township or a county police or park police department or the appropriate department of the State or instrumentality thereof.

2. Whenever in the act to which this act is a supplement, a period of time is set out which is to be calculated from the effective date of said act, such time shall be calculated for the purposes of this supplementary act from the effective date of this act.

3. This act shall take effect immediately.

Approved February 2, 1976.

CHAPTER 303

AN ACT to amend and supplement "An act concerning the Police and Firemen's Retirement System, providing for membership therein by certain law enforcement officers and revising parts of the statutory law," approved June 1, 1973 (P. L. 1973, c. 156).

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

1. Section 4 of P. L. 1973, c. 156 (C. 43:16A–63) is amended to read as follows:

C. 43:16A-63 Transfer from or continuation in public employee's retirement system or county pension fund; membership of new employees.

4. a. An eligible officer who is a member of the Public Employees' Retirement System or of a county pension fund created under P. L. 1943, c. 160 (C. 43:10–18.1 et seq.), or P. L. 1948, c. 310 (C. 43:10–18.50 et seq.) or article 2 of chapter 10 of Title 43 of the Revised Statutes (R. S. 43:10–19 et seq.), hereinafter referred to as a "county pension fund" shall be permitted to transfer his membership in said fund to the Police and Firemen's Retirement System of New Jersey by waiving all rights and benefits which would otherwise be provided by the Public Employees' Retirement System or a county pension fund. Any such officer will likewise be permitted to continue his membership in the Public Employees' Retirement System or a county pension fund by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System. Such waivers shall be accomplished by filing forms satisfactory to the New Jersey Division of Pensions, which is responsible for the administration of the Police and Firemen's Retirement System, within 90 days of the effective date of this 1975 amendatory and supplementary act. In the absence of the filing of a timely waiver by any eligible officer his pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System.

b. Each new officer who begins employment following the effective date of this 1975 amendatory and supplementary act, shall be required to enroll in the Police and Firemen's Retirement System of New Jersey as a condition of employment, provided he is otherwise eligible for membership by meeting the appointment,

age, and health prescriptions required of all members. As of the effective date of this 1975 amendatory and supplementary act, the eligibility of membership for such new officers in the Public Employees' Retirement System or a county pension fund named in paragraph a. above shall be terminated and the membership requirements of such other fund will be deemed satisfied by the enrollment of such employees in the Police and Firemen's Retirement System.

2. Section 5 of P. L. 1973, c. 156 (C. 43:16A–64) is amended to read as follows:

C. 43:16A-64 Transfer of funds and credits from public employees' retirement system or county pension fund.

5. Within 120 days following the effective date of this 1975 amendatory and supplementary act the Public Employees' Retirement System or a county pension fund shall remit to the Police and Firemen's Retirement System of New Jersey all accumulated deductions standing to the credit of each transferred employee as members of such funds, and within 180 days following the effective date of this 1975 amendatory and supplementary act remit the pro rata part of the reserve fund constituting the employer's obligations under the former system applicable to such employee's account, and the Police and Firemen's Retirement System shall then enter the respective sums so remitted to it to the credit of such employee in the Annuity Savings Fund and to the credit of the employer in the Pension Accumulation Fund of the Police and Firemen's Retirement System of New Jersey.

3. Section 6 of P. L. 1973, c. 156 (C. 43:16A–65) is amended to read as follows:

C. 43:16A-65 Deductions; contributions; credits.

6. The transferred employees thereby affected shall be members of the Police and Firemen's Retirement System and deductions from their salaries and contributions on their behalf shall thereafter be made as required by the act creating such system for members thereof. Such transferred employees shall have the same contribution obligation and enjoy the same rights and benefits of all other members of the system except as provided by this 1975 amendatory and supplementary act. Any credit for public service which had been established in the Public Employees' Retirement System or a county pension fund by the transferred employee shall be established in the Police and Firemen's Retirement System.

Upon the transfer of membership to the Police and Firemen's Retirement System under the provisions of this 1975 amendatory and supplementary act, the rate of contribution of such member shall be determined by the rates payable by other members, except that the number of years of credited service in the former pension fund shall be deducted from the member's current age in order to fix the age upon which the rate of contribution is based.

All outstanding obligations such as loans, purchases, and other arrearages shall be met by the transferred employees as previously scheduled for payment to the Public Employees' Retirement System or a county pension fund.

4. Section 7 of P. L. 1973, c. 156 (C. 43:16A–66) is amended to read as follows:

C. 43:16A-66 Evidence of insurability for group life insurance benefits.

7. a. Any person becoming a member of the Police and Firemen's Retirement System pursuant to the provisions of this 1975 amendatory and supplementary act shall not be allowed any of the group life insurance benefits if on the date he files an application for enrollment he is 55 or more years of age, unless he furnishes satisfactory evidence of insurability and on the effective date of membership is actively at work and performing all his regular duties at his customary place of employment. The effective date of coverage for such benefits shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

b. Such evidence of insurability will not be required of any person becoming a member upon transfer from the Public Employees' Retirement System or a county pension fund, if the transferring employee was covered by such benefits in the latter system at the time of the transfer. If such transferring employee was not covered by such benefits at the time of the transfer, he may be allowed the benefits under the group life insurance policy or policies subject to the provisions of subsection a. of this section; provided, however, that any such employee must furnish satisfactory evidence of insurability under the provisions of subsection a. of this section, if he had been unable or failed to give such evidence as a member of the Public Employees' Retirement System or a county pension fund.

5. The actuary of the Police and Firemen's Retirement System shall calculate, and the employer of employees transferring into the system pursuant to this 1975 amendatory and supplementary

act shall be liable, in the manner provided in section 8 of P. L. 1973, c. 156 (C. 43:16A–67), for the difference between the amounts remitted into the system and the amounts required by the system. The chief fiscal officer of the employer shall transmit such information as shall be required by the New Jersey Division of Pensions to comply with the provisions of this 1975 amendatory and supplementary act.

6. This act shall take effect immediately.

Approved February 2, 1976.

CHAPTER 304

AN ACT concerning education, amending N. J. S. 18A:6–11 and repealing N. J. S. 18A:6–12 and N. J. S. 18A:6–15.

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

1. N. J. S. 18A:6–11 is amended to read as follows:

Written charges against employee; written statement of evidence, filing; statement of position by employee; certification of determination; notice.

18A:6–11. Any charge made against any employee of a board of education under tenure during good behavior and efficiency shall be filed with the secretary of the board in writing, and a written statement of evidence under oath to support such charge shall be presented to the board. The board of education shall forthwith provide such employee with a copy of the charge, a copy of the statement of the evidence and an opportunity to submit a written statement of position and a written statement of evidence under oath with respect thereto. After consideration of the charge, statement of position and statements of evidence presented to it, the board shall determine by a majority vote of its full membership whether there is probable cause to credit the evidence in support of the charge and whether such charge, if credited, is sufficient to warrant a dismissal or reduction of salary. The board of education shall forthwith notify the employee against whom the charge has been made of its determination, personally or by certified mail directed to his last known address. In the event the board finds that such probable cause exists and that the charge, if credited,

is sufficient to warrant a dismissal or reduction of salary, then it shall forward such written charge to the commissioner for a hearing pursuant to N. J. S. 18A:6–16, together with a certificate of such determination. Provided, however, that if the charge is inefficiency, prior to making its determination as to certification, the board shall provide the employee with written notice of the alleged inefficiency, specifying the nature thereto, and allow at least 90 days in which to correct and overcome the inefficiency. The consideration and actions of the board as to any charge shall not take place at a public meeting.

Repealer.

2. N. J. S. 18A:6–12 and N. J. S. 18A:6–15 are repealed.

3. This act shall take effect immediately.

Approved February 7, 1976.

CHAPTER 305

AN ACT establishing a Division of Alcoholism in the State Department of Health, providing for a director and assistant to the director thereof, creating an advisory council on alcoholism, providing for the licensing of alcoholic treatment facilities, prescribing procedures to be followed concerning the arrest of an intoxicated person, authorizing the establishment of a service force, prohibiting and repealing county and municipal ordinances and resolutions prescribing penalties for public intoxication, and repealing P. L. 1948, c. 453 (C. 26:2B–1 et seq.).

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

C. 26:2B-7 Declaration of policy.

1. It is the policy of the State of New Jersey that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society.

C. 26:2B-8 Definitions.

2. The following words as used in this act shall, unless the context requires otherwise, have the following meanings:

"Administrator" means the person in charge of the operation of a facility, or his designee.

"Admitted" means accepted for treatment at a facility.

"Alcoholic" means any person who chronically, habitually or periodically consumes alcoholic beverages to the extent that: a. such use substantially injures his health or substantially interferes with his social or economic functioning in the community on a continuing basis, or b. he has lost the power of self-control with respect to the use of such beverages.

"Authorized persons" means persons who serve as volunteer first aid or ambulance squad members, para-professional medical personnel and rehabilitated alcoholics.

"Commissioner" means the Commissioner of Health.

"Department" means the State Department of Health.

"Director" means the Director of the Division of Alcoholism.

"Division" means the Division of Alcoholism.

"Facility" means any public, private place, or portion thereof providing services especially designed for the treatment of intoxicated persons or alcoholics; including, but not limited to intoxication treatment centers, inpatient treatment facilities, outpatient facilities, and residential aftercare facilities.

"Incapacitated" means the condition of a person who is: a. as a result of the use of alcohol, unconscious or has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment, b. in need of substantial medical attention, or c. likely to suffer substantial physical harm.

"Independent physician" means a physician other than one holding an office or appointment in any department, board or agency of the State of New Jersey or in any public facility.

"Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcoholic beverages.

"Patient" means any person admitted to a facility.

"Private facility" means a facility other than one operated by the Federal Government, the State of New Jersey or any political subdivision thereof.

"Public facility" means a facility operated by the State of New Jersey or any political subdivision thereof.

"Treatment" means services and programs for the care or rehabilitation of intoxicated persons and alcoholics, including, but not limited to, medical, psychiatric, psychological, vocational, educational, recreational, and social services and programs.

C. 26:2B-9 Division of alcoholism; establishment; director; assistant director; appointment; officers and employees.

3. There is hereby established in the Department of Health a Division of Alcoholism under the direction of a division director. The director shall be an individual with training and experience in such areas as public administration or public health or rehabilitation and training in the social sciences or a qualified professional with training or experience in the treatment of behavioral disorders or medical-social problems, or in the organization or administration of treatment services for persons suffering from behavioral disorders or medical-social problems.

There shall be an assistant to the director, who shall have experience in the field of alcoholism.

The director and his assistant shall be appointed by the commissioner, with the consent of the public health council.

The commissioner shall appoint and may remove such officers and employees of the division as he may deem necessary. There shall be an administrator of each facility operated by the department pursuant to this act. Each such administrator shall be a person qualified by training and experience to operate a facility for the treatment of alcoholics or intoxicated persons. The commissioner may establish such other positions in the division and employ such consultants as he may deem appropriate. Except as otherwise provided by law, all offices and positions in the division shall be subject to the provisions of Title 11, Civil Service; provided, however, that the provisions of said title shall not apply to the director, physicians and psychiatrists who have full medical-psychiatric, as opposed to administrative responsibility; and provided, further, and notwithstanding the preceding proviso or any other provision of law, that all offices and positions, which as a condition of receiving Federal grants for programs and activities to which Federal standards for a merit system of personnel administration relate and make necessary the application of provisions of the Civil Service law, shall be subject to the provisions of Title 11, Civil Service, if such Federal standards are uniform in all states.

C. 26:2B-10 Advisory council on alcoholism; membership; term; expenses; organization; annual report; duties.

4. There shall be in the division an advisory council on alcoholism, consisting of the Commissioner of Health, Institutions

and Agencies, Labor and Industry, Education, Community Affairs, the Attorney General, the Director of the Division of Motor Vehicles, and eight citizens in the field of alcoholism appointed by the Governor, at least two of whom shall be rehabilitated alcoholics and one of whom shall be from the State Health Planning Council. Of the citizen members first appointed, two shall be appointed for a term of 1 year, three shall be appointed for a term of 2 years, and three shall be appointed for a term of 3 years. Thereafter the Governor shall appoint members to succeed those appointed members whose terms expire to serve for terms of 3 years. Each appointed member shall serve until his successor is appointed and has qualified. No member shall be appointed to serve more than two consecutive 3-year terms. The members of the council shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. The members shall annually designate the chairman of the council from among themselves. The director shall serve as executive secretary of the council and shall attend all meetings of the council. The council shall make an annual report to the Governor and file a copy thereof with the Secretary of State.

The council shall assist the commissioner in coordinating the efforts of all public agencies and private organizations within the State concerned with the prevention of alcoholism, the treatment of intoxicated persons, and the treatment of alcoholics; in providing for the most efficient and effective utilization of resources and facilities; and in developing a comprehensive plan and program for the treatment of intoxicated persons and the treatment of alcoholics.

The council shall also: a. Advise the commissioner on policy and priorities of need in the State for comprehensive treatment of alcoholics;

b. Advise the commissioner on the planning, construction, operation, licensing and approval of facilities.

c. Review the annual plans and the proposed annual budget of the division and the programs and services provided by public and private facilities and make recommendations to the commissioner in regard thereto.

d. Provide such other advice and assistance to the commissioner and the division relative to their duties under this act as the commissioner may request.

C. 26:2B-11 Comprehensive State plan.

5. The department shall prepare and submit to the Governor, and from time to time shall amend, a comprehensive State plan for the treatment of intoxicated persons and alcoholics, including juveniles and young adults. The department, in developing such plan, shall consult and cooperate with the advisory council, officials of appropriate departments or agencies of the Federal Government and the State and its political subdivisions, and private organizations and individuals with a view toward providing for coordinated and integrated services on the community level. The plan may provide for services in Federal, public and private facilities. The plan shall include a detailed projection of immediate and long-term need for facilities and personnel and a detailed estimate of the cost thereof, as well as an estimate of the extent to which funds, property, or services may be available from the State or any of its political subdivisions, the Federal Government or any private source and is to be coordinated with the State Comprehensive Health Planning Agency.

C. 26:2B-12 Program for treatment; facilities; services; administration; annual list; publication.

6. The department shall take cognizance of all matters affecting alcoholism in the State and shall establish and conduct a program for the treatment of intoxicated persons and alcoholics.

The program may encourage regionalization of services and, if not otherwise available, provide for the following facilities, which need not be separately located:

a. Intoxication treatment centers, which centers shall render emergency medical care, including detoxification, shall be open 24 hours every day, and shall be located conveniently near population centers. Services shall be provided for the immediate physical and social needs, including the needs for medication and shelter, of intoxicated persons, and shall also provide for initial examination, diagnosis and referral. To the extent possible, such treatment centers shall be affiliated with a general or other hospital.

b. Inpatient facilities, for treatment of alcoholics, which shall, to the extent possible, be affiliated with the medical service of a general hospital, mental hospital, community mental health center, or other hospital.

c. Outpatient facilities.

d. Residential aftercare facilities, such as halfway houses.

The department shall maintain, supervise and control all facilities operated by it pursuant to this act and all such facilities shall be

staffed with an adequate number of qualified and trained personnel. The administrator of each such facility shall make an annual report of its activities to the director in such manner and form as the director may deem appropriate. All appropriate resources, particularly community mental health centers, shall whenever possible be utilized in and coordinated with the program.

Services delivered by the department pursuant to this act may be administered on the premises of institutions operated in whole or in part by the department of institutions and agencies. Such services shall be administered as such services are administered in the other facilities of the department and shall in all respects be therapeutic in nature rather than penal or correctional.

The department shall prepare and publish annually a list of all services operating in accordance with this act and shall make the list available upon request to members of the public. The department shall notify all law enforcement agencies and judges in the State of the location and capacity of intoxication treatment centers and other services operating in accordance with this act situated in or near their jurisdictions.

C. 26:2B-13 Powers of department.

7. The department is hereby authorized, empowered and directed under this act to:

a. Plan, construct, cause to be established, and maintain such facilities as may be necessary or desirable for the conduct of its program;

b. Acquire, hold, and dispose of real property;

c. Acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of Title 20 of the Revised Statutes, and lease, hold and dispose of, real property or any interest therein, for the purposes of this act;

d. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act; including, but not limited to, contracts with government departments and public and private agencies and facilities to pay them for services actually rendered or furnished to alcoholics or intoxicated persons, at rates to be established pursuant to law.

e. Solicit and accept for use in relation to the purposes of this act any gift of money or property made by will or otherwise, and any grant or loan of money services or property from the Federal

Government, the State or any political subdivision thereof, or any private source, and do all things necessary to cooperate with the Federal Government or any of its agencies in connection with the application for any such grant or loan; provided, however, that any money received under this subsection shall be deposited with the State Treasurer to be kept in a separate fund in the treasury for expenditure by the department in accordance with the conditions of the gift, loan or grant without specific appropriation.

f. Develop, encourage and foster Statewide, regional and local plans and programs for the prevention, detection, and treatment of alcoholism in cooperation with interested public agencies and private organizations and individuals and provide technical assistance and consultation services for these purposes;

g. Coordinate the efforts and enlist the assistance of all public agencies and private organizations and individuals interested in the prevention, detection, and treatment of alcoholism;

h. Cooperate with the Department of Institutions and Agencies in establishing and conducting a program for the prevention and treatment of alcoholism in penal institutions.

i. Cooperate with police academies, nursing and medical schools, public agencies and private organizations and individuals in establishing programs for the prevention and treatment of intoxication and alcoholism among juveniles and young adults;

j. Prepare, publish and disseminate educational materials dealing with the prevention, nature and effects of alcoholism and the benefits of treatment;

k. Serve as a clearing house for information relating to alcoholism, keep records and engage in research and the gathering of statistics relevant to the purpose of this act;

l. Encourage alcoholism prevention, detection, and treatment programs in government and industry.

m. Organize and foster training programs for professional and para-professional workers in the treatment of intoxicated persons and alcoholics;

n. Approve and license public and private facilities in accordance with section 8;

o. Promulgate rules and regulations for the exercise of its powers and the performance of its duties under this act;

p. Do all other acts and things necessary or convenient to carry out the powers expressly granted in this act.

C. 26:2B-14 License; rules and regulations; standards and requirements; filing of information; grounds for suspension, revocation, limitation or restriction of license; hearing; violations; penalties; inspection; admission of patients.

8. The department shall issue for a term of 2 years, and may renew for like terms, a license, subject to revocation by it for cause, to any person, partnership, corporation, society, association or other agency or entity of any kind, other than a licensed general hospital, a department, agency, or institution of the Federal Government, the State or any political subdivision thereof, deemed by it to be responsible and suitable to establish and maintain a facility and to meet applicable licensure standards and requirements. In the case of a department, agency or institution of the State or any political subdivision thereof, the department shall grant approval to establish and maintain a facility for a term of 2 years, and may renew such approval for like terms, subject to revocation by it for cause.

The department shall in the cases of public facilities, private facilities which contract on a fee-for-service basis with the State, and private facilities which accept for treatment persons assisted pursuant to section 10, promulgate rules and regulations establishing licensure and approval standards and requirements including, but not limited to:

a. the need for a facility in the community;

b. the financial and other qualifications of the applicant;

c. the proper operation of facilities;

d. the health and safety standards to be met by a facility;

e. the quality and nature of the treatment to be afforded patients at a facility;

f. licensing fees, and procedures for making and approving license and approval applications.

In the case of private facilities that neither contract on a fee-for-service basis with the State nor accept for treatment persons assisted by police officers pursuant to section 10, the department shall promulgate rules and regulations establishing licensure standards and requirements but such standards and requirements shall concern only:

a. the health and safety standards to be met by a facility;

b. misrepresentations as to the treatment to be afforded patients at a facility;

c. licensing fees, and

d. procedures for making and approving license applications.

All facilities shall be individually licensed or approved. Different kinds of licenses or approvals may be granted for different kinds of facilities.

Each facility shall file with the department from time to time, on request, such data, statistics, schedules or information as the department may reasonably require for the purposes of this section, and any licensee or other person operating a private facility who fails to furnish any such data, statistics, schedules or information as requested, or who files fraudulent returns thereof, shall be punished by a fine of not more than $500.00.

The department, after holding a hearing, may refuse to grant, suspend, revoke, limit or restrict the applicability of or refuse to renew any license or approval for any failure to meet the requirements of its rules and regulations or standards concerning such facilities. However, in the case of private facilities which neither contract on a fee-for-service basis with the State nor accept for treatment persons assisted by police officers pursuant to section 10, the department, after hilding a hearing may refuse to grant, suspend, revoke, limit or restrict the applicability of or refuse to renew any license for the following reasons only:

a. for failure to meet the requirements of its rules and regulations concerning the health and safety standards of such facilities or

b. if there is a reasonable basis for the department to conclude that there is a discrepancy between representations by a facility as to the treatment services to be afforded patients and the treatment services actually rendered or to be rendered.

The department may temporarily suspend a license or approval in an emergency without holding a prior hearing; provided, however, that upon request of an aggrieved party, a hearing shall be held as soon after the license or approval is suspended as possible. Any party aggrieved by a final decision of the department pursuant to this section may petition for judicial review thereof.

No person, partnership, corporation, society, association, or other agency or entity of any kind, other than a licensed general hospital, a department, agency or institution of the Federal Government, the State or any political subdivision thereof, shall operate a facility without a license and no department, agency or institution of the State or any political subdivision thereof shall operate a facility without approval from the department pursuant to this section. The Superior Court shall have jurisdiction in equity upon

petition of the department to restrain any violation of the provisions of this section and to take such other action as equity and justice may require to enforce its provisions. Whoever knowingly establishes or maintains a private facility without a license granted pursuant to this section shall, for a first offense, be punished by a fine of not more than $500.00 and for each subsequent offense by a fine of not more than $1,000.00 or imprisonment for not more than 2 years, or both.

Each facility shall be subject to visitation and inspection by the department and the department shall inspect each facility prior to granting or renewing a license or approval. The department may examine the books and accounts of any facility if it deems such examination necessary for the purposes of this section. The department is hereby authorized to make a complaint to a judge of any court of record, who may thereupon issue a warrant to any officers or employees of the department authorizing them to enter and inspect at reasonable times, and to examine the books and accounts of, any private facility refusing to consent to such inspection or examination by the department which the department has reason to believe is operating in violation of the provisions of this act. Refusal by the operator or owner to allow such entry and inspection pursuant to such a warrant shall for a first offense be punishable by a fine of not more than $100.00 and for each subsequent offense by a fine of not more than $1,000.00 or imprisonment for not more than 2 years, or both.

The director may require public facilities, private facilities which contract on a fee-for-service basis with the State, and private facilities which accept for treatment persons assisted pursuant to section 10 to admit as an inpatient or outpatient any person to be afforded treatment pursuant to this act. The department shall promulgate rules and regulations governing the extent to which the department may require other private facilities to admit as an inpatient or outpatient any person to be afforded treatment pursuant to this act; provided, however, that no licensed general hospital shall refuse treatment for intoxication or alcoholism.

C. 26:2B-15 Treatment at intoxication center or other facility; duration; notice to family.

9. Any person who is intoxicated and who voluntarily applies for treatment or is brought to a facility by a police officer or other authorized person in accordance with section 10 may be afforded treatment at an intoxication treatment center or other facility. Any person who is an alcoholic and who voluntarily applies for

treatment may be afforded treatment at an intoxication center or other facility.

As soon as possible after the admission of any person, the administrator of the facility shall cause such person to be examined by a physician or by a medically competent individual designated by the department and under the supervision of a physician. If, upon examination, a determination is made that the person is intoxicated or is an alcoholic, and adequate and appropriate treatment is available, he shall be admitted. If any person is not admitted for the reason that adequate and appropriate treatment is not available at the facility, the administrator of the facility, acting whenever possible with the assistance of the director, shall refer the person to a facility at which adequate and appropriate treatment is available. In the event that a person is not admitted to a facility, and has no funds, the administrator shall arrange for the person to be assisted to his residence, or, if he has no residence, to a place where shelter will be provided him.

Any person admitted to a facility may receive treatment at the facility for as long as he wishes to remain at the facility or until the administrator determines that treatment will no longer benefit him; provided, however, that any person who at the time of admission is intoxicated and is incapacitated, shall remain at the facility until he is no longer incapacitated, but in no event shall he be required to remain for a period greater than 48 hours.

When a person is admitted to a facility, his family shall be notified as soon thereafter as possible. If a patient who is not incapacitated requests that notification not be given, his request shall be respected except if a person is a juvenile in which case his family or legal guardian shall be notified.

The manner in which any person is transported either from one facility to another or from a facility to his residence and the financing thereof shall be determined by the director in accordance with rules and regulations promulgated by the department.

Upon discharge from or upon leaving a facility, the patient shall be encouraged to consent to appropriate outpatient or residential aftercare treatment.

C. 26:2B-16 Person intoxicated in public place; assistance.

10. Any person who is intoxicated in a public place may be assisted to his residence or to an intoxication treatment center or other facility by a police officer or other authorized person. To determine whether or not such person is intoxicated, the police officer may request the person to submit to any reasonable test, in-

cluding, but not limited to, tests of his coordination, coherency of speech, and breath.

Any person who is intoxicated in a public place and who a police officer has reason to believe is incapacitated shall be assisted by the police officer to an intoxication treatment center or other facility.

A police officer acting in accordance with the provisions of this section may use such force, other than that which is likely to inflict physical injury, as is reasonably necessary to carry out his authorized responsibilities. If the police officer reasonably believes that his safety or the safety of other persons present so requires, he may search such person and his immediate surroundings, but only to the extent necessary to discover and seize any dangerous weapon which may on that occasion be used against the officer or other person present.

All persons acting under the provisions of this section shall be considered as acting in the conduct of their official duties and shall not be held criminally or civilly liable for such acts.

Any person assisted by a police officer to a facility pursuant to the provisions of this section shall receive treatment in accordance with section 9. In any event, if such person is determined upon examination to be intoxicated, the examining physician or other medically competent individual shall so certify and a duplicate copy of the certification shall be made available to the police officer.

A person assisted to a facility pursuant to the provisions of this section, shall not be considered to have been arrested and no entry or other record shall be made to indicate that he has been arrested.

C. 26:2B-17 Person arrested for violation of municipal ordinance or disorderly conduct; detention at facility; request for examination; stay of criminal proceeding; commitment; discharge; report to court; sentence; credits.

11. Any person who is arrested for a violation of a municipal ordinance, or for a disorderly persons offense, and who is not also arrested for a misdemeanor, and who the arresting police officer has reasonable cause to believe is intoxicated, may be taken by a police officer directly to an intoxication treatment center or other appropriate facility. To determine whether or not such person is intoxicated, the police officer may request the person to submit to any reasonable test, including, but not limited to, tests of his coordination, coherency of speech, and breath.

The administrator of any intoxication treatment center, or of any other facility, shall cause any such person to be examined by a physician or by a medically competent individual designated by

the department and under the supervision of a physician. If the physician or any other medically competent individual designated by the department determines upon examination that such person is intoxicated, and the administrator determines that adequate and appropriate treatment is available, the person shall be admitted. Any such person may be detained at the center or other facility until he is no longer intoxicated, but in any event, not longer than 48 hours from the date of admission. At such time as the person is to be discharged from the facility, he shall be informed by the administrator that if he is an alcoholic who would benefit by treatment he may, in the discretion of the court, be afforded treatment in lieu of prosecution, and that if he so chooses he may be examined at the facility for the purpose of determining whether he is an alcoholic who would benefit by treatment. If the person requests an examination, he shall be examined by a physician at the facility during a period of time not to exceed 48 hours. The police shall maintain such security conditions as may be necessary. Prior to releasing the person from the center or other facility, the administrator shall notify the police who shall transport him therefrom for proceedings in the case.

When a person who is arrested for a violation of a municipal ordinance, or disorderly persons offense, and who is not also arrested for a misdemeanor, is brought before the court on such charge, the court shall inform him that he is entitled to request a medical examination to determine whether or not he is an alcoholic if he has been admitted to a facility pursuant to the provisions of the preceding paragraph and has not received a medical examination by a physician. The court shall further inform the defendant of the consequences which follow a determination by a physician that he is an alcoholic who would benefit by treatment. Any request for an examination shall be in writing. If the person makes such request, the proceedings shall be stayed for the period during which the request is under consideration by the court. If the defendant requests an examination, the court shall appoint a physician to conduct the examination at an appropriate location designated by it.

In no event shall a request for an examination, any statement made by the defendant during the course of an examination or any finding of a physician pursuant to the provisions of this section be admissible against the defendant in any proceeding.

A physician who conducts an examination pursuant to the provisions of this section, shall determine whether or not the defendant

is an alcoholic who would benefit by treatment. The physician shall report his findings to the court together with the facts upon which the findings are based and the reasons therefor as soon as possible but in any event not longer than 3 days after the completion of the examination.

If the physician reports that the defendant is an alcoholic who would benefit by treatment, the court shall inform the defendant that he may request commitment to the division and advise him of the consequences of the commitment.

If the defendant requests commitment, and if the court finds that the defendant is an alcoholic who would benefit by treatment, the court may stay the criminal proceeding and commit the defendant to the division as an inpatient or as an outpatient, whichever the court deems appropriate, for a specified period. The term of inpatient treatment shall not exceed 30 days, the term of outpatient treatment shall not exceed 60 days, and the total combined period of commitment, including both inpatient and outpatient treatment, if both are ordered, shall not exceed 90 days. The court shall inform the defendant that if he is committed the proceeding will be stayed for the term of the commitment.

In determining whether or not to grant the request for commitment, the court shall consider the report of the physician, the nature of the offense with which the defendant is charged, the past criminal record, if any, of the defendant, and any other relevant evidence.

If the court decides that the defendant's request for commitment should be granted, the court shall commit the defendant to the division if the division reports that adequate and appropriate treatment is available at a facility; provided, however, that if the court determines that commitment should be granted and the defendant is charged with a first offense, the proceedings shall be stayed until adequate and appropriate treatment is available at a facility. In cases where the defendant is not charged with a first offense and the division reports that adequate and appropriate treatment is not available, the court may, in its discretion, order that the stay of the proceeding remain outstanding until such time as adequate and appropriate treatment is available.

As a condition to the issuance of any commitment order by the court pursuant to the provisions of this section, the defendant shall consent in writing to the terms of the commitment.

If the physician reports that the defendant is not an alcoholic who would benefit by treatment, the defendant shall be entitled to request a hearing to determine whether he is an alcoholic who would

benefit by treatment. Thereupon the court may, of its own motion, or shall upon the request of the defendant or his counsel, appoint an independent physician to examine the defendant and to testify at the hearing. If the court determines that the defendant is an alcoholic who would benefit by treatment, the procedures and standards applicable to a defendant who is determined by the court, following the report of the first examining physician to be an alcoholic who would benefit by treatment, shall apply to the defendant.

If the court does not order that the defendant shall be afforded treatment in lieu of prosecution pursuant to the provisions of this section, the stay of the proceedings shall be vacated.

At any time during the term of commitment, the administrator may transfer any inpatient to an outpatient program if he finds that the patient is a proper subject for outpatient treatment; provided, however, that the administrator may retransfer the patient to an inpatient program if he finds that the person is not suitable for outpatient treatment.

Any patient committed to the division pursuant to this section shall be discharged from the facility to which the division has caused him to be admitted if at any time the administrator determines that treatment will no longer benefit him; provided, however, that such patient shall in any event be discharged at the termination of the period of commitment specified in the court order.

At the end of the commitment period, when the patient is discharged, or when the patient terminates treatment at the facility, whichever first occurs, the director shall report to the court on whether or not the defendant successfully completed the treatment program, together with a statement of the reasons for his conclusion. In reaching his determination of whether or not the defendant successfully completed the treatment program, the director shall consider, but shall not be limited to, whether the defendant cooperated with the administrator and complied with the terms and conditions imposed on him during his commitment. If the report states that the defendant successfully completed the treatment program, the court shall dismiss the charges pending against the defendant. If the report does not so state, or if the defendant has not completed the term of commitment ordered by the court, then, based on the report and any other relevant evidence, the court may take such action as it deems appropriate, including the dismissal of the charges or the revocation of the stay of the proceedings. In the event that the court convicts a defendant who has been committed in lieu of prosecution pursuant to the provi-

sions of this section and sentences him to a term of incarceration, the court shall reduce the term of incarceration by the period during which the defendant was afforded treatment in lieu of prosecution pursuant to this section.

The State, municipal and local police shall, in cooperation with the department, provide temporary security at facilities to which persons are taken pursuant to this section, where it is necessary that such security be provided for the person arrested.

C. 26:2B-18 Supervisory powers of administrator.

12. Each person who receives treatment at a facility shall be subject to the supervisory powers of the administrator exercised in accordance with rules and regulations of the department.

C. 26:2B-19 Rights of juveniles.

13. All rights afforded any person under this act shall apply to juveniles as may be consistent with present statutory law applying to minors.

C. 26:2B-20 Record of treatment; rights of patients.

14. a. The administrator of each facility shall keep a record of the treatment afforded each patient, which shall be confidential and shall be made available only upon proper judicial order, whether in connection with pending judicial proceedings or otherwise.

b. Any patient shall have the right to have a physician retained by him examine him, consult privately with his attorney, receive visitors, and send and receive communications by mail, telephone and telegraph. Such communications shall not be censored or read without the consent of such patient. The foregoing shall not limit the right of the administrator, subject to reasonable rules and regulations of the department, to prescribe reasonable rules governing visiting hours and the use of telephone and telegraph facilities.

c. No patient may be detained at any facility pursuant to the provisions of this act, without his consent except in accordance with the provision of section 9.

d. Insofar as is practicable a written, comprehensive, individualized treatment plan shall be kept by the administrator for each patient.

e. Each patient shall be entitled to receive adequate and appropriate treatment.

No patient shall be denied the right to vote while he is afforded treatment at a facility.

C. 26:2B-21 Rights of persons who received treatment at facility.

15. No person who has received treatment at a facility in accordance with the provisions of this act or person who is an alcoholic shall be denied any right or privilege under the Constitution of the United States or of the State for the reason that he has received treatment at a facility or that he is an alcoholic.

C. 26:2B-22 Services forces; assistance to police.

16. The State, the several counties and municipalities may establish services forces to assist the police in accordance with the provisions of section 9 of this act. Such service forces may be a part of police department, or may be a separate unit. Members of the force shall be trained to carry out certain responsibilities of the police, as these are set out in section 10, particularly with respect to the administration of first aid to intoxicated persons in need of medical assistance.

C. 26:2B-23 Program of education; services provided by division.

17. The division shall establish and maintain, in cooperation with the office of the Attorney General, the State, municipal and local police, the courts, the department of correction, the department of public welfare, and other public and private agencies, a program for the education of police officers, prosecuting attorneys, court personnel, judges of the county and superior courts, probation and parole officers, correctional personnel, other law enforcement personnel, and State welfare and vocational rehabilitation personnel, with respect to the causes, effects, and treatment of intoxication and alcoholism.

The division shall serve in a consulting capacity to such public and private agencies and shall foster and coordinate a full range of services which will be available for diagnosis, counseling and treatment for alcoholism.

C. 26:2B-24 Tests for alcohol in drivers and pedestrians in traffic accidents; collection and publication of data; review of laws and regulations; report to legislature.

18. The division shall, in cooperation with the State, municipal and local police, and the Division of Motor Vehicles, conduct tests for alcohol in the bodies of automobile drivers and pedestrians who die as a result of and within 4 hours of a traffic accident, and in automobile drivers who survive traffic accidents fatal to others. The division shall promulgate a written manual to govern the conducting of tests made pursuant to this section, which shall specify the qualifications of personnel to conduct such tests, the methods and related details of specimen selection, collection,

preservation and analysis, and the methods of tabulation and reporting of this test data.

If a test conducted pursuant to this section discloses alcohol, the division shall insofar as is practicable make a determination whether or not alcoholism was a probable factor in the drinking of the tested individual.

Test data collected and determinations made pursuant to this section shall be tabulated, compiled, and published by the division at least semiannually.

The division in cooperation with the office of the Attorney General and other interested State departments and agencies shall undertake a detailed and comprehensive review of State and local laws and regulations governing driving under the influence of alcohol. This review shall include, but need not be limited to, consideration of the relation of these laws and regulations to the legislative policies and purposes of this act, and what programs and punishments are appropriate for individuals convicted of drunk driving.

Within 1 year from the date of enactment of this act, the division shall transmit to the Legislature a report on this review. This report shall include specific recommendations for any changes in the present laws and regulations the division deems appropriate.

C. 26:2B-25 Review of laws and regulations governing manufacture, sale and consumption of alcoholic beverages; report to legislature.

19. The division, in cooperation with the office of the Attorney General and other interested State departments and agencies, shall undertake a broad review of State and local, criminal and civil, laws and regulations governing the manufacture, sale and consumption of alcoholic beverages. This review shall include, but need not be limited to, consideration of the relation of these laws and regulations both to the legislative policies and purposes of this act and to the public policy objective of permitting the temperate use of alcoholic beverages and preventing the abuse of such beverages. Within 2 years from the date of enactment of this act the division shall transmit to the Legislature a report on this review, which shall include specific recommendations for any changes in the present laws and regulations that the division deems appropriate.

C. 26:2B-26 Prohibition of local laws, ordinances and regulations rendering public intoxication offense or inconsistent with act; exemptions.

20. No county, municipality, or other political subdivision of the State shall adopt any law, ordinance, bylaw, resolution or regulation having the force of law a. rendering public intoxication or

being found in any place in an intoxicated condition an offense, a violation or the subject of criminal or civil penalties or sanctions of any kind; b. inconsistent with the provisions and policies of this act.

Nothing herein contained shall affect any laws, ordinances, bylaws, resolutions or regulations against driving after drinking alcohol, driving under the influence of alcohol, or other similar offenses that involve the operation of motor vehicles, machinery or other hazardous equipment.

C. 26:2B-27 Department of Health; responsibility for treatment; compliance with comprehensive State plan.

21. The Department of Health shall be the single State agency designated by the State as the agency primarily responsible for the treatment of intoxicated persons and alcoholics. All activities, projects or programs for alcoholism treatment and rehabilitation, funded or carried out by any department or political subdivision of the State shall be in compliance with the comprehensive State plan required by section 5 of this act.

C. 26:2B-28 Transfer of papers, records, moneys, obligations, officers and employees to division.

22. All books, papers, records, documents, and equipment in the custody of or maintained for the use of the Department of Health pursuant to sections 1 through 5, inclusive, of P. L. 1948, c. 453 are hereby transferred to the custody and control of the division created by this act.

All moneys heretofore appropriated for the Department of Health for activities authorized by said sections 1 through 5, inclusive, of P. L. 1948, c. 453 and remaining unexpended on the effective date of this act are hereby transferred to, and shall remain immediately available for expenditure by, the division created by this act.

All duly existing contracts, leases, and obligations of the Department of Health entered into pursuant to said sections 1 through 5, inclusive, of P. L. 1948, c. 453 shall remain in effect and shall be performed by the division created by this act. This act shall not affect any renewal provisions or option to renew contained in any such lease in existence on the effective date of this act. Without limiting the generality of the foregoing, all approvals of plans, projects, and Federal and State financial aid applications heretofore granted shall remain in full force and effect; provided, however, that nothing in this section shall prevent said division from with-

drawing such approval if such action is otherwise in accordance with law.

All gifts and special grants made to the Department of Health under sections 1 through 5 of P. L. 1948, c. 453 and remaining unexpended on the effective date of this act shall be available for expenditure by the division created by this act in accordance with the conditions of the gift or grant without specific appropriation.

All hospital and clinic facilities established pursuant to section 3 of P. L. 1948, c. 453 shall remain subject to the control and supervision of the department.

All officers and employees of the Department of Health engaged in activities authorized by sections 1 through 5, inclusive, of P. L. 1948, c. 453 who immediately prior to the effective date of this act hold permanent appointment in positions classified under Title 11 of the Revised Statutes, or have tenure in their positions by reason of law are hereby transferred to the Division of Alcoholism created by this act, every such transfer to be without impairment of civil service status, seniority, retirement, and other rights of the employee, without interruption of service, and without reduction in compensation and salary grade, notwithstanding any change in his title or duties made as a result of such transfer; subject, however, to the provisions of Title 11, and the rules and regulations established thereunder. All such officers and employees who immediately prior to the effective date do not hold permanent appointment in such positions, or do not hold such tenure, are hereby transferred to the Division of Alcoholism created by this act without impairment of seniority, retirement and other rights, without interruption of service, and without reduction in compensation and salary grade. Nothing in this section shall be construed to confer upon an officer or employee any rights not held prior to the transfer or to prohibit any subsequent reduction in compensation or salary grade not prohibited prior to the transfer.

C. 26:2B-29 Repeal of ordinances, resolutions or other legislation on public intoxication as offense.

23. Notwithstanding any other provision of law, no county, municipality, or other jurisdiction within the State shall adopt an ordinance, resolution, or other legislation creating an offense of public intoxication or any equivalent offense, and any existing ordinance, resolution, or other legislation creating such an offense is hereby repealed.

Repealer.

24. Sections 1 through 5 of P. L. 1948, c. 453 (C. 26:2B–1 through C. 26:2B–5) are repealed.

C. 26:2B-30 Severability.

25. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without such invalid provision or application, and to this end the provisions of this act are declared to be severable.

C. 26:2B-31 Short title.

26. This act shall be known and may be cited as the "Alcoholism Treatment and Rehabilitation Act."

27. This act shall take effect 90 days from the date of enactment, except sections 20, 23 and 24 shall take effect 1 year from the effective date of this act.

Approved February 9, 1976.

CHAPTER 306

AN ACT concerning municipal police departments and amending N. J. S. 40A:14–157 (P. L. 1971, c. 197).

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

1. N. J. S. 40A:14–157 is amended to read as follows:

Tangible personal property found or recovered; disposition.

40A:14–157. a. Where tangible personal property comes into the possession of the police department or force of a municipality, by finding and recovery, by a member of the police force acting in the line of duty, and if the owner or his whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to receive such property, then the said property shall not be disposed of for 6 months, except in cases of motor vehicles, which shall be for 3 months. In any such case the governing body of said municipality, by resolution, may then provide for the sale, in whole or in part of any such property, at public auction, after notice of a designated time and place therefor, not less than 10 days prior thereto, pub-

lished in a newspaper circulating within the municipality. Perishable items may be sold without reference to the said periods of time. Moneys received from the sale of any such property shall be paid into the general municipal treasury.

All unclaimed moneys coming into the possession of any municipal police department or force shall be turned over within 48 hours to the municipal treasurer for retention in a trust account and, after 6 months, if unclaimed by any person entitled thereto, be paid into the general municipal treasury.

b. Whenever any money or tangible personal property other than a motor vehicle has been or shall be found or discovered by any person other than by a member of a municipal police force acting in the line of duty and the finder shall have given or shall give custody of the found money or tangible personal property to the municipal police department or force for the purpose of assisting the police to find the owner thereof, the police department or police force shall retain custody of said money or tangible personal property for a period of 6 months. If the money or tangible personal property is unclaimed during said 6-month period by the person entitled thereto, the money or personal property shall be returned by the municipal police department or police force to the finder, who shall be deemed the sole owner thereof.

c. This act shall apply to all money or tangible personal property which now is in, or which hereafter may come into, the possession or custody of any municipal police department, police force or municipal treasury in the manner herein described.

2. This act shall take effect immediately.

Approved February 9, 1976.

CHAPTER 307

AN ACT concerning city employees' retirement systems in certain cases, and amending P. L. 1964, c. 275.

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

1. Section 4 of P. L. 1964, c. 275 (C. 43:13–22.53) is amended to read as follows:

C. 43:13-22.53 Retirement for age and service after age 60.

4. Retirement for age and service after age 60.

(a) Any member who shall have served in the employ of the city for a total of 20 or more years and who shall have attained the age of 60 years shall, upon his application to the commission but not later than upon his attainment of age 65 be retired on a pension equal to ½ of his final salary, plus ½ of 1% of such salary for each year of service in excess of 20 years, if the member has more than 20 years of service at retirement. The benefit increment of ½ of 1% shall apply only to members as of the effective date of this amendatory act; provided, however, that any present member may continue in the employ of the city upon reaching the age of 65 and until attaining the age of 70 providing the following conditions are met annually: (1) such continued employment is requested by the employee's department director and receives approval from the Director of the Department of Personnel; and (2) such employee submits to and satisfactorily completes a physical examination to determine fitness for such continued employment.

(b) Any present members who shall have served in the employ of the city for a total of 20 or more years and who have attained the age of 65 years or older on the effective date of this act shall be retired in the following manner:

All members 70 years of age or older shall be retired by July 1, 1966;

All members 69 years of age or older shall be retired by July 1, 1966;

All members 68 years of age or older shall be retired by July 1, 1967;

All members 67 years of age or older, shall be retired by July 1, 1968;

All members 66 years of age or older, shall be retired by July 1, 1969; and

All members 65 years of age or older shall be retired by July 1, 1970.

Thereafter, all members upon attaining age 65, shall be retired. The above pension for each of the above shall be calculated in the same manner as a pension payable, pursuant to section 4(a) of this act.

(c) Any member who upon his attainment of age 65 shall have served in the employ of the city for a total of less than 20 years shall be retired on a pension equal to 2% of his final salary for each

year of his service; provided, however, that any such member may continue in the employ of the city upon reaching the age of 65 and until attaining the age of 70 providing the conditions specified in subsection (a) of this section are met.

2. This act shall take effect immediately.

Approved February 9, 1976.

CHAPTER 308

AN ACT appropriating certain funds from the State Facilities for Handicapped Fund for the expansion and renovation of the Marie H. Katzenbach School for the Deaf.

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

1. There is hereby appropriated to the State Department of Education from the State Facilities for Handicapped Fund established pursuant to the provisions of P. L. 1973, c. 149 the additional sum of $1,500,000.00 or so much thereof as may be necessary, for the purpose of expansion and renovation of the Marie H. Katzenbach School for the Deaf.

2. This act shall take effect immediately.

Approved February 11, 1976.

CHAPTER 309

AN ACT permitting counties, under certain circumstances, to use moneys collected as motor vehicle fines for general county expenses, permitting the county board of taxation to recalculate and reapportion the county tax rate and amending R. S. 39:5–41.

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

1. R. S. 39:5–41 is amended to read as follows:

Fines; penalties and forfeitures, disposition of; exceptions.

39:5–41. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complainant is the commissioner, a member of his staff, a member of the State Police, an inspector of the Public Utility Commission, or a law enforcement officer of any other State agency, shall be forwarded by the magistrate to whom the same have been paid to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of right-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expanded by the county over the immediate preceding 3-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

2. (New section) Whenever the governing body of a county shall, prior to June 1, 1975, certify to the county board of taxation that it has transferred funds on or before said date and during the 1975 tax year, from a special trust fund to a general county revenues account, pursuant to R. S. 39:5–41, as amended by this act, and the amount transferred has been included in the adopted county budget, and that such transfer has been reviewed and approved by the Division of Local Government Services in the Department of Community Affairs and by the Director of the Division of Taxation in the Department of the Treasury, and that the transfer of such funds had not been previously anticipated, the county board of taxation shall recalculate and reapportion the amount of county taxes to be raised by each municipality and shall certify such new amount to each municipal governing body.

3. This act shall take effect immediately.

Approved February 17, 1976.

CHAPTER 310

AN ACT regarding the rights of tenants and landlords, and supplementing Title 46 of the Revised Statutes.

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

C. 46:8-43 Short title.

1. This act shall be known and may be cited as "The Truth-in-Renting Act."

C. 46:8-44 Definitions.

2. As used in this act:

a. "Landlord" means any person who rents or leases or offers to rent or lease, for a term of at least 1 month, dwelling units, except dwelling units in rental premises containing not more than two such units, or in owner-occupied premises of not more than three dwelling units, or in hotels, motels or other guest houses serving transient or seasonal guests.

b. "Department" means the Department of Community Affairs.

c. "Commissioner" means the Commissioner of the Department of Community Affairs.

C. 46:8-45 Statement of legal rights and responsibilities of tenants and landlords of rental dwelling units.

3. a. The department shall, as soon as practicable and annually thereafter, after public hearing, prepare and make available at cost to the public a statement, in a form and size suitable for posting and distributing pursuant to the provisions of this act, of the primary, clearly established legal rights and responsibilities of tenants and landlords or rental dwelling units. The statement shall serve as an informational document, and nothing therein shall be construed as binding on or affecting a judicial determination under section 6 of this act of what constitutes a lease provision which violates clearly established legal rights of tenants or responsibilities of landlords.

b. Where practical considerations make it necessary for the department to limit the extent of the statement items to be included shall be selected on the basis of the importance of their inclusion in protecting the rights of the public.

C. 46:8-46 Posting and distribution of statement by landlord.

4. Every landlord shall distribute one copy of the statement prepared and made available pursuant to the provisions of this act to each of their tenants within 30 days after it has been made available by the department and shall thereafter provide a copy of the current statement to each new tenant at or prior to the time he assumes occupancy of the dwelling. In addition, every landlord shall keep a copy of the current statement posted in one or more locations so that the statement is prominent and accessible to all his tenants.

C. 46:8-47 Violation of act; penalty.

5. Any landlord who violates any provision of this act, contrary to the legal rights of tenants, shall be liable to a penalty of not more than $100.00 for each offense. Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). The county district court of the county in which the rental premises are located shall have jurisdiction over such proceedings. Process shall be in the nature of a summons or warrant, and shall issue upon the complaint of the commissioner, the Attorney General, or any other person.

C. 46:8-48 Offer of or entry into lease in violation of rights of tenants; petition to court for termination of lease; exception.

6. No landlord shall offer to any tenant or prospective tenant or enter into any written lease after the effective date of this act which includes a lease provision which violates clearly established legal rights of tenants or responsibilities of landlords as established by the law of this State at the time the lease is signed. A tenant shall have the right to petition a court of competent jurisdiction to terminate a lease containing any such provision. Nothing contained herein shall limit any rights or remedies a tenant may have under a lease.

No landlord shall be liable to any penalty under section 5 of this act nor any lease termination by a tenant under section 6 of this act, for any lease provision in violation of section 6 of this act where the proposal to include such lease provision originated from the tenant and not such landlord.

C. 46:8-49 Landlord's responsibilities not altered by waiver or refusal of tenant to accept statement.

7. No waiver or refusal by a tenant of his right to receive a copy of the statement as provided herein shall alter the responsibilities of the landlord under any provision of this act.

8. This act shall take effect 6 months after enactment, except that section 3, and steps necessary for its implementation, shall take effect immediately.

Approved February 19, 1976.

CHAPTER 311

AN ACT concerning tenant-landlord relations and amending "An act establishing grounds for evicting tenants and lessees of certain residential property, amending N. J. S. 2A:18–53 and repealing section 1 of P. L. 1973, c. 153 (C. 46:8C–1)," approved June 25, 1974 (P. L. 1974, c. 49).

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

1. Section 2 of P. L. 1974, c. 49 (C. 2A:18–61.1) is amended to read as follows:

C. 2A:18-61.1 Residential lessees and tenants; grounds for removal.

2. No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the county district court or the Superior Court from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes, other than owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant, except upon establishment of one of the following grounds as good cause:

a. The person fails to pay rent due and owing under the lease whether the same be oral or written;

b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood;

c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises;

d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and

regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term;

e. The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable and was contained in the lease at the beginning of the lease term;

f. The person has failed to pay rent after a valid notice to quit and notice of increase of said rent, provided the increase in rent is not unconscionable and complies with any and all other laws or municipal ordinances governing rent increases.

g. The landlord or owner (1) seeks to permanently board up or demolish the premises because he has been cited by local or State housing inspectors for substantial violations affecting the health and safety of tenants and it is economically unfeasible for the owner to eliminate the violations; (2) seeks to comply with local or State housing inspectors who have cited him for substantial violations affecting the health and safety of tenants and it is unfeasible to so comply without removing the tenant; simultaneously with service of notice of eviction pursuant to this clause, the landlord shall notify the Department of Community Affairs of the intention to institute proceedings and shall provide the department with such other information as it may require pursuant to rules and regulations. The department shall inform all parties and the court of its view with respect to the feasibility of compliance without removal of the tenant and may in its discretion appear and present evidence; (3) seeks to collect an illegal occupancy because he has been cited by local or State housing inspectors and it is unfeasible to correct such illegal occupancy without removing the tenant or; (4) is a governmental agency which seeks to permanently retire the premises from the rental market pursuant to a redevelopment or land clearance plan in a blighted area. In those cases where the tenant is being removed for any reason specified in this subsection, no warrant for possession shall be issued until P. L. 1967, c. 79 (C. 52:31B–1 et seq.) and P. L. 1971, c. 362 (C. 20:4–1 et seq.) have been complied with.

h. The owner seeks to retire permanently the residential building or the mobile home park from residential use or use as a mobile home park, provided this paragraph shall not apply to circumstances covered under paragraph g. of this section.

i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept.

j. The person, after written notice to cease, has habitually and without legal justification failed to pay rent which is due and owing.

k. The landlord or owner of the building is converting from the rental market to a condominium or a cooperative. Where the tenant is being removed pursuant to this subsection, no warrant for possession shall be issued until this act has been complied with.

l. (1) The owner of a building which is constructed as or being converted to a condominium or cooperative seeks to evict a tenant or sublessee whose initial tenancy began after the master deed or agreement establishing the cooperative was recorded, because the owner has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing. However, no action shall be brought against a tenant under paragraph (1) of this subsection unless the tenant was given a statement in accordance with section 6 of this amendatory act.

(2) The owner of three or less condominium or cooperative units seeks to evict a tenant whose initial tenancy began by rental from an owner of three or less units after the master deed or agreement establishing the cooperative was recorded, because the owner seeks to personally occupy the unit, or has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing.

(3) The owner of a building of three residential units or less seeks to personally occupy a unit, or has contracted to sell the residential unit to a buyer who wishes to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing.

m. The landlord or owner conditioned the tenancy upon and in consideration for the tenant's employment by the landlord or owner as superintendent, janitor or in some other capacity and such employment is being terminated.

2. Section 3 of P. L. 1974, c. 49 (C. 2A:18–61.2) is amended to read as follows:

C. 2A:18-61.2 Judgment of possession; written notice.

3. No judgment of possession shall be entered for any premises covered by section 2 of this act, except in the nonpayment of

rent under paragraphs a. or f. of section 2, unless the landlord has made written demand and given written notice for delivery of possession of the premises. The following notice shall be required:

a. For an action alleging disorderly conduct under paragraph b. of section 2, or injury to the premises under paragraph c. of section 2 or any grounds under paragraph m. of section 2, 3 days' notice prior to the institution of the action for possession;

b. For an action alleging continued violation of rules and regulations under paragraph d. of section 2, or substantial breach of covenant under paragraph e. of section 2, or habitual failure to pay rent, 1 month's notice prior to the institution of the action for possession;

c. For an action alleging any grounds under paragraph g. of section 2, 3 months' notice prior to the institution of the action;

d. For an action alleging permanent retirement under paragraph h. of section 2, 6 months' notice prior to the institution of the action and, provided that, where there is a lease in effect, no action may be instituted until the lease expires.

e. For an action alleging refusal of acceptance of reasonable lease changes under paragraph i. of section 2, 1 month's notice prior to institution of action.

f. For an action alleging any grounds under paragraph l of section 2, 2 months' notice prior to the institution of the action and, provided that where there is a written lease in effect no action shall be instituted until the lease expires.

g. For an action alleging any grounds under paragraph k. of section 2, 3 years' notice prior to the institution of action, and provided that where there is a written lease in effect, no action shall be instituted until the lease expires.

The notice in each of the foregoing instances shall specify in detail the cause of the termination of the tenancy and shall be served either personally upon the tenant or lessee or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years, or by certified mail; if the certified letter is not claimed, notice shall be sent by regular mail.

C. 2A:18-61.6 Failure of owner to occupy vacated premises after giving notice; permitting occupancy of another tenant; liability.

3. (New section) a. Where a tenant vacates the premises after being given a notice alleging the owner seeks to personally occupy the premises under section 2 l. of P. L. 1974, c. 49 and the owner

thereafter arbitrarily fails to personally occupy the premises for a total of at least 6 months, or arbitrarily fails to execute the contract for sale, but instead permits personal occupancy of the premises by another tenant, such owner shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs.

b. If an owner purchases the premises pursuant to a contract requiring the tenant to vacate in accordance with section 2 l. of P. L. 1974, c. 49 and thereafter arbitrarily fails to personally occupy the premises for a total of at least 6 months, but instead permits personal occupancy of the premises by another tenant, such owner-purchaser shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs.

c. Where a tenant vacates the premises after being given a notice alleging the owner seeks to permanently board up or demolish the premises or retire the premises from residential use under subsection 2g (1) or 2h of P. L. 1974, c. 49 and the owner thereafter permits personal occupancy of the premises by another tenant within 6 months of such vacancy, such owner shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs.

C. 2A:18-61.7 Definitions.

4. (New section) As used in this act:

a. "Comparable housing" means housing that is (1) decent, safe, sanitary, and in compliance with all local and State housing codes; (2) open to all persons regardless of race, creed, national origin, ancestry, marital status or sex; and (3) provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: (a) apartment size including number of rooms, (b) rent range, (c) major kitchen and bathroom facilities, and (d) special facilities necessary for the handicapped or infirmed; (4) located in an area not less desirable than the area in which the tenant then resides in regard to each of the following: (a) accessibility to the tenant's place of employment, (b) accessibility of community and commercial facilities, and (c) environmental quality and conditions; and (5) in accordance with additional reasonable criteria which the tenant has requested in writing at the time of making any request under this act.

b. "Condominium" means a condominium as defined in the "Condominium Act," P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

c. "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

C. 2A:18-61.8 Conversion of multiple dwelling into condominium or cooperative; notice to tenant; right of purchase.

5. (New section) Any owner who intends to convert a multiple dwelling as defined in P. L. 1967, c. 76 (C. 55:13A–1 et seq.), other than a hotel or motel, or a mobile home park into a condominium or cooperative shall give the tenants 60 days' notice of his intention to convert and the full plan of the conversion prior to serving notice, provided for in section 3 of P. L. 1974, c. 49 (C. 2A:18–61.2). A duplicate of the first such 60-day notice and full plan shall be transmitted to the clerk of the municipality at the same time. In the notice of intention to convert tenants shall be notified of their right to purchase ownership in the premises at a specified price in accordance with this section, and their other rights as tenants under this act in relation to the conversion of a building to a condominium or a cooperative. A tenant in occupancy at the time of the notice of intention to convert shall have the exclusive right to purchase his unit or the shares of stock allocated thereto for the first 90 days after such notice that such purchase could be made during which time the unit shall not be shown to a third party unless the tenant has in writing waived the right to purchase.

C. 2A:18-61.9 Statement to tenant.

6. (New section) Any owner who establishes with a person an initial tenancy after the master deed or agreement establishing the cooperative was recorded shall provide to such person at the time of applying for tenancy and at the time of establishing any rental agreement a separate written statement as follows:

"STATEMENT

THIS BUILDING IS BEING CONVERTED TO OR IS A CONDOMINIUM OR COOPERATIVE. YOUR TENANCY CAN BE TERMINATED UPON 60 DAYS' NOTICE IF YOUR APARTMENT IS SOLD TO A BUYER WHO SEEKS TO PERSONALLY OCCUPY IT. IF YOU MOVE OUT AS A

RESULT OF RECEIVING SUCH A NOTICE, AND THE LANDLORD ARBITRARILY FAILS TO COMPLETE THE SALE, THE LANDLORD SHALL BE LIABLE FOR TREBLE DAMAGES AND COURT COSTS."

Such statement shall also be reproduced as the first clause in any written lease provided to such person.

C. 2A:18-61.10 Moving expense compensation.

7. (New section) Any tenant receiving notice under section 3 g. of P. L. 1974, c. 49 who is not evicted for any cause under this act other than under section 3 g. shall receive from the owner moving expense compensation of waiver of payment of 1 month's rent.

C. 2A:18-61.11 Offer for rental of comparable housing; stay of eviction; alternative compensation.

8. (New section) Tenants receiving notice under section 3 g. of P. L. 1974, c. 49 may request of the landlord within 18 full months after receipt of such notice, and the landlord shall offer to the tenant, personally or through an agent, the rental of comparable housing and a reasonable opportunity to examine and rent such comparable housing. In any proceeding under subsection 2 k. of P. L. 1974, c. 49 instituted following the expiration of notice required under section 3 g. of P. L. 1974, c. 49, the owner shall prove that a tenant was offered such comparable housing and provided such reasonable opportunity to examine and rent such housing as requested pursuant to this section. The court shall authorize 1-year stays of eviction with reasonable rent increases until such time as the court is satisfied that the tenant has been offered comparable housing and provided a reasonable opportunity to examine and rent such housing as requested pursuant to this section. However, in no case shall more than five such stays be granted.

The court shall automatically renew any 1-year stay of eviction in any case where the landlord failed to allege to the court within 1 year of a prior stay that the tenant was offered a reasonable opportunity to examine and rent comparable housing within such prior year.

However the court shall not authorize any further stays at any time after one such stay has been authorized when the owner has also provided a tenant with hardship relocation compensation of waiver of payment of 5 months' rent.

C. 2A:18-61.12 Rules and regulations.

9. (New section) In accordance with the "Administrative Procedure Act" (P. L. 1968, c. 410, C. 52:14B–1 et seq.), the Depart-

ment of Community Affairs shall adopt rules and regulations setting forth procedures required to be followed by landlords in providing tenants a reasonable opportunity to examine and rent comparable housing and setting forth procedures and content for information required to be disclosed to tenants regarding such procedures, the rights and responsibilities of tenants under this act, and the plans and proposals of landlords which may effect any tenant in order to maximize tenants' ability to exercise rights provided under this act. Any rules and regulations adopted under this section shall only be applicable to tenants and owners of a building or mobile home park which is being, or is about to be converted from the rental market to a condominium or a cooperative.

10. This act shall take effect immediately.

Approved February 19, 1976.

CHAPTER 312

AN ACT to amend "An act to supplement the 'New Jersey Medical Assistance and Health Services Act,' (P. L. 1968, c. 413) and making an appropriation therefor," approved August 21, 1975 (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 Eligibility.

2. Any single resident of this State 65 years of age and over whose annual income is less than $9,000.00, or any married resident whose annual income combined with that of his spouse is less than $12,000.00, shall be eligible for "Pharmaceutical Assistance to the Aged" if he is not otherwise qualified for assistance under the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved February 19, 1976.

CHAPTER 313

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144) and repealing section 161 thereof.

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

1. Section 155 of P. L. 1963, c. 144 (C. 17:12B–155) is amended to read as follows:

C. 17:12B-155 Other loans.

155. Other loans. Other loans may be made as follows:

A. Account loans: Loans secured by a pledge of a member's savings account. No such loan shall exceed the withdrawal value of the pledged account, less interest thereon for a period of 6 months. Interest on such loans shall not be charged at a rate in excess of the maximum permitted under the provisions of R. S. 31:1–1 unless a higher rate is required by any applicable Federal regulation that establishes minimum rates that must be charged on loans secured by savings accounts; in which event, the interest charged shall not be greater than that specified by such Federal regulation.

B. Purchase of loans. An association may purchase any mortgage loan, property repair, alteration, improvement or rehabilitation loan, or any other loan which an association is authorized to make.

C. Loans secured by a mortgage upon a lease of the fee of real property. Any association may invest in any obligation secured by a mortgage which is a first lien, as defined in section 11 of this act, on a lease of the fee of real property located in this State. The term of the leasehold interest securing such loan shall be not less than 50 years from the date such loan is granted, otherwise; such loans shall be made pursuant to sections 146 through 154, 167 and 168 of this act.

D. Camp meeting leaseholds. An association may invest in any obligation secured by a first mortgage, as defined in section 11 of this act, on any leasehold estate of real estate, in this State, of any camp meeting association, to the extent authorized by, and subject to, the limitations and restrictions contained in R. S. 17:2–1.

E. Loans otherwise authorized. An association may make any other loan which it may be authorized to make by any law of this State.

F. Loans on apartments or units established under the "Horizontal Property Act" or the "Condominium Act." An association may invest in any obligation secured by a mortgage which is a first lien, as defined in section 11 of this act, on an apartment which is part of a horizontal property regime established under the "Horizontal Property Act" or upon a unit which is part of a condominium established under the "Condominium Act." All such loans shall be made pursuant to sections 146 through 154, 167 and 168 of this act.

G. Educational loans. In addition to the authority otherwise granted by law for an association to make loans guaranteed or insured in whole or in part by the United States of America or the State of New Jersey, or any instrumentality or agency of either of them, or for which a commitment to so guarantee or insure has been made, an association may make any loans so guaranteed or insured or for which a commitment to so guarantee or insure has been made where such loans are made for the purposes of financing the expenses of higher education. Such loans may be made in accordance with the terms and conditions permitted by the guaranteeing or insuring authority, not withstanding any other provisions of law limiting interest or other charges or prescribing other terms and conditions.

H. Loans on building lots. An association may invest in any obligation secured by a mortgage which is a first lien on a building lot, where it is represented by the borrower at the time the loan is made that he intends to build or have built a dwelling on the building lot for his own use and occupancy. The amount of such loan shall not exceed 80% of the value of the real estate as found by appraisal at the time the loan is granted and shall be a direct reduction loan as defined in section 5 of this act, which shall require periodic payments sufficient to pay the principal and interest on the loan in full over a period of 10 years or less.

2. Section 157 of P. L. 1963, c. 144 (C. 17:12B–157) is amended to read as follows:

C. 17:12B-157 Investments in loans for the purpose of repair, alteration, improvement, modernizing, equipping or rehabilitation of real estate upon which an association shall not be required to hold a mortgage lien.

157. Investments in loans for the purpose of repair, alteration, improvement, modernizing, equipping or rehabilitation of real

estate upon which an association shall not be required to hold a mortgage lien. Such a loan shall be known as a "property improvement loan." Any association may make loans subject to the limitations set forth in sections 159 through 164 (C. 17:12B–159 through C. 17:12B–164) of this act for the repair, alteration, improvement, modernizing, equipping or rehabilitation of real estate located in this State, which is used wholly or partially for dwelling purposes, including loans for restoration, rehabilitation, rebuilding and replacement of properties which have been damaged or destroyed by fire, hurricane, flood, cyclone, tornado or other catastrophe.

3. Section 158 of P. L. 1963, c. 144 (C. 17:12B–158) is amended to read as follows:

C. 17:12B-158 Definitions as used in sections 159 through 164 (C. 17:12B-159 through C. 17:12B-164) of this act.

158. Definitions as used in sections 159 through 164 (C. 17:12B–159 through C. 17:12B–164) of this act. The following words and phrases as used in sections 159 through 164 (C. 17:12B–159 through C. 17:12B–164) of this act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Property improvement loan" means a loan, secured or unsecured, the purpose of which, as represented to the association by the borrower, is to enable the borrower to pay the cost in whole or in part of repairing, altering, improving, modernizing, equipping or rehabilitating real estate used wholly or partially for dwelling purposes and in connection with which the borrower files with the association, at the time when the loan is made, a statement, that the proceeds of the loan will be used to pay the cost, in whole or in part, of modernizing, rehabilitating, altering, repairing, equipping or improving such real property, as the case may be.

(2) (Deleted by amendment)

(3) "Net proceeds" means the difference between the face amount of the note evidencing such loan and that part of such face amount which represents precomputed interest.

(4) "Loan for equipping" means a loan, the proceeds of which are used to finance those items usually and customarily used in connection with a residential dwelling, whether or not affixed to the realty. The Commissioner of Banking shall have the power, in relation to a "loan for equipping," to adopt, amend, alter or rescind regulations, the requirements of which, in his judgment, are

necessary to establish appropriate safeguards. The commissioner, when issuing such regulations, shall, to the extent feasible and after giving consideration to the financial and economic circumstances and the public welfare, endeavor to promulgate such rules and regulations in substantial conformity with similar rules and regulations of the Federal Home Loan Bank Board as applied to Federal associations.

(5) "Precomputed interest" means an amount equal to the whole amount of the interest payable on a loan as defined in this section for the period from the making of the loan to the date scheduled by the terms of the loan for the payment of the final installment.

(6) "Person" means an individual, a partnership and an association.

(7) "Actuarial method" means the method of applying payments made on a debt between principal and interest pursuant to which a payment is applied first to accumulated interest on the principal amount of the loan and the remainder is applied to the unpaid principal balance of the loan in reduction thereof.

(8) "Precomputed loan" means an installment loan which is evidenced by a note the face amount of which consists of the aggregate of the principal amount of the loan so evidenced, and the precomputed interest thereon.

(9) "Nonprecomputed loan" means an installment loan which is evidenced by a note the face amount of which consists solely of the principal amount of the loan so evidenced.

4. Section 159 of P. L. 1963, c. 144 (C. 17:12B–159) is amended to read as follows:

C. 17:12B-159 Limitations on such loans.

159. Limitations on such loans.

(1) The net proceeds of any loan as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158) shall not exceed $15,000.00 nor shall the aggregate of such net proceeds, taken together with the amount of the unpaid balances owing on all other loans as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158) and which are outstanding with respect to the same person or real property, exceed $15,000.00.

(2) Each such loan shall be evidenced by one or more notes, bonds or other written evidence of indebtedness, and no security other than an interest in tangible personal property, or a mortgage upon the real property shall be taken directly or indirectly

to secure the same prior to default. An interest in real property taken as security for a property improvement loan shall not be deemed to be a mortgage loan within the meaning of Article X of this act and shall not be subject to the provisions of that article.

(3) No association shall make any such loan at any time the aggregate amount of such loans outstanding exceeds an amount equal to 10% of its total assets.

(4) Each loan as defined in section 158 of this act (C. 17:12B–158) shall be repayable in regular monthly installments over a period not exceeding 15 years and 32 days subsequent to the making of such loan. The amount of any installment shall not be greater or less than any other installment, except that the last installment may be not more than $1.00 more or less than any previous installment. An association which makes a loan as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158) shall not require that more than one installment be payable in any one payment period, except that the last two installments may be payable in the same payment period. Every such loan shall provide for payment periods of equal duration measured in terms of weeks or months, except that the period scheduled to elapse between the making of the loan and the date when the first installment is scheduled to be paid, hereinafter in this paragraph referred to as "the initial payment period" may be longer than any other payment period, but may not exceed 60 days. Any such loan may provide for the omission of installments during any period not exceeding 93 days in any one 12-month period. When the period during which installments are so omitted falls within or coincides with the initial payment period as hereinabove defined, the initial payment period may be longer than any other payment period, but may not exceed 93 days. Except as herein otherwise expressly provided, no payment period shall be shorter than 1 week or longer than 1 month.

(5) Nothing in this section shall prevent an association from making a loan as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158), the proceeds of which will be applied in whole or in part to the repayment at or before final maturity of a loan theretofore made under the provisions of this section.

(6) An association which makes a loan as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158) may,

(a) When the payment of such loan is secured, and provision is made by law for the filing or recording of the instrument of security or notice or abstract thereof, require compliance with such provision and retain the cost of such recording or filing out of the

proceeds of the loan but shall make no other charges in connection with the preparation of such mortgage or other security instruments; and

(b) When the maturity of the unpaid balance of the loan is accelerated, in accordance with the terms of the instrument evidencing the obligation, charge interest at a rate not exceeding the rate charged on the loan, from the date such acceleration takes place, upon the difference between the amount of the unpaid principal balance of the loan, and the amount of credit given pursuant to section 163 (C. 17:12B–163);

No association shall make any further interest or charge or demand, in connection with such loan, other than those expressly authorized by sections 159 through 164 (C. 17:12B–159 through C. 17:12B–164) of this act, except an association may charge interest at a rate not exceeding the rate charged on the loan upon each installment in arrears for the period from the date that default in the payment of such installment occurs to the date that payment of such installment is made; or, if the maturity of the unpaid balance of the loan is accelerated, as provided in this section, to the date upon which such acceleration takes place. In lieu of providing for interest pursuant to this paragraph (b), such instrument may provide that on any installment in arrears for more than 15 days, the association may make a late charge which shall not exceed 5% of such installment, or $5.00 whichever is the lesser; provided that only one such late charge shall be made on any one installment and that no such late charge shall be made upon any installment scheduled, by the terms of such instrument, to fall due upon a date subsequent to the date upon which the maturity of the unpaid balance of the loan is accelerated as provided by this section.

(c) No person who is a party to the instrument evidencing the loan shall be released or discharged from liability to the association by reason of the association's extending the time for the payment of an installment or installments owing or due upon such loan, or by reason of the association's waiver of any term or condition of the instrument evidencing such loan, or of the instrument intended to secure payment thereof.

(d) All parties to the instrument evidencing the loan may waive presentation for payment, demand for payment, protest and notice of protest, nonpayment, dishonor, and the association's election to accelerate the maturity of the unpaid balance of the loan.

For the purposes of this section,

(i) "unpaid principal balance" of a loan means the face amount of the note evidencing such loan, less the aggregate of all installments paid thereon, plus the cost of any insurance paid for by the association pursuant to paragraph (f) of subsection (6) of this section, after crediting against such cost the amount of the return premium, if any, received by the association on cancellation of prior insurance paid for by the borrower or the cost of which was retained out of the proceeds of the loan;

(ii) "unpaid balance" of a loan means the unpaid principal balance of such loan, plus unpaid interest and late charges, if any.

(e) Require one or more comakers or endorsers of the instrument evidencing a loan, or one or more guarantors of payment of the loan;

(f) When the payment of such loan is secured, require that such security be insured for the benefit of the association against such loss or damage as the association may require, and may retain out of the proceeds of such loan the premium for such insurance. If such insurance expires, lapses, or is canceled and other insurance by insurers and in amounts satisfactory to the association is not furnished to the association without lapse of coverage, the association may, but shall be under no duty to, obtain insurance upon such security, and the cost thereof, less the amount of the return premium, if any, received by the association or cancellation of prior insurance paid for by the borrower, or the cost of which was retained out of the proceeds of the loan, shall be added to and become part of the principal of such loan, payable upon demand with interest at the legal rate; and, in default of such payment within 30 days after such demand, the entire unpaid balance of the loan shall, at the election of the association become immediately due and payable;

(g) Upon institution of a suit for the collection of a loan in default, charge a collection fee, in addition to court costs allowable by law, equal to 10% of the unpaid balance of the loan, but in no case shall such collection fee exceed $100.00;

(h) Extend the scheduled due date of any loan and defer the scheduled due date of any or all installment payments, or reduce the amount of any or all installments and may, as a consideration therefor, make a total additional charge not to exceed the amount ascertained under the provisions of section 160 (C. 17:12B–160).

5. Section 160 of P. L. 1963, c. 144 (C. 17:12B–160) is amended to read as follows:

C. 17:12B-160 Charges on such loans.

160. Charges on such loans.

(1) The maximum charge which an association may contract for and receive on loans as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158) shall not exceed an amount calculated according to the actuarial method at a rate not exceeding 12% per annum on the unpaid balance of the principal; provided, however, that the Commissioner of Banking, with the advice of the special advisory board created pursuant to P. L. 1970, c. 205, s. 11 (C. 17:11A–44), may, by regulation adopted, amended and rescinded from time to time, provide that the rate of interest which may be contracted for and received on any such loan may be more than the rate above set forth but not more than 15% per annum, as shall be established by such regulation. For the purpose of establishing rates as provided by this subsection, the commissioner may, with the advice of the special advisory board referred to above and within the limits prescribed by this subsection, establish the rate applicable to such loans. In adopting, amending and rescinding regulations pursuant to this subsection, the commissioner and the special advisory board shall consider the general state of the economy, the discount rates prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the advance rate as prescribed by the Federal Home Loan Bank of New York, the availability of funds for loans, studies and statistics published by the Federal Home Loan Bank Board and other agencies of the United States and of this State, and such other factors and bases for determination as the commissioner and the board may deem pertinent. The rate established by any such regulation shall reasonably reflect prevailing market conditions, regionally and nationally, based upon the studies, statistics and factors considered, and shall remain in force until such time as such regulation is rescinded or such rate is increased or decreased by a subsequent regulation. Any such regulation shall have prospective effect only. In the case of a precomputed loan, the interest may be computed on the assumption that all scheduled payments will be made when due, and all scheduled installment payments made on a precomputed loan may be applied as if they were received on their scheduled due dates. In the case of nonprecomputed loans, all installment payments shall be applied no later than the next day,

other than a public holiday, after the date of receipt, and a day shall be counted as one-three-hundred-sixty-fifth of a year.

6. Section 162 of P. L. 1963, c. 144 (C. 17:12B–162) is amended to read as follows:

C. 17:12B-162 Schedules of charges.

162. Schedules of charges.

The Commissioner of Banking may prepare and distribute to such associations as shall make a request therefor, a schedule or schedules to be used in ascertaining precomputed interest, or he may approve a subsisting schedule or schedules, and interest taken pursuant to such schedule or schedules shall constitute a complete compliance with the provisions of section 160 of P. L. 1963, c. 144 (C. 17:12B–160). A copy of such schedule or schedules, certified by the commissioner, shall be evidence in all courts and places.

7. Section 163 of P. L. 1963, c. 144 (C. 17:12B–163) is amended to read as follows:

C. 17:12B-163 Rebates on prepayment.

163. Rebates on prepayment.

When the unpaid balance owing upon a loan as defined in section 158 of P. L. 1963, c. 144 (C. 17:12B–158) is repaid in full or the maturity of the unpaid loan is accelerated before the date scheduled for the payment of the final installment, the association shall allow a credit on account of the precomputed interest, the amount of which shall not be less than the amount determined by the application of the formula

$$C = \frac{AN}{D} \text{ in which}$$

"C" represents the amount of the credit to be given; "A" represents the amount of precomputed interest; "D" is determined by ascribing to each payment period included in the period for which interest was precomputed, reckoning from the day upon which the loan was made, the cardinal number descriptive of the number of payment periods scheduled, by the terms of the loan, to elapse from the beginning of each such payment period, to the date to which interest was precomputed, and the total of all the cardinal numbers so ascribed constitutes the quantity "D"; and "N" represents the difference between the quantity "D" and the total of all the cardinal numbers ascribed to the payment periods which have elapsed, in whole or in part, from the making of the loan, to the day

upon which such repayment is made, or to the day upon which the maturity of the unpaid balance of such loan is accelerated, as the case may be.

The commissioner may prepare and distribute to such associations as shall make a request therefor, a schedule or schedules based upon the formula specified in this section for use in determining the credit to be allowed pursuant to this section, and allowance of interest made as provided in such schedule shall constitute a complete compliance with this section. A copy of such schedule, duly certified by the commissioner, shall be evidenced in all courts and places.

This section shall not apply where the amount of the credit to be allowed is less than $1.00. The unpaid balance of a nonprecomputed loan may be paid in whole or in part at any time.

If an association knowingly violates any provision of sections 159 through 164 of this act (C. 17:12B–159 through C. 17:12B–164), the association shall forfeit the entire interest which the note or other evidence of debt carries with it, or which has been agreed to be paid thereon, and the borrower, or his legal representatives, may recover back, in an action against the association, twice the amount of interest received by the association on such loan, provided such action is commenced within 2 years from the date such violation occurred. The amount of any interest credit allowed pursuant to section 163 of this act, shall not be deemed to be interest received by the association for the purposes of this section.

8. Section 161 of P. L. 1963, c. 144 (C. 17:12B–161) is repealed.

C. 17:12B-161 Repealed.

9. This act shall take effect immediately.

Approved February 19, 1976.

CHAPTER 314

AN ACT relating to the taxation of motor fuels, and amending R. S. 54:39–65 and R. S. 54:39–66.

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

1. R. S. 54:39–65 is amended to read as follows:

Sales to federal or State government, political subdivisions, department or agency; exemption.

54:39–65. The provisions of this chapter requiring the payment of taxes shall not be construed to apply to fuel sold to the Government of the United States, to the Government of this State or of any political subdivision of this State, or to any department or agency of any of the said governments for official use of such governments in motor vehicles, motor boats, or other implements owned or leased by this State or any political subdivision or agency thereof, but every distributor shall report such sales to the commissioner at such times and in such detail as the commissioner may require. Any claim for exemption under this section may be made by the distributor at any time within 2 years after the date of sale, but no claim made after the expiration of said 2 years will be recognized for any purpose by the State or any agency thereof. Any person who shall purchase or otherwise acquire fuel as herein defined upon which the tax has not been paid, from any of the aforesaid governments, or any of their agents or officers, for use not specifically associated with any governmental function or operation shall pay to the State of New Jersey the tax herein provided upon the fuel so acquired. It shall be unlawful for any person to use or to conspire with any governmental official, agent or employee for the use of any requisition, purchase order, or any card or any authority to which he is not specifically entitled by government regulations, for the purpose of obtaining any such fuel, upon which the tax has not been paid.

2. R. S. 54:39–66 is amended to read as follows:

Exemptions; payment of tax; refund; verified application.

54:39–66. Any person:

(1) Who shall use any fuels as herein defined for any of the following purposes:

(a) (Deleted by amendment.)

(b) Autobusses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein under the provisions of sections 48:4–14, 48:4–15 and 48:4–16 or 48:16–25 of the Title Public Utilities and autobusses while being operated over the highways of this State to provide regular route passenger service under operating authority conferred pursuant to R. S. 48:4–3,

(c) Agricultural tractors not operated on a public highway,

(d) Farm machinery,

(e) Aircraft,

(f) Ambulances,

(g) Rural free delivery carriers in the dispatch of their official business,

(h) Such vehicles as run only on rails or tracks, and such vehicles as run in substitution thereof,

(i) Such highway motor vehicles as are operated exclusively on private property,

(j) Motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State,

(k) Motor boats or motor vessels used exclusively for commercial fishing,

(l) Motor boats or motor vessels while being used for hire for fishing parties or being used for sightseeing or excursion parties,

(m) Cleaning,

(n) Fire engines and fire-fighting apparatus,

(o) Stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highway,

(p) Heating and lighting devices,

(q) Fuels previously taxed under this chapter and later exported or sold for exportation from the State of New Jersey to any other State or country provided, proof satisfactory to the commissioner of such exportations is submitted,

(r) Motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America,

(s) Emergency vehicles used exclusively by volunteer first-aid or rescue squads, and

(2) Who shall have paid the tax for such fuels hereby required to be paid, shall be reimbursed and repaid the amount of tax so paid upon presenting to the commissioner an application of such reimbursement or repayment, in form prescribed by the commissioner, which application shall be verified by a declaration of the applicant that the statements contained therein are true. Such application for reimbursement or repayment shall be supported by an invoice, or invoices, showing the name and address of the person from whom purchased, the name of the purchaser, the date of purchase, the

number of gallons purchased, the price paid per gallon, and an acknowledgment by the seller that payment of the cost of the fuel, including the tax thereon, has been made. Such invoice, or invoices, shall be legibly written and shall be void if any corrections or erasures shall appear on the face thereof.

The commissioner may, in his discretion, permit a distributor entitled to a refund under the provisions of this section to take credit therefor, in lieu of such refund, in such manner as the commissioner may require, on a report filed pursuant to R. S. 54:39–27.

3. This act shall take effect on the first day of the calendar month occurring not less than 60 days after its enactment.

Approved February 19, 1976.

CHAPTER 315

AN ACT concerning municipal commissioner elections, and amending R. S. 40:75–3.

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

1. R. S. 40:75–3 is amended to read as follows:

Nomination by petition; nature and sufficiency.

40:75–3. The names of the candidates for commissioners shall be filed with the municipal clerk in the manner and form and under the conditions set forth in this section and sections 40:75–4 and 40:75–5 of this Title; said filing to be at least 30 days prior to an election for the first members of the commission and at least 30 days prior to any municipal election, as the case may be, and in no event shall be filed later than 4 p.m. The petition of nomination shall consist of individual certificates equal in number to at least ½ of 1% of the entire vote cast at the last preceding general election, but in no event less than 25.

Each certificate shall be a separate paper and shall contain the names of not more than 10 signers and the name of but one candidate. No signer shall, at the time of filing the certificate, have signed more certificates for candidates for that office than there

are places to be filled. If an elector has signed two or more conflicting certificates all such certificates shall be rejected.

2. This act shall take effect immediately.

Approved February 19, 1976.

CHAPTER 316

AN ACT concerning electronic voting systems, amending sections 19:4–5, 19:4–6 and 19:6–1 of the Revised Statutes and sections 5, 7 and 8 of "An act authorizing the use of electronic voting systems and supplementing Title 19 of the Revised Statutes," approved April 12, 1973 (P. L. 1973, c. 82).

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

1. R. S. 19:4–5 is amended to read as follows:

Number of voters in district and for each electronic voting device; use of polling place.

19:4–5. a. Subject to the provisions of section 19:4–6 of this title as to redistricting and of subsection b. of this section as to districts in which electronic voting systems are to be used, no election district shall contain more than 600 voters, except (1) an election district wherein there may be located a home or institution wherein persons entitled to vote may reside, and in any such district the number of voters shall be as near 600 as possible; and (2) election districts in counties having a population of less than 60,000 inhabitants may contain 700 voters.

b. Election districts in which electronic voting systems are used shall contain as near as may be between 600 and 1,200 registered voters. One voting device for each 150 registered voters, or part thereof, shall be used in each election district.

c. Except as provided in subsection b. of this section, every municipality in a county having a population of less than 60,000 inhabitants, containing more than 700 voters and less than 1,200 voters, shall be divided into two election districts, each district having as nearly as possible the same number of voters.

The county board or the governing body of the municipality, as the case may be, having regard for the convenience of the voters of such municipality, shall select a building for use as a polling place in the municipality, which building may be used by the voters of each election district, even though the building be located within one election district.

2. R. S. 19:4–6 is amended to read as follows:

Readjustment of boundaries of election districts on account of number of voters.

19:4–6. a. (1) When in any two consecutive general elections in any election district over 600 or less than 250 votes shall have been cast, the county board in counties of the first class and the governing body of the municipalities in counties other than counties of the first class, except as hereinafter provided, wherein such election district shall lie, may readjust the boundary lines of such election district and other election districts necessary to effect the change so that none of the election districts affected shall have more than 550 or less than 350 registered voters, and for this purpose shall have power to consolidate any number of districts and subdivide the same.

(2) In redistricting the election districts in counties having a population of less than 60,000 which under section 19:4–5 of this Title may contain voters, a like procedure may be followed.

(3) In redistricting the election districts in which voting machines are to be used, which under section 19:51–1 of this Title may contain 750 registered voters where one machine is to be used, or 1,000 registered voters where two machines are to be used, or 1,500 registered voters where three machines are to be used, a like procedure may be followed, provided that where any county, other than counties of the first class, may provide for the use of voting machines purchased by it, the governing body of any municipality in such county shall, upon notice from the county board, redistrict the election districts in which voting machines are to be used.

b. Notwithstanding the provisions of subsection a. of this section, election districts in which electronic voting systems are to be used may be altered, divided or combined by the county board of elections at any time, except as restricted by subsection d. of this section, so as to conform to the provisions of subsection b. of R. S. 19:4–5.

c. In every division, change or readjustment the geographical compactness of each district shall be maintained as nearly rectangular as possible and the lines of such district shall not extend beyond the boundary lines of the ward, or of the municipality, as the case may be, in which the district is located.

d. No such board or governing body shall make division of an election district between March 1 and the day of the general election in any year.

e. The preparation of the signature copy registers, registers of the voters and the party primary poll books of the preceding primary election and the polling books of the preceding general election if made necessary for any purpose by reason of redistricting of the election districts shall be done by the commissioner in municipalities having permanent registration and by the municipal clerk in all other municipalities.

3. R. S. 19:6–1 is amended to read as follows:

Membership.

19:6–1. The district boards in each election district shall consist of four members, except that where electronic voting systems are in use any election district in which there are more than 900 registered voters the district board shall consist of six members. The members shall be appointed by the county board of the county in which such election district is located, in the manner hereinafter provided.

In election districts in which the primary language of 10% or more of the registered voters is Spanish, the county board shall appoint two additional members who shall be of Hispanic origin and fluent in Spanish.

4. Section 5 of P. L. 1973, c. 82 (C. 19:53A–5) is amended to read as follows:

C. 19:53A-5 Ballots; labels; form; samples; write-ins.

5. a. Ballot labels shall be printed in plain clear type in black ink, of such size and arrangement as to fit the construction of the voting device; they shall be printed on clear white material or on material of different colors to identify different ballots or parts of the ballot, and in primary elections to identify each political party.

b. The titles of offices and the names of candidates may be arranged in vertical columns or in a series of separate pages. The office title with a statement of the number of candidates to be voted for shall be printed above or at the side of the names of the candidates for that office. The names of candidates shall be printed in the order provided by law, and in general elections the party designation of each candidate, which may be abbreviated, and a slogan not to exceed six words may be printed following his name. In case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label

shall be clearly marked that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and on each measure.

c. The different parts of the ballot, such as partisan, nonpartisan, and measures, shall be prominently indicated on the ballot labels, and, if practicable, each part shall be placed on a separate page or pages. In the event that two or more elections are held on the same day, the ballot labels shall be clearly marked to indicate the ballot for each election, and, if practical, the ballot labels for each election shall be placed upon separate pages, and labels of a different color or tint may be used for each election.

d. Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided as required by law. At least three copies shall be posted in each polling place on election day. Sample ballots may be printed on a single sheet or on a number of pages stapled together.

e. In elections in which voters are authorized to vote for persons whose names do not appear on the ballot, at the discretion of the county board of elections either (1) a separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the voter places his ballot card after voting, shall be provided to permit voters to write in the title of the office and the name of the person or persons for whom he wishes to vote, or to attach a sticker of suitable size on which is printed the title of the office and the name of the person or persons for whom he wishes to vote; or (2) provision shall be made for the voter to write the name of the person or persons for whom he wishes to vote on the ballot card in the location designated and to punch the ballot card in the location provided.

5. Section 7 of P. L. 1973, c. 82 (C. 19:53A–7) is amended to read as follows:

C. 19:53A-7 Conduct of election.

7. a. Thirty minutes before the opening of the polls the local district election officers shall arrive at the polling place, place the voting devices in position for voting, and examine them to see that they have the correct ballot labels by comparing them with the sample ballots, and are in proper working order. They shall open and check the ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters.

b. Each voter requesting assistance shall be instructed how to operate the voting device before he enters the voting booth. If he needs additional instruction after entering the voting booth and requests assistance, two members of the district board of opposite political parties, may if necessary enter the booth and give him additional instructions.

c. The district election official attending the voting machine shall inspect the face of the machine and the ballot at least once per hour to see that the face of the machine and the ballot are in their proper place and that neither has been mutilated, defaced, tampered with or changed and that the machine has not been changed.

d. After the voter has marked his ballot cards, he shall place the ballot card inside the envelope provided for this purpose and return it to the election officer, who shall remove the stub, place it on a file string, and deposit the envelope with the ballot card inside in the ballot box. No ballot card from which the stub has been detached shall be accepted by the election official in charge of the ballot box, but it shall be marked "Spoiled" and placed with the spoiled ballot cards.

e. Any voter who spoils his ballot card may return it enclosed in the envelope and secure another. The word "Spoiled" shall be written across the face of the envelope, which shall be placed on the same string with the stubs.

f. As soon as the polls have been closed and the last qualified voter has voted, all unused ballot cards shall be placed in a container and sealed for return to the board of elections. The ballot box shall be opened and any write-in votes counted, unless these votes are to be counted by duly appointed bipartisan tabulating teams at the counting center. Before write-in votes are counted they shall be compared with votes cast on the ballot card for the same office. If the voter has cast more votes for an office than he is entitled to vote for, the vote for that office shall be declared null and void and that vote shall not be counted for that office. Votes cast for duly nominated candidates on the ballot card will not be voided because of an invalid write-in vote, but if otherwise valid shall be counted. The voted ballot cards shall next be placed in the ballot card container for delivery to the counting center, and the voting devices shall be placed in their containers for returning to the county board of elections.

g. The district board election officers shall prepare a report of the number of voters who have voted, as indicated by the poll list, the number of write-in votes and any other votes counted by the

district board and the number of spoiled ballots, and shall place the original copy of this report in the ballot card container for delivery to the counting center, which thereupon shall be sealed so that no additional ballot cards may be deposited or removed. Such container shall be durably constructed so as to be resistant to fire, water and tampering. The duplicate copy of said report shall be returned to the county election board with other records. Two district election board officers one of each opposite political party as in this act defined shall forthwith deliver the ballot card container to the counting center or other place designated by the county board. The county board may, in its discretion, direct that ballots be delivered to one or more collection points from which points the ballots shall be transported collectively to the counting center by two duly appointed deputies of opposite political parties. The district board shall receive a receipt before releasing the ballots to said deputies.

6. Section 8 of P. L. 1973, c. 82 (C. 19:53A–8) is amended to read as follows:

C. 19:53A-8 Count of ballots; test of automatic tabulating equipment; return; manual count.

8. a. Prior to the start of the count of the ballots, each county board of elections shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in three or more daily or weekly newspapers published in the county or jurisdiction where such equipment is used, if a newspaper is published therein, otherwise in a newspaper of general circulation therein; said newspapers shall be selected so as to give the widest possible notice to the voters of said county and one of said newspapers shall be the newspaper or one of the newspapers in which legal notices of the county are required to be published. The test shall be conducted by processing a preaudited group of ballot cards so punched as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. In such test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the county board

of elections before the count is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the count, the programs, test materials, and ballot cards arranged by districts shall be sealed and retained as provided for paper ballots.

b. All proceedings at the counting center shall be under the direction of the county board of elections or persons designated by it; there shall always be two persons in charge, one from each opposite political party as in this act defined; and all proceedings shall be conducted under the observation of the public, but no persons except those authorized for the purpose shall touch any ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized and take an oath that they will faithfully perform their assigned duties. If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made and substituted for the damaged ballot card. All duplicate ballot cards shall be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot card. The damaged or defective ballot card as well as the "duplicate" shall be preserved with the other ballot cards. During the count the election officer or board in charge may from time to time release unofficial returns. Upon completion of the count the official returns shall be open to the public.

c. The return of the automatic tabulating equipment, to which have been added the write-in and absentee votes, shall, after being duly certified by the county board of elections, constitute the official return of each election district.

d. If for any reason it becomes impracticable to count all or a part of the ballot cards with tabulating equipment, the county board of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots contained in Title 19 of the Revised Statutes.

7. (New section) Notwithstanding any provisions of law to the contrary, in the year in which this act takes effect any county board may before May 1 alter, combine or divide election districts in which electronic voting systems are to be used so as to conform to the provisions of subsection b. of R. S. 19:4–5, and may appoint such new or additional members of such district election boards as may be authorized under R. S. 19:6–1.

8. This act shall take effect immediately.

Approved February 19, 1976.

CHAPTER 317

A SUPPLEMENT to the "State Uniform Construction Code Act," approved October 7, 1975 (P. L. 1975, c. 217).

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

C. 52:27D-126.1 Fire prevention subcode officials; appointment; qualifications; removal.

1. a. In any municipality the body or official, or the successor of said body or official, which appointed the persons serving as fire prevention officials on the effective date of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.) shall appoint the person to serve in each position for a fire prevention subcode official which a municipality creates; provided that any person who has served in the same municipality for at least 6 months as a fire inspection officer on the effective date of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.) shall be deemed to qualify as a fire prevention subcode official. Notwithstanding the provisions of this section, any fire prevention subcode official is subject to any qualification requirements established by the commissioner pursuant to section 8 of the "State Uniform Construction Code Act," P. L. 1975, c. 217.

b. Whenever a municipality creates full-time or part-time fire prevention subcode official positions, it shall order the body or official or successor or designee of said body or official which appointed the persons serving as fire prevention officials in the municipality on the effective date of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.) to appoint the necessary number of full-time or part-time fire prevention subcode officials pursuant to subsection 1 a. of this act. Except as provided in subsections a., b., and d. of this section, fire prevention subcode officials are subject to the administration and enforcement jurisdiction of municipal construction officials provided under the State Uniform Construction Code, P. L. 1975, c. 217 (C. 52:27D–119 et seq.).

c. Notwithstanding any experience requirements in section 8 of the "State Uniform Construction Code Act," P. L. 1975, c. 217, a fire prevention subcode official appointed pursuant to said section and to this act shall have had at least 3 years experience as a fire prevention or firefighting official.

d. A fire prevention subcode official may be removed from office by the body or official or the successor or designee of said body or official which appointed such official.

C. 52:27D-139.1 Fire safety maintenance code; adoption; enforcement.

2. Notwithstanding any provisions of the act to which this act is a supplement, a municipality or the commissioners of a fire district pursuant to N. J. S. 40A:14–81 may adopt and provide for the enforcement of a fire safety maintenance code or continue to enforce an existing fire safety maintenance code. The provisions of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.) providing for the adoption and enforcement of a fire prevention subcode as part of the State Uniform Construction Code shall apply to fire prevention-related construction activities which are defined as those fire prevention-related construction activities, which in any way may affect, pertain to, or involve the issuance of a construction permit or initial certificate of occupancy under said act. No fire safety maintenance code or the enforcement thereof by any municipality or commissioners of a fire district pursuant to N. J. S. 40A:14–81 shall in any way conflict with or otherwise affect the terms and enforcement of the State Uniform Construction Code adopted pursuant to the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.).

3. This act shall take effect on February 4, 1976.

Approved February 19, 1976.

CHAPTER 318

AN ACT to amend "An act creating a commission to study methods of developing countermeasures to deal with the increasing problem of traffic collisions, by improving the effectiveness of all Division of Motor Vehicle programs aimed at encouraging legal, safe and skilled driving by New Jersey motorists," approved July 26, 1974 (P. L. 1974, c. 68).

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

1. Section 9 of P. L. 1974, c. 68 is amended to read as follows:

9. This act shall take effect immediately and shall expire on December 31, 1976.

2. This act shall take effect immediately.

Approved February 19, 1976.

CHAPTER 319

AN ACT concerning workmen's compensation, and amending R. S. 34:15–27.

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

1. R. S. 34:15–27 is amended to read as follows:

Modification of agreement; review of award, determination and rule for judgment.

34:15–27. An agreement for compensation may be modified at any time by a subsequent agreement. A formal award, determination and rule for judgment or order approving settlement may be reviewed within 2 years from the date when the injured person last received a payment upon the application of either party on the ground that the incapacity of the injured employee has subsequently increased. If any party entitled to a review under this section shall become insane within the aforesaid 2-year period, his insanity shall constitute grounds for tolling the unexpired balance of the 2-year period, which shall only begin to run again after his coming to or being of sane mind. An award, determination and rule for judgment or order approving settlement may be reviewed at any time on the ground that the disability has diminished. In such case the provisions of section 34:15–19 of this Title with reference to medical examination shall apply.

2. This act shall take effect immediately.

Approved February 20, 1976.

CHAPTER 320

AN ACT to amend the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138).

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

1. Section 8 of P. L. 1946, c. 138 (C. 40:14A–8) is amended to read as follows:

C. 40:14A-8 Rates and service charges.

8. (a) Every sewerage authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, the sewerage system. Such service charges may be charged to and collected from any person contracting for such connection or use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the system or from or on which originates or has originated sewage or other wastes which directly or indirectly have entered or may enter the sewerage system, and the owner of any such real property shall be liable for and shall pay such service charges to the sewerage authority at the time when and place where such service charges are due and payable.

(b) Rents, rates, fees and charges, which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the sewerage system, and may be based or computed either on the consumption of water on or in connection with the real property, making due allowance for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class and amount of use or service of the sewerage system, or on any combination of any such factors, and may give

weight to the characteristics of the sewage and other wastes and any other special matter affecting the cost of treatment and disposal thereof, including chlorine demand, biochemical oxygen demand, concentration of solids and chemical composition. In addition to any such periodic service charges, a separate charge in the nature of a connection fee or tapping fee, in respect of each connection of any property with the sewerage system may be imposed upon the person making such connection or upon the owner or occupant of the property so connected. Such connection charges shall be uniform within each class of users but the amount thereof shall otherwise be entirely within the discretion of the authority in order that the combination of such connection fee or tapping fee and the aforesaid periodic service charges shall meet the requirements of subsection (c) hereof; provided, however, that in assessing any such connection charges, the sewerage authority shall give credit in every instance to the owner or occupant of any property wherein or whereon any action or improvement has been taken or effectuated, in accordance with such reasonable specifications as may be prescribed by the sewerage authority, which results in a reduction of the costs actually incurred by the sewerage authority in making such connection below such costs actually incurred in making such connections to property wherein or whereon no such action or improvement has been taken or effectuated. The amount of any such credit shall be equal to the percentage difference between the costs actually incurred by the sewerage authority in making such connection to a property wherein or whereon such an action or improvement has been taken or effectuated, and the average during the immediately preceding year of such costs actually incurred by the sewerage authority in making such connections to property wherein or whereon no such action or improvement has been taken or effectuated.

(c) The sewerage authority shall prescribe and from time to time when necessary revise a schedule of such service charges, which shall comply with the terms of any contract of the sewerage authority and in any event shall be such that the revenues of the sewerage authority will at all times be adequate to pay all expenses of operation and maintenance of the sewerage system, including reserves, insurance, extensions, and replacements, and to pay punctually the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the sewerage authority or as may be deemed necessary or desirable by the sewerage authority. Said

schedule shall thus be prescribed and from time to time revised by the sewerage authority after public hearing thereon which shall be held by the sewerage authority at least 7 days after such published notice as the sewerage authority may determine to be reasonable. The sewerage authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than 1 year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the sewerage authority and shall at all reasonable times be open to public inspection.

(d) Any county sewerage authority may establish sewerage regions in portions of the district. Rent, rates, fees and charges which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practical and equitable, be uniform throughout the district for the same type, class and amount of use or service of the sewage systems and shall meet all other requirements of subsection (b) hereof.

2. This act shall take effect immediately.

Approved February 20, 1976.

CHAPTER 321

AN ACT concerning the transfer of cases between counties and amending P. L. 1973, c. 271.

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

1. Section 2 of P. L. 1973, c. 271 (C. 2A:11–5.2) is amended to read as follows:

C. 2A:11-5.2 Certification and payment of claim for reimbursement.

2. Claim for reimbursement shall be certified to the Administrative Director of the Courts by the assignment judge of the county. Such claim shall be paid by the county from which cases are transferred.

2. This act shall take effect immediately and shall apply to cases transferred on or after the effective date.

Approved February 20, 1976.

CHAPTER 322

AN ACT to relocate and establish a portion of the boundary line between the township of Dover and the borough of Lavallette in the county of Ocean.

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

Private act.

1. The governing bodies of the township of Dover and the borough of Lavallette having agreed to realign a portion of their common boundary line, said portion is hereby relocated and established as follows:

BEGINNING at the northeast corner of Lot 11 as shown on the map of "Ortley Terrace" dated April 30, 1954 and filed July 2, 1954 as Map D-287 which point is also in the boundary line between the Borough of Lavallette and the Township of Dover and running

thence (1) along the aforesaid boundary line on a course north 61 degrees 27′ 50″ West a distance of 117.22 feet to the southeast corner of Lot 10 as shown on the aforesaid map of "Ortley Terrace";

thence (2) along the southerly line of Lot 10 aforesaid, on a course North 72 degrees 41′ 10″ West a distance of 85.00 feet to the southwest corner of Lot 10;

thence (3) along the westerly line of Lot 10 aforesaid, on a course North 17 degrees 18′ 50″ East a distance of 4.52 feet to the southeast corner of Lot 9;

thence (4) along the southerly line of Lots 8 and 9, on the map of "Ortley Terrace", on a course north 72 degrees 41′ 10″ West a distance of 122.78 feet to the division line of Lots 7 and 8 on the aforesaid map;

thence (5) along the aforesaid division line of Lots 7 and 8 on a course North 17 degrees 18′ 50″ East a distance of 65.815 feet to the southerly line of Dover Avenue;

thence (6) along the southerly line of Dover Avenue on a course North 72 degrees 41′ 10″ West a distance of 447.22 feet to the westerly line of Lot 1 on the aforsaid map of "Ortley Terrace";

thence (7) along the aforesaid westerly line of Lot 1 on a course South 17 degrees 18′ 50″ West a distance of 21.63 feet to the northeast corner of Lot 10, Block 992-l, as shown on the Official Tax Map of the Township of Dover, and the southerly line of Dover Avenue;

thence (8) along the southerly line of Dover Avenue on a course North 72 degrees 41′ 10″ West a distance of 145.00 feet to the easterly line of New Jersey State Highway Route #35, North Bound;

thence (9) along the easterly line of New Jersey State Highway, Route #35, North Bound on a course North 17 degrees 18′ 50″ East a distance 165.00 feet to a point that is 95.00 feet northerly of the northerly line of First Avenue;

thence (10) on a course North 72 degrees 41′ 10″ West a distance of 241.50 feet to the division line of Lots 4A and 5A, Block 51 as shown on the Official Tax Map of the Borough of Lavallette;

thence (11) along the aforesaid division line of Lots 4A and 5A, Block 51 on a course South 17 degrees 18′ 50″ West a distance of 14.13 feet to a point in the boundary line between the Borough of Lavallette and the Township of Dover;

thence (12) along the division line of Block 51 in the Borough of Lavallette and Block 982-4 in the Township of Dover on a course North 61 degrees 27′ 59″ West a distance of 346.81 feet to the northeast corner of Lot 1, Block 981-10 in the Township of Dover and in the westerly line of Railway Avenue, West;

thence (13) along the westerly line of Railway Avenue, West on a course South 17 degrees 18′ 50″ West a distance of 29.26 feet to the northeast corner of Lot 2, Block 981-10 in the Township of Dover; thence

(14) along the northerly line of Lot 2, Block 981-10, aforesaid, on a course North 72 degrees 41′ 10″ West a distance of 70.00 feet to the northwest corner of Lot 2, Block 981-10;

thence (15) along the westerly line of Lot 2, Block 981-10 on a course South 17 degrees 18′ 50″ West a distance of 40.00 feet which point is the northeast corner of Lot 33, Block 981–10 and a distance of 80.00 feet northerly of the northerly line of First Avenue;

thence (16) along the northerly line of Lots 25 to 33 inclusive, Block 981-10 on a course North 72 degrees 41′ 10″ West a distance of 180.00 feet to the northwest corner of Lot 25, Block 981-10 which

point is 74.50 feet easterly of the easterly line of Baltimore Avenue and the southwest corner of Lot 14, Block 981-10 in the Township of Dover;

thence (17) along the division line of Lot 14 and Lots 16, 18, 19 and 20, Block 981-10 on a course North 17 degrees 18' 50" East a distance of 143.29 feet to the southerly line of Trenton Avenue in the Borough of Lavallette;

thence (18) along the southerly line of Trenton Avenue on a course North 72 degrees 41' 10" West a distance of 74.50 feet to the easterly line of Baltimore Avenue;

thence (19) crossing Baltimore Avenue on a course North 89 degrees 36' 07" West a distance of 73.17 feet to a point in the westerly line of Baltimore Avenue said point being the northeasterly corner of Block 980-17 as shown on the Official Tax Map of the Township of Dover and the southwesterly corner of Baltimore and Trenton Avenues.

thence (20) along the northerly line of Block 980-17, aforesaid, and the southerly line of Trenton Avenue on a course North 72 degrees 41' 10" West a distance of 400 feet to the easterly line of Washington Avenue;

thence (21) along the easterly line of Washington Avenue on a course North 17 degrees 18' 50" East a distance of 121.29 feet to the northerly line of Trenton Avenue in the Borough of Lavallette and the boundary line between the Borough of Lavallette and the Township of Dover;

thence (22) along the aforesaid boundary line on a course North 61 degrees 27' 50" West a distance of 153.00 feet, more or less, to a point where the northerly line of Brinley Avenue intersects the aforesaid boundary line;

thence (23) along the northly line of Brinley Avenue on a course North 72 degrees 41' 10" West a distance of 265 feet more or less, to the easterly line of Bay Boulevard;

thence (24) along the easterly line of Bay Boulevard on a course North 17 degrees 18' 50" East a distance of 60.00 feet to the boundary line between the Borough of Lavallette and the Township of Dover;

thence (25) along the aforesaid boundary line on a course North 61 degrees 27' 50" West a distance of 100 feet, more or less to a point in the westerly line of Bay Boulevard which point is 94.10 feet, as measured along the westerly line of Bay Boulevard, from the southwest corner of Bay Boulevard and Newark Avenue in the Borough of Lavallette;

thence (26) along a line southerly and parallel with the southerly line of Newark Avenue and distant 94.10 feet therefrom on a course North 72 degrees 41′ 10″ West a distance of 150 feet more or less, to a timber bulkhead and high water line of Barnegat Bay.

The existing boundary line and the proposed realignment thereof is further shown and described on a map entitled "Map of Boundary Line between Borough of Lavallette and Township of Dover" prepared by Ernst, Ernst and Lissenden, Engineers and Surveyors, dated February 4, 1972.

2. This act shall take effect immediately.

Approved February 20, 1976.

CHAPTER 323

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 29 of P. L. 1948, c. 67 (C. 17:9A–29) is amended to read as follows:

C. 17:9A-29 Appointment of qualified bank as fiduciary by court or officer.

A. A court or officer with power to appoint a fiduciary, may appoint a qualified bank.

B. When a qualified bank, named in a fiduciary capacity in any instrument, shall, before its appointment and qualification as such fiduciary, have been succeeded by another qualified bank as a result of a merger, consolidation, conversion or other corporate reorganization, or when a successor fiduciary to such qualified bank has been appointed as provided in subsection F. of this section, the court or officer having jurisdiction shall, except for good cause shown, upon proper application therefor, appoint the successor bank or such successor fiduciary, as the case may be, to act in such fiduciary capacity.

C. A qualified bank may be appointed, upon the application of any party in interest or upon the application of any person or corporation acting or entitled to act in a fiduciary capacity, to act in

the place and stead of such person or corporation so acting or entitled to act, or jointly with such person or corporation. Such appointment shall be made upon such notice as the court or officer shall direct.

D. Except as may in this act be otherwise expressly provided, a qualified bank acting in a fiduciary capacity shall have all powers, and shall be subject to all liabilities, duties, and obligations as if such bank were an individual.

E. Whenever, under any law of this State, or of the United States, any fiduciary is required to make oath, such oath may be made on behalf of a qualified bank by its president, vice president, cashier, assistant cashier, secretary, assistant secretary, treasurer, assistant treasurer, trust officer, or assistant trust officer.

F. A qualified bank which is a wholly-owned subsidiary of a bank holding company organized under the laws of New Jersey may apply ex parte to the Superior Court to be substituted in the place and stead of one or more qualified banks which are also wholly-owned subidiaries of such bank holding company, and which are desirous of being discharged from acting further in certain fiduciary capacities and relationships. Upon such application, the court shall make an order appointing the applicant qualified bank as successor fiduciary in respect to the fiduciary capacities and relationships set forth in such application, with the same powers and duties in respect to such fiduciary capacities and relationships as those possessed by the qualified bank or banks for which the successor fiduciary is substituted. After such order of substitution has been entered every instrument executed or otherwise effected before or after such entry, which purports to appoint to any fiduciary capacity or relationship any qualified bank for which a successor fiduciary has been appointed pursuant to this subsection shall be deemed to constitute an appointment of such successor fiduciary. The qualified bank which has been succeeded by a successor fiduciary as provided in this section, may, but shall not be required to, present an accounting, in which the successor bank may join, of its administration of the fiduciary capacities or relationships to which the successor fiduciary has been appointed.

2. This act shall take effect immediately.

Approved February 20, 1976.

CHAPTER 324

A SUPPLEMENT to "An act relating to the public transportation system of the State and making appropriations for the improvement of State highways and the improvement of mass transportation facilities," approved January 23, 1969 (P. L. 1968, c. 424).

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

1. There is hereby reallocated from previously appropriated sums from the State Transportation Fund the sum of $4.3 million, or so much thereof as may be necessary, for State highways, and for the improvement of State highways, on the following highway projects:

A. CONSTRUCTION PROJECTS

Route	Route Description	County
35, 2C	Intersection improvement, Point Pleasant, Route 88	Ocean
45, 1D	Drainage improvement, Westville	Gloucester
U. S. 40	Access road, Franklin township	Gloucester
95, 1AG	East Winant avenue, reconstruction, Ridgefield Park	Bergen
153, 1A, 3, 4K	Secaucus Plaza drainage	Hudson
77, 3A	Shirley road to Route 40, widening, pavement rehabilitation	Salem
130, 3	Brooklawn drainage	Camden
42	Washington township jughandle and island closings	Gloucester
38	Moorestown, Mount Laurel, drainage	Burlington
40-322	Great thorofare and Beach thorofare, bridge rehabilitations (timber piles)	Atlantic
26, 1	Livingston avenue overpass	Middlesex
94, 5A 206, 22C	Pavement rehabilitation	Sussex
440	Pavement rehabilitation, Communipaw avenue, Jersey City	Hudson

Route	Route Description	County
22	Pavement rehabilitation, Garden State Parkway to Meeker avenue, Hillside and Newark	Union-Essex
15	Pavement rehabilitation, North of Route 80 to Union turnpike, Rockaway township	Morris
35	Pavement rehabilitation, Victory circle to Route 440	Middlesex
53	Pavement rehabilitation and drainage, Indian Hill road to Route 46, Denville	Morris
34	Pavement and shoulder rehabilitation, Lloyd road to County Route 516, Matawan	Monmouth
10	Cooper-Miller road jughandles, Denville	Morris

2. This act shall take effect immediately.

Approved February 20, 1976.

CHAPTER 325

AN ACT to amend "An act concerning roadside advertising, amending P. L. 1959, c. 191, approved December 15, 1959 and supplementing Title 27 of the Revised Statutes," approved June 10, 1963 (P. L. 1963, c. 93).

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

1. Section 2 of P. L. 1963, c. 93 (C. 27:7A–12) is amended to read as follows:

C. 27:7A-12 Definitions.

2. As used in this act:

(a) "Interstate System" means those highways constructed within this State and approved by the Secretary of Transportation of the United States as an official portion of the National System

of Interstate and Defense Highways pursuant to the provisions of Title 23, "Highways," of the United States Code, as amended.

(b) "Primary System" means any highway so designated by the State of New Jersey and approved by the Federal authorities pursuant to Title 23 of the United States Code.

(c) "Controlled portion of the Interstate System" means any portion which is constructed upon any part of right-of-way, the entire width of which was acquired subsequent to July 1, 1956, excluding those segments which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, and which traverse other areas where the land use, as of September 21, 1959, was clearly established by the laws of this State as industrial or commercial.

(d) "Protected areas" means all areas inside the boundaries of this State which are adjacent to and within 660 feet of the edge of the right-of-way of the Interstate System or Primary System within this State and all areas inside the boundaries of this State which are beyond 660 feet of the edge of the right-of-way of the Interstate System or Primary System within this State and are outside urban areas.

(e) "Informational site" means an area or a site established and maintained within or adjacent to the right-of-way of a highway on the Interstate System by or under the supervision or control of the Department of Transportation, wherein panels for the display of advertising and informational signs may be erected and maintained.

(f) "Roadside advertising" means the use of any roadside sign which is intended to attract, or which does attract, the attention of operators, attendants, or passengers of motor vehicles using the Interstate System or the Primary Systems.

(g) "Roadside sign" means any writing, printing, painting, display, emblem, drawing, sign, or other device whether placed on the ground, rocks, trees, treestumps or other natural structures, or on a building, structure, signboard, billboard, wallboard, roofboard, frame, support, fence, or elsewhere, and any lighting or other accessories used in conjunction therewith.

(h) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(i) "Urban areas" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in this State, or an urban place as designated by the Bureau of Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of Census.

2. Section 6 of P. L. 1963, c. 93 (C. 27:7A–16) is amended to read as follows:

C. 27:7A-16 Protected areas; permitted roadside signs.

6. In those portions of protected areas within 660 feet of the edge of the right-of-way of the Interstate System or Primary System only the following roadside signs shall be permitted subject to regulations to be promulgated by the Commissioner of Transportation:

(a) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which shall conform to national standards promulgated by the United States Secretary of Transportation;

(b) Signs, displays and devices advertising the sale or lease of property on which they are located;

(c) Signs, displays and devices advertising activities conducted on the property on which they are located;

(d) In portions of protected areas on the Interstate System the following may also be permitted:

(i) Signs, displays and devices located in commercial or industrial zones within the boundaries of incorporated municipalities as those boundaries existed on September 21, 1959, and all other areas where the land use as of September 21, 1959, was clearly established by State law as commercial or industrial within 660 feet of the nearest edge of the right-of-way;

(ii) Signs, displays and devices located in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way, any part of which was acquired on or before July 1, 1956;

(e) In protected areas on the primary system only the following may also be permitted:

(i) Signs, displays and devices in areas which are zoned industrial or commercial under the authority of State law;

(ii) Signs, displays and devices located in unzoned commercial or industrial areas which shall be defined in an agreement between the State Commissioner of Transportation and the United States Secretary of Transportation.

In those portions of protected areas beyond 660 feet of the right-of-way of the Interstate System or Primary System, only the following roadside signs which are visible from the main traveled way of the system and erected with the purpose of their message being read from such main traveled way shall be permitted subject to regulations to be promulgated by the Commissioner of Transportotion:

(a) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards authorized and to be promulgated by the Secretary of Transportation, which standards shall contain provisions concerning lighting, size, number and spacing of signs, and such other requirements as may be appropriate,

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located,

(c) signs, displays, and devices advertising activities conducted on the property on which they are located, and

(d) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary of Transportation to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purpose of this section.

3. This act shall take effect on July 1, 1975.

Approved February 20, 1976.

CHAPTER 326

AN ACT to amend the title of "An act concerning solid waste management; creating an Advisory Council on Solid Waste Management in the State Department of Environmental Protection, and relating to the department's functions, power and duties," approved May 6, 1970 (P. L. 1970, c. 39, C. 13:1E–1 et seq.), so that the same shall read "An act concerning solid waste management and resource recovery; designating solid waste management districts within the State and regulating solid waste collection and disposal therein; creating an Advisory Council on Solid Waste Management in the State Department of Environmental Protection, and relating to the department's functions, power and duties"; to amend and supplement the body of said act; to amend the "Local Public Contracts Law, approved June 9, 1971 (P. L. 1971, c. 198) and the "Solid Waste Utility Control Act of 1970," approved May 6, 1970 (P. L. 1970, c. 40); to supplement the "Hackensack Meadowlands Reclamation and Development Act" approved January 13, 1969 (P. L. 1968, c. 404); repealing sections 1 and 2 of P. L. 1971, c. 461, and authorizing an appropriation therefor.

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

Title amended.

1. The title of P. L. 1970, c. 39 is amended to read as follows: An act concerning solid waste management and resource recovery; designating solid waste management districts within the State and regulating solid waste collection and disposal therein; creating an Advisory Council on Solid Waste Management in the State Department of Environmental Protection, and relating to the department's functions, power and duties.

2. Section 1 of P. L. 1970, c. 39 (C. 13:1E–1) is amended to read as follows:

C. 13:1E-1 Short title.

1. This act shall be known, and may be cited, as the "Solid Waste Management Act."

3. Section 2 of P. L. 1970, c. 39 (C. 13:1E–2) is amended to read as follows:

C. 13:1E-2 Legislature's findings; declaration of policy.

2. a. The Legislature finds that the collection, disposal and utilization of solid waste is a matter of grave concern to all citizens and is an activity thoroughly affected with the public interest; that the health, safety and welfare of the people of this State require efficient and reasonable solid waste collection and disposal service or efficient utilization of such waste; that the management of solid waste in New Jersey consists largely of piecemeal, uncoordinated activities developed to meet the immediate needs of local governments with little, if any, regard for regional planning and coordination; that local units of government acting on their own, despite the most dedicated and sincere efforts, lack the financial resources, scope of alternatives and expertise to plan, develop and implement efficient and effective solutions to their solid waste problems; and that, for the most part, the solid waste planning and management process is adversely affected by the absence of area-wide structures, the limitations of local initiative, the general inadequacy of State technical assistance, the paucity of State grants for solid waste experimentation, the failure of the State to establish guidelines for the preparation of county and intercounty plans, and the failure to implement county and intercounty solid waste collection, disposal and utilization operations.

b. The Legislature, therefore, declares that it is the policy of this State to

(1) Establish a statutory framework within which all solid waste collection, disposal and utilization activity in this State may be coordinated;

(2) Designate each county in this State and the Hackensack Meadowlands District as a Solid Waste Management District, and provide each county and the Hackensack Meadowlands Development Commission with the power, singly or jointly with one or more other districts, to develop and implement a comprehensive solid waste management plan which meets the needs of every municipality within each such county and within the Hackensack Meadowlands District;

(3) Provide citizens and municipalities with opportunities to contribute to the development and implementation of solid waste management plans by requiring public hearings prior to their adoption and by the creation of advisory solid waste councils;

(4) Protect the bondholders of the several incinerator authorities, solid waste management authorities, municipal public utility authorities, county improvement authorities, and other public authorities concerned with solid waste management functions and facilities, while coordinating their activities under solid waste management plans;

(5) Expand and strengthen the existing relationships between the solid waste industry, representing the free enterprise system and the public sector, including the State and municipal governments and the districts established by this act, in order that both may most effectively contribute to an efficient and economical solution to the problem of solid waste management and to take into account the long term financial commitments entered into by solid waste facilities and to recognize, through the Public Utilities Commission the added cost of compliance with environmental standards by the provision of equitable rate increases;

(6) Establish a meaningful and responsible role for the State in the solution of solid waste problems by granting the Department of Environmental Protection and the Solid Waste Advisory Council the power, not only to regulate and supervise all solid waste collection and disposal facilities and operations and to register all persons engaged in the collection or disposal of solid waste in this State, but also to develop through a Statewide solid waste management plan objectives, criteria and procedures to assure the orderly preparation and evaluation of the solid waste management plans developed by every solid waste management district, and to approve, modify, or reject such solid waste management plans on the basis of their conformity with such objectives, criteria and procedures, to develop and implement such a plan where none is approved or forthcoming from any solid waste management district, to arbitrate disputes between solid waste management districts in the development and implementation of solid waste management plans, to utilize the funds received by the department from registration fees and such other funds as may be from time to time appropriated to it to support and undertake experimental projects and programs of research and development to determine the most efficient, sanitary and economical ways of collecting, disposing, limiting and utilizing solid waste, to grant funds to the districts for the formulation and development of solid waste management plans, and to take such other actions in accordance with the policies set forth in this act, all in the manner and extent hereinafter provided;

(7) Encourage resource recovery through the development of systems to collect, separate, recycle and recover metals, glass, paper and other materials of value for reuse or for energy production.

c. The Legislature recognizes that solid waste and recycling facilities will be financed through long term borrowing which requires the negotiation of long term contracts with municipalities and other solid waste collectors to guarantee the flow of solid waste to such facilities. The Legislature, however, does not intend to encourage or permit the public entity, or its designees, that holds these contracts to establish or charge rates to municipalities or other solid waste collectors within its jurisdiction which discriminate on the basis of the cost of disposal at a particular facility which has been designated as the place of disposal for the solid waste of such municipality or other solid waste collector pursuant to an approved solid waste management plan for that district.

4. Section 3 of P. L. 1970, c. 39 (C. 13:1E–3) is amended to read as follows:

C. 13:1E-3 Definitions.

3. For purposes of this act, unless the context clearly requires a different meaning:

a. "Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

b. "Solid waste collection" means the activity related to pick-up and transportation of solid waste from its source or location to a disposal site or to a resource recovery facility.

c. "Solid waste disposal" means the storage, treatment, utilization, processing, resource recovery or final disposal of solid waste.

d. "Solid waste management" includes all activities related to the collection and disposal of solid wastes by any person engaging in such process.

e. "Council" means the Advisory Council on Solid Waste Management.

f. "Department" means the State Department of Environmental Protection.

g. "Commissioner" means the Commissioner of Environmental Protection in the State Department of Environmental Protection.

h. "Solid waste facilities" mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person pursuant to the provisions of this or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste and all vehicles, equipment and other real and personal property and rights thereon and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

i. "Public authority" means any solid waste management authority created pursuant to the "solid waste management authorities law," P. L. 1968, c. 249 (C. 40:66A–32 et seq.); municipal utility authority created pursuant to the "municipal utility authorities law," P. L. 1957, c. 183 (C. 40:14B–1 et seq.); incinerator authority created pursuant to the "incinerator authorities law," P. L. 1948, c. 348 (C. 40:66A–1 et seq.); county improvement authority created pursuant to the "County Improvement Authorities Law," P. L. 1960, c. 183 (C. 40:37A–44 et seq.), or any other public body corporate and politic created for solid waste management purposes in any county or municipality pursuant to the provisions of any law.

j. "Hackensack Meadowlands District" means the area within the jurisdiction of the Hackensack Meadowlands Development Commission created pursuant to the provisions of the "Hackensack Meadowlands Reclamation and Development Act," P. L. 1968, c. 404 (C. 13:17–1 et seq.).

k. "Hackensack Commission" means the Hackensack Meadowlands Development Commission created pursuant to the provisions of the "Hackensack Meadowlands Reclamation and Development Act," P. L. 1968, c. 404.

l. "Existing solid waste facility" means that portion of an active solid waste facility which, on the effective date of this act, possesses a valid approved registration from the department.

m. "New solid waste facility" means any solid waste facility or portion thereof which does not qualify as an existing solid waste facility.

n. "Public sewage treatment plant" means any structure or structures required to be approved by the department pursuant to R. S. 58:11–10 or R. S. 58:12–3 by means of which domestic

wastes are subjected to any artificial process in order to remove or so alter constituents as to render the wastes less offensive or dangerous to the public health, comfort or property of any of the inhabitants of this State before the discharge of the plant effluent into any of the waters of this State; this definition includes plants for the treatment of industrial wastes as well as a combination of domestic and industrial wastes.

o. "Resource recovery" means the collection, separation, recycling and recovery of metals, glass, paper and other materials for reuse or for energy production.

p. "Recycling facility" means any solid waste facility utilized to separate or process solid waste into marketable materials.

5. Section 4 of P. L. 1970, c. 39 (C. 13:1E–4) is amended to read as follows:

C. 13:1E-4 Supervision of solid waste collection and disposal facilities or operations.

4. a. The department shall have power to supervise solid waste collection and disposal facilities or operations, and shall in the exercise of such supervision require the registration of new and existing solid waste collection and disposal facilities and operations; and may exempt from the requirement of registration any class of solid waste collection or disposal facility or operation.

b. The department in reviewing the registration statement for a new solid waste collection operation or solid waste disposal facility or operation and in determining the conditions under which it may be approved, shall not approve the registration of any new operation or facility that does not conform to the solid waste management plan of the solid waste management district in which such operation or facility is to be located, as such plan shall have been approved by the department as hereinafter provided. Prior to the approval by the department of the solid waste management plan of any solid waste management district, the department may grant approval to any new solid waste collection or disposal operation or facility planned to be located in any such district and that district shall include said operation or facility in its plan.

6. Section 5 of P. L. 1970, c. 39 (C. 13:1E–5) is amended to read as follows:

C. 13:1E-5 Registration statement and engineering design; approval.

5. a. Unless exempted by the department, no person shall hereafter engage or continue to engage in the collection or disposal of solid waste in this State without first filing a registration statement

and obtaining approval thereof from the department. A person engaging in solid waste disposal shall file a separate registration statement and an engineering design for each disposal facility which he operates. The registration statement and engineering design for each disposal facility and approval of same shall be for the duration of the plan.

b. The registration statement and the engineering design shall be made on forms provided by the department and shall contain such information as may be prescribed by the department. The State and any of its political subdivisions, public agencies and public authorities shall be deemed a person within the meaning of this act.

c. No registration shall be approved by the department when in the opinion of the department such solid waste collection or disposal facility or operation will not meet the standards or criteria set forth in this amendatory and supplementary act or in regulations as may be promulgated under authority of this act or this amendatory and supplementary act. The department may require the amendment of an approved registration when, in its opinion, continued operation of a solid waste facility in accordance with its approved registration would not meet the standards, criteria or regulations described herein.

7. Section 6 of P. L. 1970, c. 39 (C. 13:1E–6) is amended to read as follows:

C. 13:1E-6 Additional powers of department.

6. a. The department shall, in addition to such other powers as it may possess by law:

(1) Undertake a program of research and development for the purpose of determining the most efficient, sanitary and economical way of collecting, disposing and utilizing solid waste.

(2) Formulate and promulgate, amend and repeal codes, rules and regulations concerning solid waste collection and solid waste disposal activities. Such codes, rules and regulations shall establish the procedures relating to the preparation and submission of environmental impact statements prior to the construction, acquisition, or operation of any solid waste facility, and shall establish standards for the construction and operation of solid waste facilities, which standards shall include, but not be limited to, provisions requiring: the maintenance of ground water quality monitoring wells to check water pollution; periodic monitoring of water quality by chemical analysis; measures to monitor methane gas production at sanitary landfills; plans for erosion control; revegetation pro-

cedures and plans for the maintenance, upkeep, and reuse of any sanitary landfill site; adequate cover material; safety measures; rodent, insect, bird, dust, fire and odor control programs; and such other measures as shall be deemed necessary to protect the public health and safety and the natural environment.

All codes, rules and regulations heretofore adopted by the Public Health Council relating to refuse disposal shall continue in full force and effect and be enforceable by the department, subject to its power as herein provided to amend or repeal the same.

(3) Develop, formulate, promulgate and review for the purpose of revising or updating not less than once every 2 years, a Statewide solid waste management plan which shall encourage the maximum practicable use of resource recovery procedures and which shall provide the objectives, criteria and standards for the evaluation of solid waste management plans prepared pursuant to the provisions of this amendatory and supplementary act for solid waste management districts in this State; and to the extent practicable, encourage and assist in the development and formulation of such solid waste management plans and guidelines to implement such plans. Such objectives, criteria and standards shall be promulgated within 180 days of the effective date of this act; provided, however, that general guidelines sufficient to initiate the solid waste management planning process by solid waste management districts in this State shall be promulgated within 30 days of the effective date of this act. In the development and formulation of the Statewide solid waste management plan the department shall consult with relevant agencies and instrumentalities of the Federal Government, and the aforesaid objectives, criteria and standards provided by said Statewide solid waste management plan shall conform, to the extent practicable, or as may be required, to the provisions of any Federal law concerning such objectives, criteria and standards.

(4) Make an annual report to the Governor and the Legislature evaluating the operation of this amendatory and supplementary act, including any recommendations deemed necessary by the department to better effectuate the purposes hereof.

b. The department may, in addition:

(1) Order any district, pursuant to the Statewide solid waste management plan, the objectives criteria and standards contained therein, the environmental and economic studies conducted by the department therefor and in a manner designed to enhance the environment within the concerned districts, (a) to plan for the construction of resource recovery facilities, (b) to specify what

processes should be utilized therein, (c) to develop a joint program with one or more adjacent districts for providing resource recovery facilities, and (d) for those districts affected by the guarantee provided in P. L. 1968, c. 404, s. 9.1 (C. 13:17–10), to cooperate on a continuing basis with the department and with the other districts so affected in the development of a combined approach to solid waste management in northeastern New Jersey and make the final determination in the event of any overlap or conflict between the Hackensack Commission and any board of chosen freeholders pursuant to their respective responsibilities under this amendatory and supplementary act or pursuant to the Hackensack Commission's responsibilities under P. L. 1968, c. 404 (C. 13:17–1 et seq.).

(2) Acquire, by purchase, grant, contract or condemnation, title to real property, for the purpose of demonstrating new methods and techniques for the collection, disposal and utilization of solid waste;

(3) Purchase, operate and maintain, pursuant to the provisions of this act, any facility, site, laboratory equipment or machinery necessary to the performance of its duties pursuant to this act;

(4) Apply for, receive and expend funds from any public or private source;

(5) Contract with any other public agency, including county and municipal boards of health, or corporation incorporated under the laws of this or any other state for the performance of any function under this act. Any such contract with a county or municipal board of health may provide for the inspection and monitoring of solid waste facilities; the enforcement of the department's standards therefor; and the training of county or municipal health officers engaged in such inspection, monitoring or enforcement;

(6) Make grants to assist in experimenting with new methods of solid waste collection, disposal, or utilization, pursuant to the provisions of sections 21 through 25 of this amendatory and supplementary act;

(7) Construct and operate, on an experimental basis, incinerators or other facilities for the disposal or utilization of solid waste, to provide the various municipalities and counties of this State, the Board of Public Utility Commissioners, the Hackensack Commission, and the Division of Local Government Services in the Department of Community Affairs with statistical data on costs and methods of solid waste collection and disposal;

(8) Make annual and such other reports as it may deem proper to the Governor and the Legislature evaluating the demonstations and experiments conducted during each calendar year.

7.1. Section 7 of P. L. 1970, c. 39 (C. 13:1E–7) is amended to read as follows:

C. 13:1E-7 Advisory Council on Solid Waste Management created; membership; appointment; officers; terms; vacancies; compensation.

7. a. There is hereby created in the department an Advisory Council on Solid Waste Management which shall consist of 11 members, four of whom shall be the President of the Board of Public Utility Commissioners, the Commissioner of Community Affairs, the Secretary of Agriculture and the Commissioner of Health, or their designees, who shall serve ex officio, and seven 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, 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. Of the seven members first to be appointed three shall be appointed for terms of 2 years, two for terms of 3 years and two for terms of 4 years. Thereafter all appointments shall be made for terms of 4 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.

8. Section 8 of P. L. 1970, c. 39 (C. 13:1E–8) is amended to read as follows:

C. 13:1E-8 Council's powers.

8. The Advisory Council on Solid Waste Management is empowered to:

a. Request from the commissioner such information concerning solid waste programs and solid waste management plans as it may deem necessary;

b. Consider any matter relating to the preservation and improvement of solid waste programs and 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 proper conduct and improvement of solid waste programs and solid waste management plans;

d. Study solid waste programs and the solid waste management plans submitted by the commissioner, and make its recommendations thereon to the commissioner;

e. Study any regulations promulgated by the department and the Public Health Council in regard to solid 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 finding 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.

9. Section 11 of P. L. 1970, c. 39 (C. 13:1E–11) is amended to read as follows:

C. 13:1E-11 Temporary approval of registrations.

11. During the first registration year of each applicant, or the year following any violation of this act resulting in a revocation of registration, the department is authorized to give temporary approval of registrations conditioned upon the applicant effecting specified additions, changes or improvements in methods of operation and equipment within such time and manner as may be required by the department. The fee for such temporary approval shall be the appropriate fee established pursuant to section 3 of P. L. 1971, c. 461 (C. 13:1E–18), notwithstanding the length of time for which it is given.

C. 13:1E-19 Designation of solid waste management districts.

10. Every county in the State of New Jersey and the Hackensack Meadowlands District is hereby designated a solid waste management district.

C. 13:1E-20 Development and formulation of solid waste management plan; adoption; advisory solid waste council.

11. a. (1) Within 360 days after the effective date of this amendatory and supplementary act, the respective boards of chosen freeholders, in the case of counties, and the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall develop and formulate, pursuant to the procedures herein contained, a solid waste management plan for each respective solid waste management district; provided, however, that the commissioner may extend such period for a maximum of 45 additional days upon the certification of the board of chosen freeholders or the Hackensack Commission, as the case may be, of the causes of the delay in developing and formulating a plan, and upon the commissioner's determination that an extension will permit the development and formulation of a solid waste management plan as required herein. Within 90 days of the effective date of this act, each district shall make the necessary personnel, financial and legal arrangements to assure the development and formulation of the plan within 360 days of the effective date of this act. Every such solid waste management plan shall be developed and formulated to be in force and effect for a period of 10 years, upon the expiration of which a new plan shall be developed and formulated pursuant to the procedures herein contained; provided, however, that every such plan shall contain provisions for automatic review thereof not less than once every 2 years following the approval thereof by the department, which review shall be undertaken by the board of chosen freeholders or the Hackensack Commission, as the case may be; and, provided further, however, that every such plan may be reviewed at any time by the department. Upon such review, if the board of chosen freeholders, the Hackensack Commission, or the department, as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of chosen freeholders or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 of this amendatory and supplementary act.

Nothing herein contained shall be construed as to prevent any board of chosen freeholders or the Hackensack Commission from readopting a solid waste management plan upon the expiration of same in a solid waste management district; provided, however, that any such readoption shall be pursuant to the provisions of section 14 of this amendatory and supplementary act.

(2) Any two or more districts may formulate and adopt a single solid waste management plan which shall meet all the requirements of this act for the combined area of the cooperating solid waste management districts.

b. (1) To assist each board of chosen freeholders in the development and formulation of the solid waste management plans required herein, an advisory solid waste council shall be constituted in every county and shall include municipal mayors or their designees, persons engaged in the collection or disposal of solid waste and environmentalists. The respective size, composition and membership of each such council shall be designated by the respective boards of chosen freeholders. In the Hackensack Meadowlands District, the Hackensack meadowlands municipal committee, established pursuant to article 4 of P. L. 1968, c. 404 (C. 13:17–7 and 13:17–8), is hereby designated an advisory solid waste council for the purposes of this amendatory and supplementary act; provided, however, that nothing herein contained shall be construed as in any way altering the powers, duties and responsibilities of the Hackensack meadowlands municipal committee except as herein specifically provided. The respective boards of chosen freeholders and the Hackensack Commission shall consult with the relevant advisory solid waste council at such stages in the development and formulation of the solid waste management plan as each such board of chosen freeholders or the Hackensack Commission, as the case may be, shall determine; provided, however, that a solid waste management plan shall be adopted as hereinafter provided only after consultation with the relevant advisory solid waste council.

(2) In the development and formulation of a solid waste management plan for any solid waste management district, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall:

(a) Consult with the county or municipal government agencies concerned with, or responsible for, water pollution control, water policy, water supply, or zoning or land use within the solid waste management district;

(b) Review such plans for solid waste collection and disposal proposed by, or in force in, any municipality or municipalities within the solid waste management district, to determine the suitability of any such plan, or any part thereof, for inclusion within the solid waste management plan of the solid waste management district; and

(c) Consult with persons engaged in solid waste collection and disposal in the solid waste management district.

C. 13:1E-21 Solid waste management plan; report; contents.

12. a. Every solid waste management plan shall be based upon and shall be accompanied by a report containing:

(1) An inventory of the sources, composition, and quantity of solid waste generated within the solid waste management district in the year in which the report is prepared;

(2) Projections of the amounts and composition of solid waste to be generated within the district in each of the 10 years following the year in which the report is prepared; provided, however, that in the formulation of its solid waste management plan every board of chosen freeholders may deduct from the actual amount of solid waste generated within the solid waste management district in the year in which the report is prepared, and projected for each of the 10 years following said year, the total solid waste tonnage treated and disposed on a daily basis in the Hackensack Meadowlands District by every municipality within said solid waste management district as of July 1, 1968, which deduction shall be pursuant to the guarantee provided in P. L. 1968, c. 404, section 9.1 (C. 13:17–10);

(3) An inventory and appraisal, including the identity, location, and life expectancy, of all solid waste facilities within the solid waste management district, including such facilities operated by any person, and the identity of every person engaging in solid waste collection or disposal within the district; and

(4) An analysis of existing solid waste collection systems and transportation routes within the solid waste management district.

b. Every solid waste management plan shall include:

(1) The designation of a department, unit or committee of the county government, in the case of counties, or of the Hackensack Commission, in the case of the Hackensack Meadowlands District, to supervise the implementation of the solid waste management plan and to report thereon at such times as may be required by the board of chosen freeholders or the Hackensack Commission, as the case may be;

(2) A statement of the solid waste disposal strategy to be applied in the solid waste management district, which strategy shall include the maximum practicable use of resource recovery procedures; and a plan for using terminated landfill disposal sites, if any, in the solid waste management district;

(3) A site plan, which shall include all existing solid waste facilities located within the solid waste management district, provided that they are operated and maintained in accordance with all applicable health and environmental standards, and sufficient additional available suitable sites to provide solid waste facilities to treat and dispose of the actual and projected amounts of solid waste contained in the report accompanying the plan.

Upon a certification to the commissioner by the board of chosen freeholders or the Hackensack Commission, as the case may be, of the absence of sufficient existing or available suitable sites for such solid waste facilities within the solid waste management district, the site plan shall identify sufficient additional existing or available suitable sites for such facilities located in another solid waste management district; provided, however, that such certification shall be accompanied by a copy of the contract or agreement entered into by the concerned boards of chosen freeholders or the Hackensack Commission, as the case may be, authorizing the use by a solid waste management district of solid waste facilities located in another solid waste management district, and providing for the acquisition of such lands and rights and interests therein as may be required within the solid waste managment district in which the solid waste facilities are to be located. Notwithstanding the above, however, a board of chosen freeholders may enter into an agreement with any person engaged in solid waste disposal in an adjacent solid waste management district with the approval of said adjacent district, which shall be reflected in the plans for said adjacent districts, to treat and dispose of the amount of solid waste from their district that said person treats and disposes of in that adjacent district on the effective date of this act. Upon the failure for any reason of the concerned boards of chosen freeholders or the Hackensack Commission, as the case may be, to make such a contract or to reach such an agreement, the board of chosen freeholders or the Hackensack Commission, as the case may be, seeking to locate said solid waste facilities in another solid waste management district shall certify such failure to the commissioner.

Upon the receipt of any such certification of failure, the commissioner shall cause a study to be made by the department to determine the suitable location of solid waste facilities for the use of the solid waste management district for which such certification was made. In such study, the commissioner may request the submission of any specifications or other information he deems necessary from any solid waste management district, and the board of chosen freeholders or the Hackensack Commission, as the case may be, shall submit all such material so requested. In determining the suitable location of solid waste facilities, the commissioner shall weigh the relative feasibility of alternative locations in terms of such factors as environmental impact, transportation patterns and their comparative costs, compatibility with the current land use policies in the immediate area of the alternative locations, as well as with the Statewide solid waste management plan and such other master plans and planning policies as may exist at the municipal, county, regional or State levels, and such other criteria as the commissioner deems relevant.

Upon the completion of said study the commissioner shall:

(a) Require the certifying board of chosen freeholders or the Hackensack Commission, as the case may be, to locate the required solid waste facilities within its own solid waste management district and as part of the solid waste management plan therefor; or

(b) Require any other board of chosen freeholders or the Hackensack Commission, as the case may be, to provide solid waste facilities, or parts thereof, within its solid waste management district and as part of the solid waste management plan therefor, for the use of the certifying solid waste management district; provided, however, that the full cost of any such solid waste facilities, or of any part thereof to the extent of use thereof, shall be borne by the solid waste management district making use of same.

In the adoption of any solid waste management plan pursuant to the provisions of section 14 of this amendatory and supplementary act, no board of chosen freeholders nor the Hackensack Commission, as the case may be, shall alter any part required by a determination made by the commissioner as herein provided concerning the location of any solid waste facilities.

Notwithstanding the provisions of section 11 of this amendatory and supplementary act, the time taken by the commissioner from the receipt of any certification of failure pursuant to this section to the completion of the study required herein concerning such certification of failure, shall be in addition to, and shall not count

towards, the 360 days permitted in said section 11 for the development and formulation of a solid waste management plan.

(4) A survey of proposed collection districts and transportation routes, with projected transportation costs from collection districts to existing and available suitable sites for solid waste facilities;

(5) The procedures for coordinating all activities related to the collection and disposal of solid waste by every person engaging in such process within the solid waste management district, which procedures shall include the agreements entered into as provided herein between the board of chosen freeholders or the Hackensack Commission, as the case may be, and every such person; and the procedures for furnishing the solid waste facilities contained in the solid waste management plan; and

(6) The method or methods of financing solid waste management in the solid waste management district pursuant to the solid waste management plan.

c. Any existing joint meeting formed for the construction or operation of solid waste facilities pursuant to the "consolidated municipal services act" (P. L. 1952, c. 72 (C. 40:48B–1 et seq.); or any existing authority composed of two or more municipalities formed pursuant to the "solid waste management authorities law" (P. L. 1968, c. 249 (C. 40:66A–32 et seq.) may request the commissioner to review its solid waste management plan. The commissioner may direct the concerned solid waste management district to incorporate all or part of said plan into the solid waste management plan of that district.

C. 13:1E-22 Competition with facilities of public authority; prohibition; agreements or contracts; authorization.

13. In order to preserve and maintain the State's pledges and covenants with the holders of any bonds issued by any public authority, no solid waste management plan shall include provisions for establishing any solid waste facility in competition with such facilities operated, or for which bonds have been issued, by any such public authority; provided, however, that every board of chosen freeholders and the Hackensack Commission is hereby authorized and empowered in the development and formulation of a solid waste management plan to enter into any contract or agreement with any public authority within any solid waste management district providing for or relating to solid waste collection and solid waste disposal. Any such contract or agreement may provide for the furnishing of solid waste facilities either by or to the solid waste management district, or the joint construction or operation

of solid waste facilities. Every such contract or agreement shall conform to all the requirements of law for contracts or agreements made by any public authority, and may include such provisions for rates and charges, and for the furnishing of solid waste facilities, as the board of chosen freeholders or the Hackensack Commission, as the case may be, deems necessary in the development and formulation of a solid waste management plan to coordinate all activities relating to solid waste collection and solid waste disposal within the solid waste management district, and for the furnishing of adequate and suitable solid waste facilities therein. Every board of chosen freeholders and the Hackensack Commission, as the case may be, is hereby further authorized and empowered to purchase the bonds of any public authority, and to purchase any solid waste facilities of any public authority upon a contract or agreement therewith for any such solid waste facility purchase.

C. 13:1E-23 Adoption of solid waste management plan; procedure; review.

14. a. Pursuant to the procedures herein contained, the respective boards of chosen freeholders, in the case of counties, and the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall have the power, after consultation with the relevant advisory solid waste council, to adopt a solid waste management plan for the relevant solid waste management district; provided, however, that if in any solid waste management district the procedures contained in this section are not commenced within 361 days after the effective date of this amendatory and supplementary act, unless the commissioner shall have extended the time for the development and formulation of a solid waste management plan pursuant to section 11 of this amendatory and supplementary act, and unless a certification of failure shall have been received by the commissioner pursuant to 12 b. (3) of this amendatory and supplementary act, the department shall have the power to develop, formulate and, pursuant to the procedures herein contained, adopt and promulgate a solid waste management plan for any such solid waste management district.

b. Upon the development and formulation of a solid waste management plan, and after consultation with the relevant advisory solid waste council, the relevant board of chosen freeholders, in the case of counties, or the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall prepare a map showing the boundaries of the solid waste management district and the location of all existing and proposed solid waste

facilities. In the event such solid waste management plan proposes to locate solid waste facilities in another solid waste management district, a map of such other district, showing the location of the proposed facilities, shall be prepared. Said map shall be appended to a copy of the district's solid waste management plan, to which shall also be appended a copy of the report accompanying said plan. Said map, plan and report shall be sent by mail to the mayor of each municipality within the county, in the case of counties, and in the case of the Hackensack Meadowlands District, said map, plan and report shall be maintained at the main office of the Hackensack Commission.

c. The board of chosen freeholders, or the Hackensack Commission, as the case may be, shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, the adoption of the solid waste management plan for the relevant solid waste management district, and who are in favor of or are opposed to such adoption.

d. A notice of such hearing shall be given setting forth the purpose thereof and stating that a map, plan and report have been prepared and can be inspected at the offices of every municipality within the county, or at the main office of the Hackensack Commission, as the case may be. A copy of such notice shall be published in a newspaper of general circulation in the solid waste management district once each week for 2 consecutive weeks, and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the notice shall be mailed at least 10 days prior to the date set for the hearing to the last owner, if any, of each parcel of property within or without the district on which it is proposed to locate any solid waste facilities pursuant to the district's solid waste management plan. Such mailing shall be according to the assessment records of the municipality where such parcel is located and shall be sent to the last known postal address of such owners. A notice shall also be sent to any and all persons at his, or their, last known address, if any, whose names are noted on said assessment records as claimants of an interest in any such parcel. The assessor of such municipality shall make a notation upon the said records when requested so to do by any person claiming to have an interest in any parcel of property in such municipality. Failure to mail any such notice shall not invalidate the adoption of any solid waste management plan.

e. At the hearing, which may be adjourned from time to time, the board of chosen freeholders, or the Hackensack Commission, as the

case may be, shall hear all persons interested in the solid waste management plan and shall consider any, and all, written objections that may be filed and any evidence which may be introduced in support of the objections, or any opposition to the adoption of the solid waste management plan for the solid waste management district. After the hearing the board of chosen freeholders, or the Hackensack Commission, as the case may be, shall, by resolution, adopt or reject, in whole or in part, the solid waste management plan for the solid waste management district. The adoption of all or a part of a solid waste management plan, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the adoption. If all or any part of the solid waste management plan is adopted, the board of chosen freeholders, or the Hackensack Commission, as the case may be, within 10 days after such adoption, shall cause to be served a copy of the resolution of adoption upon each person who filed a written objection at or prior to the hearing; provided, the address of the objector was stated in, or upon, the written objection.

Such service may be made (1) by delivering a copy of the resolution personally to the objector, (2) by mailing such copy addressed to the objector according to his said stated address, or (3) leaving such copy at said stated address for the objector with a person of suitable age and discretion.

f. Any person who shall have filed such a written objection with the board of chosen freeholders, or the Hackensack Commission, as the case may be, may have the adoption of a solid waste management plan reviewed by the Superior Court of New Jersey by procedure in lieu of prerogative writs. An action for such review shall be commenced within 30 days after the adoption by the board of chosen freeholders, or by the Hackensack Commission, as the case may be. In any such action, the said court may make any incidental order that shall be deemed by the court to be proper.

g. Upon the adoption of a solid waste management plan in its entirety, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall forthwith submit such plan, and a copy of the transcript of every public hearing held thereon, and a complete record of the dates and results of all consultation with governmental agencies and the relevant advisory solid waste council, to the commissioner. Upon the adoption of a part or parts of a solid waste management plan, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall certify the fact of such partial adoption to the commissioner, and such

board of chosen freeholders or the Hackensack Commission, as the case may be, shall, notwithstanding any previous extension granted pursuant to any of the provisions of this amendatory and supplementary act, have an additional 45 days from the date of such certification to adopt a solid waste management plan in its entirety, which adoption shall be pursuant to all the procedures contained herein for the adoption of solid waste management plans.

h. Every board of chosen freeholders and the Hackensack Commission shall adopt a solid waste management plan in its entirety and submit same to the commissioner, with a copy of the transcript of every public hearing held thereon, and a complete record of the dates and results of all consultation with governmental agencies and the relevant advisory solid waste council, within 450 days after the effective date of this amendatory and supplementary act; provided, however that if the commissioner shall have granted an extension of time for the development and formulation of such plan pursuant to section 11 of this amendatory and supplementary act, or an extension of time for the adoption of any such plan in its entirety pursuant to this section, or both, the time for adoption and submission to the commissioner as required herein shall be increased to a maximum of 495 days in the case of either such extension, or 540 days in the case of both such extensions; and, provided further, however, that if the commissioner shall have received a certification of failure pursuant to section 12 b. of this amendatory and supplementary act, the time for adoption and submission to the commissioner, notwithstanding any other increase authorized in this amendatory and supplementary act, shall be increased by the number of days taken by the commissioner from the date of such receipt to the completion of his study concerning such certification of failure.

i. Upon the failure of any board of chosen freeholders or the Hackensack Commission, as the case may be, to adopt a solid waste management plan in its entirety and to submit same to the commissioner, with a copy of the transcript of every public hearing held thereon, and a complete record of the dates and results of all consultation with governmental agencies and the relevant advisory solid waste council, within the time prescribed in subsection h. of this section, the department shall have the power to develop and formulate a solid waste management plan in its entirety for any such solid waste management district, either including therein or excluding therefrom any part or parts of such plan as may have

been adopted by the board of chosen freeholders or the Hackensack Commission, as the case may be. Following the holding of a public hearing pursuant to the procedures contained herein, the department shall have the power to adopt and promulgate such solid waste management plan in its entirety for any such solid waste management district. Any solid waste management plan so adopted and promulgated by the department for any solid waste management district shall be subject to the same review by the Superior Court as solid waste management plans otherwise adopted pursuant to this section.

C. 13:1E-24 Study and review of plan by commissioner; approval, modification or rejection; certification; adoption or modification by district; filing.

15. a. Upon receipt by the commissioner of a solid waste management plan adopted in its entirety, and a copy of the transcript of every public hearing held thereon, as required pursuant to section 14 of this amendatory and supplementary act, he shall:

(1) Study and review the solid waste management plan according to the objectives, criteria and standards developed in the Statewide solid waste management plan developed and formulated by the department pursuant to the provisions of section 6 of the act to which this act is amendatory and supplementary;

(2) Submit a copy of said plan for review and recommendations to the Advisory Council on Solid Waste Management in the department, and to the agencies, bureaus and divisions within the department concerned with, or responsible for, environmental quality, including, but not limited to, the Bureau of Solid Waste Management, Bureau of Air Pollution Control, Bureau of Geology, and the Bureau of Water Pollution Control, or their successors; and

(3) Submit a copy of said plan to the Board of Public Utility Commissioners for review and recommendations on the economic aspect of the plan.

b. After completing his study and review of the solid waste management plan, and upon receipt of the recommendations thereon provided for in subsection a. (2) of this section, if any, but in no event later than 150 days after his receipt of said plan, the commissioner shall determine whether to approve, modify, or reject any such solid waste management plan, and shall certify such determination to the board of chosen freeholders or to the Hackensack Commission, as the case may be, which submitted such plan.

c. If the commissioner determines to approve any solid waste management plan, or if the commissioner has made no determina-

tion within 150 days after his receipt of any such plan, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall proceed, pursuant to the requirements of this amendatory and supplementary act, to implement such solid waste management plan in the relevant solid waste management district.

d. If the commissioner determines to modify or reject any solid waste management plan, or any part thereof, the certification required of him herein shall be accompanied by a detailed statement prepared by the commissioner indicating the reasons for any modification or rejection, and outlining the action to be taken thereon. In outlining such action the commissioner shall direct the board of chosen freeholders or the Hackensack Commission, as the case may be, to make any modification in, or replace any rejected part of, a solid waste management plan, either with or without holding another public hearing in the solid waste management district. Such direction shall be based upon the commissioner's determination, in his discretion, that such modification, or the part rejected, is or is not minor, and that such modification or replacement may or may not be made without substantially modifying or altering other aspects of the solid waste management plan; provided, however, that a public hearing shall be required upon a rejection by the commissioner of any solid waste management plan in its entirety.

e. (1) If the commissioner directs the holding of another public hearing in the solid waste management district, such hearing shall be held within 45 days after such direction and shall be conducted pursuant to the procedures contained in section 14 of this amendatory and supplementary act for the conduct of public hearings held prior to the adoption of solid waste management plans. Following any such public hearing on any modification to, or replacement of, any solid waste management plan, or any part thereof, the board of chosen freeholders or the Hackensack Commission, as the case may be, holding same shall formally adopt a modification to, or replacement of, the solid waste management plan, or any part thereof, and shall submit same to the commissioner within the time limit set by the commissioner in the public hearing order.

(2) If the commissioner directs that the modification or replacement may be made without the holding of another public hearing, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall have 45 days after such direction within which to adopt any such modification or replacement, and to submit same to the commissioner.

f. The commissioner shall have 30 days from the date of receipt of any submission under subsection e. herein to approve such modification or replacement or to reject same, and he shall certify such approval or rejection to the board of chosen freeholders or the Hackensack Commission, as the case may be, which submitted same. If the commissioner approves such modification or replacement, or if the commissioner has made no such certification within 30 days after his receipt thereof, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall proceed, pursuant to the requirements of this amendatory and supplementary act, to implement the solid waste management plan in the relevant solid waste management district. Upon a rejection of any modification or replacement submitted to him pursuant to this section, or upon the failure of a board of chosen freeholders or the Hackensack Commission, as the case may be, to submit any modification or replacement as required herein, the commissioner shall have the power to adopt and promulgate any modification or replacement he deems necessary with respect to the solid waste management plan, and upon the certification of the commissioner, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall proceed, pursuant to the requirements of this amendatory and supplementary act, to implement the solid waste management plan in the relevant solid waste management district with the modifications or replacements adopted by the commissioner.

g. The commissioner shall maintain on file in the department a copy of every solid waste management plan adopted and approved pursuant to this amendatory and supplementary act, and a copy of the Statewide solid waste management plan developed and formulated by the department. Such plans are hereby declared to be public records and shall be subject to all the provisions of P. L. 1963, c. 73 (C. 47:1A–1 et seq.) concerning such public records.

C. 13:1E-25 Payment of costs; adoption of County Solid Waste Disposal Financing Law.

16. a. Every action taken pursuant to the provisions of this amendatory and supplementary act by any county is hereby declared to be a county purpose and the costs thereof may be paid out of the general funds of the county and from the proceeds of any grants for this purpose from the State, Federal Government or any agency thereof.

b. In the performance of any responsibilities or requirements pursuant to this amendatory and supplementary act, any county may adopt and come under the "County Solid Waste Disposal

Financing Law," P. L. 1970, c. 242 (C. 40:66A–31.1 et seq.); provided, however, that after the effective date of this amendatory and supplementary act every action taken by any county under the aforesaid "County Solid Waste Disposal Financing Law" shall be pursuant to the adopted and approved solid waste management plan of the solid waste management district constituting said county.

C. 13:1E-26 Approval by commissioner prior to construction, acquisition, or operation of facility.

17. Prior to the construction, acquisition, or operation of any solid waste management facility in any solid waste management district pursuant to the adopted and approved or promulgated solid waste management plan therefor, the person proposing such construction, acquisition, or operation, in addition to preparing an environmental impact statement on such facility in such form as shall be required by the commissioner pursuant to the provisions of section 6 of the act to which this act is amendatory and supplementary, shall make or cause to be made such preliminary surveys, investigations, studies, borings, maps, plans, drawings, and estimates of costs and of revenues as the commissioner may deem necessary relating to the type of such solid waste facility.

The results of such environmental impact statements, surveys, investigations, studies, borings, maps, plans, drawings, and estimates required by the commissioner shall be submitted to the commissioner for approval. No person may proceed to construct, acquire, or operate any solid waste facility without having first obtained the approval of the commissioner. Such approval shall be granted only if the commissioner determines that:

a. The proposed construction, acquisition, or operation is consistent with the adopted and approved or promulgated solid waste management plan of the solid waste management district within which the solid waste facility is to be located; and

b. Any such proposed solid waste facility will be constructed or acquired, and operated, pursuant to the standards adopted and promulgated therefor by the department pursuant to the provisions of section 6 of the act to which this act is amendatory and supplementary.

C. 13:1E-27 Solid waste facility deemed public utility.

18. Any solid waste facility constructed, acquired or operated pursuant to the provisions of this amendatory and supplementary act shall be deemed a public utility and shall be subject to such rules and regulations as may be adopted by the Board of Public Utility Commissioners in accordance with the provisions of the

"Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40, C. 48:13A–1 et seq.).

C. 13:1E-28 Benefits to municipality.

19. Subject to such terms as agreed upon by a board of chosen freeholders or the Hackensack Commission, as the case may be, any municipality within which any solid waste facility is located pursuant to an adopted and approved solid waste management plan, shall be entitled to any or all of the following benefits in consideration for the use of land within its municipal boundaries as the location of such solid waste facility:

a. The receipt of annual sums of money in lieu of taxes on such property in such amount as may be agreed upon between the board of chosen freeholders or the Hackensack Commission, as the case may be, and the municipality, and each such board of chosen freeholders and the Hackensack Commission is empowered to make such payments and each such municipality is empowered to accept such payments and to apply them in the manner in which taxes may be applied in such municipality; provided, however, that no such annual payment with respect to any parcel of such property shall exceed the amount of taxes paid thereon for the taxable year immediately prior to the time of its use as the location of such solid waste facility;

b. Preferential rates charged for the services provided by the solid waste management district for any solid waste disposed of at a solid waste facility within said municipality, which rate discounts shall be subject to the approval of the Board of Public Utility Commissioners and shall not be in excess of 25%;

c. The right to reacquire any real or personal property used by the solid waste management district in connection with the operation of any solid waste facility upon the termination of the uses for which such property was originally acquired, unless prior to such expiration or termination the board of chosen freeholders or the Hackensack Commission, as the case may be, entered into a new agreement for the continued use of such property.

Any real property reacquired by a municipality in accordance with paragraph c. of this section, shall be repaired and, as nearly as practicable, restored to its original condition, including, in the case of a sanitary landfill, adequate landscaping of the final earth covering to conform with the immediately surrounding terrain, by and at the expense of the board of chosen freeholders or the Hackensack Commission, as the case may be, or adequate compensation made

therefor by said board of chosen freeholders or the Hackensack Commission, as the case may be.

In the event that any municipality and any board of chosen freeholders or the Hackensack Commission, as the case may be, fail to reach an agreement on the benefits authorized herein in consideration for the use of land within municipal boundaries as the location of a solid waste facility, the commissioner, after consultation with the relevant board of chosen freeholders or the Hackensack Commission, as the case may be, with the mayor of the relevant municipality, and with the relevant advisory municipal council, shall fix such terms and establish such benefits as he shall deem appropriate.

C. 13:1E-29 Issuance of bonds, modification or renewal of contracts after effective date of act.

20. a. The provisions of any other law to the contrary notwithstanding, no public authority, county or municipality shall issue any bonds or other obligations for the erection, construction, operation or maintenance of any solid waste facility after the effective date of this amendatory and supplementary act unless such erection, construction, operation, or maintenance shall have been approved by the commissioner pursuant to the provisions of section 17 of this amendatory and supplementary act; provided, however, that nothing in this act shall be construed as to limit or alter the rights vested by law in any public authority, county or municipality to fulfill the terms of any agreement made with the holders of any bonds or other obligations issued by the public authority prior to the effective date of this amendatory and supplementary act, or as to in any way impair the rights or remedies of the holders of such bonds.

b. Nothing herein contained shall be construed as to interfere with, or in any way modify, the provisions of any contract for solid waste collection or solid waste disposal in force in any solid waste management district upon the effective date of this act; provided, however, that no renewal of any such contract upon the expiration or termination of the original term thereof, and no new contract for solid waste collection or solid waste disposal, shall be entered into after the effective date of this act, unless such renewal or such new contract shall conform with the applicable provisions of the approved solid waste management plan of the relevant solid waste management district or unless such contract is approved by the commissioner. In the event that no solid waste management plan has been approved for a solid waste management district, no contract renewal or new contract for solid waste collection or solid waste disposal shall be entered into for a period in excess

of 1 year from the date of such contract renewal or new contract in such solid waste management district unless such a contract contains a provision for its renegotiation to bring it into conformance with an approved solid waste management plan for that solid waste management district upon the approval of said plan or unless such contract is approved by the commissioner.

C. 13:1E-30 State grant for experimental projects; application; evaluation.

21. a. The commissioner may make, or contract to make, a State grant to any person engaged in solid waste collection, disposal or utilization activities, to assist said person in experimenting with new methods of solid waste collection, disposal or utilization, including but not limited to, material recycling and energy recovery demonstration projects, intermunicipal waste collection and disposal systems projects, and coordinated multiusage of terminated sanitary landfill disposal sites projects. Any person engaged in solid waste collection, disposal or utilization activities may apply to the commissioner for a State grant; provided, however, that the application has been approved by the board of chosen freeholders, or the Hackensack Commission, as the case may be, as in conformity with the adopted and approved solid waste management plan of the solid waste management district within which the experimental project is to be undertaken. The applicant shall submit a copy of the plan for any solid waste collection, disposal or utilization experimental project for which a State grant is sought and such other detailed information concerning the project, including maps, data, plans, estimated costs, and method of financing, as the commissioner may require by rules and regulations promulgated hereunder. At the request of the commissioner, the Board of Public Utility Commissioners may exempt any demonstration project from the provisions of P. L. 1970, c. 40 (C. 4:13A–1 et seq.).

b. The commissioner shall review and evaluate all applications submitted to him pursuant to subsection a. of this section, and shall establish such priorities for making grants pursuant to this amendatory and supplementary act as shall give due regard to the degree to which the experimental project for which a State grant is sought will have a beneficial and long term effect on solid waste collection, disposal and utilization methods in this State.

C. 13:1E-31 Commitments or contracts to make grants; approval; commissioner's findings.

22. The commissioner may issue commitments for, and may make or contract to make, grants pursuant to section 21 of this amenda-

tory and supplementary act, upon his approval of any application submitted to him therefor and the finding that:

a. The proposed plan for the solid waste collection, disposal or utilization project is consistent with the adopted and approved solid waste management plan of the solid waste management district within which the project is to be undertaken and is in conformity with the objectives, criteria and standards contained in the Statewide solid waste management plan;

b. The estimated funds available to the applicant for the experimental project, including loans and grants from any department or agency of the United States, local grants-in-aid, and the proposed State grant, will be sufficient to meet all the probable costs of the experimental project and assure its completion; and

c. There is no legal impediment or bar to the implementation and completion of the experimental project.

C. 13:1E-32 Written approval for change in experimental project.

23. Any commitment issued by the commissioner and any contract based thereon shall, in addition to such other terms, covenants and conditions as the commissioner may require, provide that no change may be made in any experimental project assisted with a State grant without the prior written approval of the commissioner.

C. 13:1E-33 Inspections.

24. The commissioner shall be entitled to make such inspections of any project, and lands, buildings, improvements or facilities thereon; to request and secure the submission of certifications, data, maps, documents and other information by the applicant; to audit and examine any books and records of the applicant; and to require such periodic reports as shall be necessary to ascertain the progress of any experimental project assisted with a State grant pursuant to this amendatory and supplementary act and the extent of compliance with the contract for the grant.

C. 13:1E-34 Solid Waste Management Research and Development Fund; creation.

25. a. There is hereby created in the Department of the Treasury a special fund which shall be known as the Solid Waste Management Research and Development Fund. There shall be included in said fund all moneys appropriated by the Legislature for inclusion therein. The State Treasurer, with the advice of the commissioner, may invest and reinvest any moneys in said fund, or any portion thereof, in legal obligations, of this State or any political subdivision thereof or the United States. Any income or interest on,

or increment to, moneys so invested or reinvested shall be included in said fund.

b. Upon the approval by the commissioner of any application for a State grant pursuant to this amendatory and supplementary act, the commissioner may requisition and warrant, and the State Treasurer shall pay over, the moneys in said fund, or any portion thereof, to the contracting person in accordance with commitments made and contracts entered into pursuant to this amendatory and supplementary act.

c. Nothing herein shall be construed as requiring the commissioner to approve any application for any State grant or to expend the moneys in the aforesaid Solid Waste Management Research and Development Fund solely for the purposes of making such State grants, and the commissioner is hereby authorized and empowered, in his discretion, to requisition and warrant the moneys in said fund, or any portion thereof, and the State Treasurer shall pay such moneys over to the department, for any experimentation with, or demonstration of, new methods and techniques for the collection, disposal and utilization of solid waste, including the acquisition of real property, the purchase of any facility, site, laboratory, equipment or machinery as authorized pursuant to section 6 of the act to which this act is amendatory and supplementary.

C. 13:1E-35 Construction of act; partial invalidity.

26. The object and design of this amendatory and supplementary act being the protection and preservation of public health, safety and welfare, and the creation of solid waste management districts based upon the counties of this State and the Hackensack Meadowlands District, through which the management of solid waste in New Jersey may be undertaken in a comprehensive manner, this amendatory and supplementary act shall be liberally construed and the powers granted and the duties imposed by this amendatory and supplementary act shall be construed to be independent and severable. If any one or more sections, clauses, sentences or parts of this amendatory and supplementary act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

27. Section 9 of P. L. 1970, c. 39 (C. 13:1E–9) is amended to read as follows:

C. 13:1E-9 Codes, rules and regulations; injunctive relief; penalties.

9. a. All codes, rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. Such codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and every local board of health.

b. The commissioner may institute an action or proceeding in the Superior Court for injunctive and other relief, including the appointment of a receiver for any solid waste collection or disposal facility or operation, which is established or operated in violation of this act, or of any code, rule or regulation promulgated pursuant to this act and said court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief notwithstanding the provisions of R. S. 48:2–24.

c. Any person who violates the provisions of this act or any code, rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than $3,000.00 per day to be collected in a civil action commenced by a local board of health or the commissioner by a summary proceeding under The Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) in the Superior Court, County Court, county district court, or a municipal court, all of which shall have jurisdiction to enforce said Penalty Enforcement Law in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given by which the violation must be eliminated in accordance with the order of the department shall constitute an additional, separate and distinct offense.

d. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including a rebate of any such penalty paid up to 90% thereof where such person satisfies the department within 1 year or such other period as the department may deem reasonable that such violation has been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be.

28. Section 10 of P. L. 1970, c. 39 (C. 13:1E–10) is amended to read as follows:

C. 13:1E-10 Order to correct violations; failure to comply.

10. If a person shall violate, directly or indirectly through his officers or employees, any of the provisions of this act, or regula-

tions promulgated thereunder, the commissioner may order the correction of the violation within such reasonable period of time as the commissioner may prescribe. Such an order shall be in writing, shall state the violation to be corrected and the period of time within which such violation shall be corrected. The order shall be delivered in person or by certified mail to the person.

If the commissioner's order is not complied with within the period specified therein, or within any extension thereof, the person shall be subject to the penalties prescribed in section 9 of this act.

The department may, however, prosecute directly any violation of this act or of any rate or regulation promulgated pursuant to this act, without the necessity of first issuing an order.

C. 13:1E-36 Exemption of construction and operation of planned disposal facility from act.

29. Any board of chosen freeholders which has prepared a solid waste management plan, purchased land therefore, contracted for the purchase and installation of processing or recycling machinery or equipment, and received an approved registration for a solid waste disposal facility from the department prior to the effective date of this act, shall be exempt from any provision of this act which would delay the construction and operation of such a planned disposal facility.

C. 13:1E-37 Authorization to make grants; procedure.

30. The commissioner is authorized to make grants to any board of chosen freeholders and to the Hackensack Commission, subject to the availability of funds appropriated therefor, for the formulation and development of a solid waste management plan. The commissioner shall prescribe procedures for applying for the grant and terms and conditions for receiving the grant. The State's contribution toward the financing of the plan shall not exceed 50% of its total cost. The Hackensack Commission or any board of chosen freeholders may be reimbursed for work previously completed which meets the terms and conditions for receiving a grant pursuant to this section.

31. Section 6 of P. L. 1970, c. 40 (C. 48:13A–5) is amended to read as follows:

C. 48:13A-5 Franchise areas.

6. The Board of Public Utility Commissioners shall, after hearing, by order in writing, when it finds that the public interest requires, designate any municipality as a franchise area to be served by one or more persons engaged in solid waste collection

and any solid waste management district as a franchise area to be served by one or more persons engaged in solid waste disposal at rates and charges published in tariffs or contracts accepted for filing by the board; provided, however, that the proposed franchise area for solid waste collection or for solid waste disposal conforms to the solid waste management plan of the solid waste management district in which such franchise area is to be located, as such plan shall have been approved by the Department of Environmental Protection.

The board shall encourage the consolidation of all accounts, customers, routes and facilities by persons engaged in solid waste collection or solid waste disposal within such franchise areas.

Nothing in section 11 of this act (C. 48:13A–10) shall be interpreted to prevent the implementation of this section by the Board of Public Utility Commissioners.

32. Section 10 of P. L. 1970, c. 40 (C. 48:13A–9) is amended to read as follows:

C. 48:13A-9 Revocation or suspension of certificate.

10. The board, on its own initiative or upon complaint by the State Department of Environmental Protection shall revoke, suspend or grant a temporary continuance for up to 1 year of the certificate of public convenience and necessity issued to any person engaged in the solid waste collection business or the solid waste disposal business upon the finding that such person:

a. Has violated any provision of this act or any rule, regulation or administrative order promulgated hereunder; or

b. Has violated any provision of any laws related to pollution of the air, water or lands of this State; or

c. Has refused or failed to comply with any lawful order of the board; or

d. Has had its registration revoked by the State Department of Environmental Protection.

33. Section 15 of P. L. 1971, c. 198 (C. 40A:11–15) is amended to read as follows:

C. 40A:11-15 Contracts for fuel or oil, removal of snow and ice, collection and disposal of garbage, recycling of solid waste; duration.

15. Any contracting unit may enter into a contract for the

(1) Supplying of:

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, 2 years, or

(b) Fuel or oil for use of airplanes, for any term not exceeding in the aggregate, 3 years, or

(2) The plowing and removal of snow and ice from highways and public places, for any term not exceeding in the aggregate, 1 year, or

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, 5 years, or

(4) The recycling of solid waste, for any term not exceeding in the aggregate 25 years, when such contract is in conformance with the approved plan for that solid waste management district, and with the approval of the Division of Local Government Services and the Department of Environmental Protection, notwithstanding such terms exceed the fiscal year.

34. The commissioner shall designate every solid waste management district as a member of one of three groups of districts. The reference to the effective date of this act contained in section 11 and other sections of this amendatory and supplementary act as it applies to the respective boards of chosen freeholders, in the case of counties, and the Hackensack Commission, in the case of the Hackensack Meadowlands Development Commission, shall mean the effective date of this amendatory and supplementary act for the first such designated group of districts; it shall mean 183 days from the effective date of this amendatory and supplementary act for the second such designated group of districts; and it shall mean 365 days from the effective date of this amendatory and supplementary act for the third such designated group of districts.

C. 13:17-10.1 Disposition of surplus moneys.

35. In the event that surplus moneys become available from the operation of solid waste disposal facilities by the Hackensack Commission, which are not required by any contract with the holders of any bonds, notes or other obligations of the commission to be retained in any fund or account established by any such contract for the security of the commission's bonds, notes or other obligations, then 75% of that surplus shall be used by the Hackensack Commission for any lawful purpose and 25% of that surplus shall be apportioned among the municipalities in the Hackensack Meadowlands District in the same ratio as the number of acres within the district of each such municipality bears to the total number of acres in the district.

Repealer.

36. Sections 1 and 2 of P. L. 1971, c. 461, approved February 29, 1972 (C. 13:1E–16 and 13:1E–17), are hereby repealed.

37. There is hereby authorized for the Department of Environmental Protection the sum of $200,000.00 for the administration of this act and $200,000.00 for grants to the boards of freeholders and the Hackensack Commission pursuant to section 30 of this act.

38. This act shall take effect on the effective date of an act appropriating funds for the administration of this act, except that section 33 hereof shall take effect immediately; provided, however, that during the interim between the effective date of section 33 and the effective date of the remainder of this amendatory and supplementary act, contracts for the recycling of solid waste may be approved pursuant to section 33, notwithstanding that such contracts are not in conformance with an approved plan for a solid waste management district.

Approved February 23, 1976.

CHAPTER 327

AN ACT to amend and supplement "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system or parimutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 8, 1940 (P. L. 1940, c. 17), as said Title was amended by P. L. 1941, c. 137.

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

1. Section 24 of P. L. 1940, c. 17 (C. 5:5–44) is amended to read as follows:

C. 5:5-44 Renewal of permit for horse race meeting; allotment of additional racing days.

24. a. In the event any person, partnership, association, corporation or public body corporate and politic is granted a permit

under this act to conduct a race meeting pursuant to provisions thereof, such permit shall be renewed upon application of the permitholder yearly for the next succeeding 10 years, for the same dates allotted to such permitholder during the preceding year, where it is in the public interest to do so, or for such other dates, not exceeding 75 racing days in the aggregate for running racing and not exceeding 100 days in the aggregate for harness racing, as the commission shall designate; provided, however, that should any permitholder reject any or all of the days to which they are entitled, the commission may allot them, or any of them, among the remaining permitholders. Such allotment shall be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State; and provided, further, that such permitholder has not violated any of the provisions of this act.

b. In addition to the racing days aforesaid, the commission shall allot equally among the four running racing permitholders an additional 100 racing days. The commission may also allot among the harness racing permitholders an additional 100 days, in any proportion it deems fit where it is in the public interest to do so. For purposes of this section, the term public interest shall include the following factors: (1) Protecting the State's revenues from racing and generating additional revenues to the State, its agencies and subdivisions; (2) Providing for continuity of racing and year-round racing so as to promote the racing industry and maintain and enhance the employment which it provides in this State; (3) Providing a recreational opportunity for residents in the several areas of the State where licensed tracks are situate; (4) Maintaining and improving this State's competitive position with regard to neighboring racing states.

c. In the event any permitholder should reject any or all of the days to which they are entitled or which they are allotted by the commission, the commission may allot those days, or any of them, among the remaining permitholders. Such allotment shall be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State and where the commission finds such allotment to be in the public interest; and provided, further, that such permitholder has not violated any of the provisions of this act.

2. Section 46 of P. L. 1940, c. 17 (C. 5:5–66) is amended to read as follows:

C. 5:5-66 Disposition of deposits remaining undistributed; report and payment to commission; other license fees or taxes.

46. Every permitholder engaged in the business of conducting horse race meetings under this act shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 5% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall pay to the commission 6% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 9% of the total contributions.

(2) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 42½% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(b) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 5½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallions roster of the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 6% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 6.5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 8% of the total contributions. Each permitholder shall

contribute out of its 8% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5% of such total contribution. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 5.5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 7% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 7% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(5) Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

b. In the case of other races:

(1) Pay to the commission 8.15% of so much of the total contributions to all parimutuel pools conducted or made during such

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calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 9.15% of the total contributions.

(2) Hold and set aside in an account designated as a special trust account .15% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 10% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money earners;

(b) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(3) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 4.24% of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 7.24% of the total contributions.

(4) Retain 4.46% of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 6.46% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 7.96% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total

of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(5) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in paragraph b. of section 44 of this act.

c. Winter racing days:

Notwithstanding any other provision of this section, every permitholder engaged in the business of conducting horse race meetings or portions of horse race meetings under this act, during the period of November 1 to March 31 (hereinafter referred to as winter racing days), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

(1) In the case of harness races:

(a) Pay to the commission 4% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall pay to the commission 5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 8% of the total contributions.

(b) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 42% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(ii) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(iii) 5½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in

New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallions roster of the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners;

(iv) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(c) Retain 7% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 7.5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 9% of the total contributions. Each permitholder shall contribute out of its 9% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs as the commission shall deem proper and necessary, and which shall be subject to the regulation and control of said commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5% of such total contribution. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 5.5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 7% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 6.5% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood

testing program and such other testing programs as the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(e) Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(2) In the case of other races:

(a) Pay to the commission 7.15% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 8.15% of the total contributions.

(b) Hold and set aside in an account designated as a special trust account 15% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 10% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions or purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money earners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 4.24% of such total contributions. Expenditures for programs designed to aid the the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.9% of the sum available for distribution as purse

money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horseman's Benevolent and Protective Association representing the horsemen and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 7.24% of the total contributions.

(d) Retain 5.46% of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 7.46% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 3.96% of the total contributions.

(e) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in paragraph b. of section 44 of this act.

(f) Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

d. Night racing days:

Notwithstanding any other provision of this section, every permitholder engaged in the business of conducting horse race meetings or portions of horse race meetings under this act, wherein the first race of each day's meeting shall commence after 6 p.m. (hereinafter referred to as night racing days) shall make disposition for each such day as shall qualify under this subsection, of the deposits remaining undistributed pursuant to section 44 in accordance with the provisions of subsection c., entitled winter racing days.

e. Night racing during winter racing days:

If any permitholder is engaged in the business of conducting horse race meetings or portions of horse race meetings under this

act, wherein all or a portion of the days fall within the provisions of both subsection c. (winter racing days) and subsection d. (night racing days), then the track association shall make disposition of the deposits remaining undistributed pursuant to section 44 in accordance with the provisions of subsection c., entitled winter racing days and shall, in addition thereto, for its own uses and purposes retain from the total contributions to all parimutuel pools conducted or made on such day or days an additional 1% for its own uses and purposes. Said additional 1% shall be deducted from the percent otherwise payable under said section to the Racing Commission.

C. 5:5-92 Filing of annual audit by certain associations.

3. (New section) The New Jersey Horsemen's Benevolent and Protective Association, the Standardbred Breeders' and Owners' Association of New Jersey, and the Thoroughbred Breeders' Association of New Jersey shall file annually with the State Treasurer and the Racing Commission during the month of February for the preceding calendar year an audit prepared by a certified public accountant of New Jersey of all funds received by such associations under this Title. Said reports shall be subject to review by the treasurer and the Racing Commission.

4. (New section) If any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

5. Section 1 of this act shall take effect September 1, 1976. Sections 2, 3 and 4 of this act shall take effect January 1, 1976.

Approved February 25, 1976.

CHAPTER 328

AN ACT requiring certain safety equipment on bicycles before the sale or rental of such bicycles, and providing penalties for the violation thereof.

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

C. 39:4-14.4 Sale or rent of bicycle; reflectors.

1. No person shall sell or offer to sell, or rent or offer to rent, whether it be by retail, wholesale or by auction, any bicycle manufactured on or after the effective date of this act unless such bicycle is equipped with front, rear and pedal reflectors and either (a) side reflectors; or (b) retroreflective tire sidewalls which shall form a continuous circle on each sidewall, in order to permit recognition and identification under illumination from motor vehicle headlamps. Such front, rear, pedal and side reflectors shall be colored and mounted in conformity with regulations promulgated by the Director of the Division of Consumer Affairs.

C. 39:4-14.5 "Bicycle" defined.

2. As used in this act "bicycle" means any two-wheeled vehicle having a rear drive wheel which is solely human-powered and having a seat height of 25 inches or greater when the seat is in the lowest adjustable position.

C. 39:4-14.6 Applicability of act.

3. This act shall not apply to the sale or rental of a bicycle by any person who is not regularly engaged in the business of selling or renting bicycles and where such bicycle was obtained by the person making the sale or rental for his own use.

C. 39:4-14.7 Rules and regulations covering types of equipment.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety is authorized and empowered to adopt rules and regulations covering the types of equipment and the specifications therefor, including the color and mounting thereof, which shall be in accordance with Federal standards regulating bicycles promulgated by the Consumer Product Safety Commission entitled "Requirements For Bicycles" (16 CFR Part 1512) and pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261, et seq.) and any amendatory or supplemental acts or regulations promulgated thereto.

C. 39:4-14.8 Violation of act; penalties.

5. Any person who shall violate any of the provisions of this act shall be subject to a fine of not more than $50.00 for a first offense and a fine of $100.00 for each subsequent offense.

C. 39:4-14.9 Enforcement of act; jurisdiction of proceedings to collect fine.

6. The enforcement of this act shall be vested in the Director of the Division of Consumer Affairs of the Department of Law and Public Safety, the inspectors appointed under his authority,

and the police or peace officers of, or inspectors duly appointed for that purpose by, any municipality or county or by the State. Jurisdiction of proceedings to collect the penalties prescribed by this act is vested in the County Court, the county district court and the municipal court in any county or municipality where the defendant may be apprehended or where he may reside. Process shall be either a summons or warrant and shall be prosecuted in a summary manner pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

7. This act shall take effect 90 days following the enactment thereof.

Approved February 27, 1976.

CHAPTER 329

AN ACT concerning the provision of local health services, and repealing P. L. 1951, c. 69 and chapter 11 of Title 26 of the Revised Statutes.

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

C. 26:3A2-1 Short title.

1. This act may be known and may be cited as the "Local Health Services Act."

C. 26:3A2-2 Declaration of policy.

2. The Legislature declares that the policy of this State is to assure the provision of a modern and manageable array of public health services to all citizens of the State and to encourage the efficient delivery of such services by areawide health departments where such arrangements are needed to enable municipalities to meet "Standards of Performance" as determined by the Public Health Council.

C. 26:3A2-3 Definitions.

3. As used in this act unless otherwise specifically indicated:

a. "Local health agency" means any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health program pursuant to law.

b. "County health department" means an agency established and organized pursuant to this act by a county board of health for the purpose of providing within its area of jurisdiction, health services required for the protection of the health of citizens and for the enforcement of health ordinances and statutes.

c. "County board of health" means a body established pursuant to this act by a county board of freeholders, and empowered to exercise within its area of jurisdiction all the powers of a local board of health pursuant to law.

d. "County health advisory commission" or "commission" means the body established by a county board of health pursuant to this act to advise the county health department regarding health problems and measures required to improve health and to control disease and disability in the county.

e. "Regional health commission" means an association of boards of health of two or more municipalities formed to furnish such boards with public health services pursuant to P. L. 1938, c. 67 (C. 26:3–83 to 26:3–94).

f. "Contracting health agency" means a municipality or group of municipalities which enter into contractual agreements with approved health agencies for the provision of public health services.

g. "Full-time health officer" means a holder of a license as a health officer issued by the State Department of Health who is employed by a local health agency to function for that agency during all the working hours of the regularly scheduled work week of the governmental unit to which the local health agency is attached.

h. "Area of jurisdiction" means the geographic area within each of the municipalities which contracts with a county board of health for the provision of health services meeting the "Standards of Performance".

i. "Standards of Performance" means the "Recognized Public Health Activities and Minimum Standards of Performance for Local Health Departments in New Jersey" as prescribed by the Public Health Council of the New Jersey State Department of Health under the authority of P. L. 1947, c. 177 (C. 26:1A–1 et seq.).

j. "Commissioner" means the State Commissioner of Health or his designee.

C. 26:3A2-4 County board of health; establishment.

4. a. The board of chosen freeholders of any county in this State, on its own initiative or upon petition from three or more municipalities in that county, after public hearing may, by ordi-

nance or resolution, establish a county board of health. Notice of the public hearing shall be published at least 15 days prior to that hearing in a newspaper circulated throughout the county.

b. In any county in which the board of chosen freeholders has established a county health agency there shall be established a county board of health, pursuant to this act. Said existing county health agency shall be continued as a county health department, as provided herein. In any county having a board of health and vital statistics, organized pursuant to chapter 11 of Title 26 of the Revised Statutes, that board shall be continued as a county board of health as provided herein.

C. 26:3A2-5 County board of health; membership; appointment; term; meetings; powers.

5. a. A county board of health shall consist of not less than five nor more than nine members appointed by the board of chosen freeholders. No more than two members of a county board of health may be members of the board of chosen freeholders. Members other than freeholders shall be selected, with due regard to their knowledge, and interest in health affairs, from participating municipalities so that each of the participating municipalities, where possible, shall have at least one member on the county board of health.

b. Each member of a county board of health shall be appointed for a term of 3 years; provided, however, that of those first appointed at least two shall have terms of 1 year, at least two shall have terms of 2 years and the remaining members shall have terms of 3 years; provided that where the board consists of nine members appointments shall be made so that at least three terms shall expire each year. All appointments shall designate the date of expiration of the term. The term of office of a freeholder member shall terminate with his term of office as freeholder should this date precede the termination of his appointment to the board of health and a freeholder designated as a successor in such case shall be appointed for the unexpired term.

c. The county board of health shall meet not less than bimonthly and shall exercise within its area of jurisdiction all the powers granted to a local board of health.

C. 26:3A2-6 County health department; establishment.

6. The county board of health shall establish a county health department, under the administration of a full-time health officer, which provides public health activities meeting "Standards of Performance."

C. 26:3A2-7 County health advisory commission; establishment; membership; appointment; term; meetings.

7. The county board of health may establish a county health advisory commission and may appoint not less than nine nor more than 15 citizens to serve as members of that commission, each of whom shall be chosen with due regard to his knowledge or interest in health affairs. The commission shall include not less than three consumers of health services who are engaged in the delivery of those services.

b. Each member of the advisory commission shall be appointed for a term of 3 years; provided, however, that of those first appointed at least ⅓ (or the closest number thereto) shall have terms of 1 year, at least ⅓ shall have terms of 2 years and the remaining members shall have terms of 3 years. All appointments shall designate the date of expiration of the term.

c. The commission shall meet at least four times a year.

C. 26:3A2-8 Adoption, amendment and repeal of health ordinances.

8. The county board of health shall, in order to perform any power delegated to it or in the performance of any duty imposed upon it by law, adopt, amend and repeal health ordinances and provide services necessary for the appropriate control of disease and the improvement of the health of citizens. An ordinance of the county board shall be effective and enforceable only within the area of jurisdiction of the county board.

C. 26:3A2-9 Enactment and enforcement of health ordinances.

9. A county board of health shall enact and enforce health ordinances in the manner prescribed by articles 4 and 5, of chapter 3 of Title 26 of the Revised Statutes (R. S. 26:3–64 through 26:3–82).

C. 26:3A2-10 Standards of performance; compliance; certification; review.

10. a. Within 3 months after the Public Health Council has completed its first revision of the "Standards of Performance" pursuant to section 13 of this act, the commissioner shall provide an evaluation form to every municipal board of health for the purpose of measuring said municipal boards' compliance with said "Standards of Performance." Said evaluation form shall be completed; signed and certified as being correctly completed by the municipal health officer or by the officer designated to act in behalf of the municipal board of health and by the presiding officer of said board; and returned to the commissioner by every municipality within 60 days after issuance.

b. Within 18 months after the effective date of this act, the commissioner shall advise every municipal board of health as to whether said board meets the "Standards of Performance."

c. In every municipality not presently providing a program of public health services meeting the "Standards of Performance," as determined herein by the commissioner, the elected governing body shall, within 24 months after the effective date of this act, provide a program of public health services meeting "Standards of Performance." A municipality shall meet this requirement by use of the services of one or more of the following agencies:

(1) Individual municipal local health agency.
(2) Contracting health agency.
(3) Regional health commission.
(4) County health department.

d. The commissioner shall periodically review every municipal or county health department to determine whether said municipal or county department is meeting the "Standards of Performance."

C. 26:3A2-11 Failure to comply; provision of adequate program by State; reinstatement of authority of municipality.

11. a. In the event any municipality fails to comply with section 10 of this act:

(1) The State Commissioner of Health shall cause a public health services program meeting "Standards of Performance," to be provided in that municipality at the expense of the municipality. Expenditures for this purpose shall be adequate to provide by contract or direct employment of staff and other necessary resources, the services required in the "Standards of Performance." The staff, contracted services, or resources necessary to provide the required services in municipalities of various sizes and conditions shall be determined by the commissioner.

(2) State health aid funds to which that municipality would otherwise be entitled shall be delivered to and administered by the State Department of Health. Those funds shall be used solely for providing public health services meeting "Standards of Performance" in that municipality.

b. When a municipality submits a plan acceptable to the department which provides assurances that public health services in that municipality will meet "Standards of Performance" the department may relinquish powers granted to it under the authority of this section under such terms and conditions as may be prescribed by the department.

C. 26:3A2-12 Withdrawal.

12. a. A municipality participating in a local health agency or contracting health agency may withdraw therefrom in the following manner:

The governing body or local board of health, whichever is applicable, after participation for not less than 2 years in a local health agency or contracting health agency may by resolution declare its intention to establish its own local health agency or join with one or more municipalities in establishing a local health agency meeting "Standards of Performance." A certified copy of that resolution, setting forth the date of the municipality's intention to withdraw, shall be submitted to the agency from which it proposes to withdraw a minimum of 6 months prior to the proposed withdrawal date. The withdrawal shall be effective on the date set forth in that resolution.

b. In the event that the requirements of section 10 of this act are not met within 6 months after the time of withdrawal, the municipality shall be subject to the provisions of section 11 of this act.

C. 26:3A2-13 Review and revision of standards of performance.

13. Within 6 months after the effective date of this act, the Public Health Council shall review and revise the present "Standards of Performance," and provide new "Standards of Performance" which shall include (1) core standards applicable to every local health agency, and (2) supplemental standards applicable to individual local health agencies which reflect specific public health needs of such local agencies. Said council shall periodically conduct a review and revision of the "Standards of Performance" as may be necessary thereafter.

C. 26:3A2-14 Health officer and other employees; appointment.

14. Every local health agency shall be administered by a full-time health officer. The health officer and other personnel employed by a municipality, groups of municipalities or county which shall have adopted, or which shall hereafter adopt, the provisions of subtitle 3 of Title 11, Civil Service, of the Revised Statutes, shall be appointed in accordance with the provision of said subtitle 3, Title 11 of the Revised Statutes.

C. 26:3A2-15 Requirement of license for certain type of employment.

15. No local health agency shall appoint or employ any person as health officer, public health laboratory technician, sanitary inspector, veterinary meat inspector or plumbing inspector nor

appoint or employ any person to do work ordinarily performed by a health officer, public health laboratory technician or an inspector of any of the classes named who is not the holder of a current license or certificate issued by the State Department of Health authorizing the performance of such type and class of work.

C. 26:3A2-16 Transfer of civil service employees.

16. Each person who shall have been employed as a full-time employee of a local health agency whose employment by such agency was governed by the provisions of the Civil Service law and whose employment by such agency shall have been terminated by reason of the assumption of its activities and responsibilities by another local health agency shall be transferred to such other local agency, shall be assigned duties comparable to those previously performed by him, and shall be entitled to and credited with all rights and privileges accruing to him by reason of his tenure in such previous office or position, the same as if the entire period of such previous employment had been in the position to which he shall have been transferred. His compensation shall be fixed at not less than the amount received by him at the time of transfer.

C. 26:3A2-17 Transfer of non-civil service employees.

17. Each person who shall have been employed as a full-time employee for a period of 2 years or more by a local health agency whose employment by such agency was not governed by the provisions of the Civil Service law, and whose employment by such agency shall have been terminated by reason of the assumption of its activities and responsibilities by another local health agency, shall be transferred to the local health agency and be assigned duties comparable to those previously performed by him. He shall be entitled to and credited with all rights and privileges accruing to him by reason of his tenure in such previous office or position the same as if the entire period of such employment had been in the position to which he shall have been transferred. In the event employment by the county health department to which such person shall have been transferred is subject to the provisions of the Civil Service law, the board shall forthwith certify to the Civil Service Commission, pursuant to applicable rules of said commission, the entitlement of such person to such rights and privileges. In such event, the Civil Service Commission shall appropriately classify such person in the competitive civil service without examination; a person so classified shall thereafter be subject to the provisions

of the Civil Service law with regard to the terms of his employment, promotion, tenure, classification, compensation and like matters. His compensation shall be fixed at not less than the amount received by him at the time of transfer.

C. 26:3A2-18 Termination of part-time employment; placement on preferential reemployment list.

18. Every person, who shall have been employed as a part-time employee of a local board of health for a period of 2 years or more, and whose employment by such agency shall be terminated by reason of the assumption by another local health agency of activities and responsibilities, shall be placed on a preferential reemployment list for a period of at least 2 years for positions in that local health agency requiring the same license and type and class of work.

C. 26:3A2-19 Annual budget; certification; apportionment to municipalities; assessment; levy and collection.

19. The county health officer shall prepare, subject to the advice of the county board of health, in each year, a budget setting forth in detail the amounts of money necessary for the operation of the county health department during the ensuing year and present that budget to the board of chosen freeholders. Such sum as approved by the board of chosen freeholders shall be certified by the board of chosen freeholders to the county board of taxation which shall apportion such amount among the municipalities participating in the county health department in accordance with the provision of R. S. 54:4–49. The amount thus apportioned to each municipality shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein.

C. 26:3A2-20 Review by legislature; annual progress reports.

20. The Legislature, through the Senate and General Assembly Standing Committees on Institutions, Health and Welfare, shall review the implementation of this act. To facilitate this review, the commissioner shall submit annual progress reports to the committees for a period of 2 years after the effective date of this act, and any other such reports thereafter as may be deemed necessary by the committees. All such reports shall also be submitted to the Legislature's Office of Fiscal Affairs.

Repealer.

21. The following are repealed: P. L. 1951, c. 69 (C. 26:3A1–1 to 26:3A1–69) and chapter 11 of Title 26 of the Revised Statutes.

22. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without such invalid provision or application, and to this end the provisions of this act are declared to be severable.

23. This act shall take effect at the beginning of the month next following enactment.

Approved March 3, 1976.

CHAPTER 330

AN ACT to amend "An act concerning motor vehicles and supplementing Title 39 of the Revised Statutes," approved May 28, 1949 (P. L. 1949, c. 280).

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

1. Section 3 of P. L. 1949, c. 280 (C. 39:4–206) is amended to read as follows:

C. 39:4-206 Certificate to be pasted on windshield; license plate insignia or marker; license plates; fee.

3. The director shall issue to such applicant, also, a certificate of such design as shall be determined by the director, indicating that a special vehicle identification card has been issued for the motor vehicle designated therein, which shall be pasted on the lower right-hand corner of the windshield of the motor vehicle for which it is issued, and metal insignia or marker or both of such design as shall be determined by the director which shall be attached to the license plate or plates of the motor vehicle for which such identification card and certificate have been issued.

In lieu of the metal insignia or marker, the director may issue license plates bearing the national wheelchair symbol which shall be attached to the motor vehicle for which such identification card and certificate have been issued.

The fee for the issuance of such plates shall be $10.00.

2. This act shall take effect 60 days after enactment.

Approved March 3, 1976.

CHAPTER 331

AN ACT concerning education, providing scholarships for children of members of the United States Armed Forces in certain cases 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:71-61 Definitions.

1. As used herein:

"Prisoner of war" and "person missing in action" means any person who was a resident of this State at the time he or she entered service of the United States Armed Forces, or whose official residence is within this State, and who, while serving in said United States Armed Forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after January 1, 1960.

"Dependent" means any child born before or during the period of time its parent was a prisoner of war or a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent was a prisoner of war or a person missing in action.

C. 18A:71-62 Free tuition for dependents of prisoners of war or missing in action.

2. Any dependent of a prisoner of war or a person missing in action, upon his being accepted to pursue a course of undergraduate study in any private institution of higher education in this State or in any public institution of higher education of this State as enumerated in N. J. S. 18A:62–1, shall be allowed to obtain a bachelors degree, or certificate of completion, for so long as he is eligible, free of tuition. Once a person qualifies as a dependent under this act there shall be no situation such as the return of the parent or the reported death of the parent that will terminate the eligibility of the dependent to the benefits under this act.

C. 18A:71-63 Rules and regulations.

3. The Board of Higher Education shall promulgate rules and regulations for the implementation of this act.

4. This act shall take effect July 1 next following enactment.

Approved March 3, 1976.

CHAPTER 332

AN ACT concerning leave of absence from public employment, and amending R. S. 38:23–2.

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

1. R. S. 38:23–2 is amended to read as follows:

Leave of absence to attend State or national conventions.

38:23–2. The head of every public department and of every court of this State, every superintendent or foreman on the public works of this State, the heads of the county offices of the several counties and the head of every department, bureau and office in the government of the various municipalities, shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative of the Grand Army of the Republic, United Spanish-American War Veterans, Disabled American Veterans, Disabled American Veterans' Auxiliary, Veterans of Foreign Wars, Ladies Auxiliaries of Veterans of Foreign Wars, Ladies Auxiliary, Veterans of World War I of the U. S. A., American Gold Star Mothers, Indian War Veterans, American Legion, American Legion Auxiliary, Jewish War Veterans of the United States, Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U. S. A., Catholic War Veterans of the United States, Ladies Auxiliary of New Jersey State Department, Catholic War Veterans, The 369th Veterans Association, Incorporated, Women's Overseas Service League, American Veterans World War II, Reserve Officers Association of the United States, Marine Corps League of the United States, Army and Navy Legion of Valor, the Twenty-ninth Division Association, Council of State Employees, War Veteran Public Employees Association, New Jersey Civil Service Association, Blind Veterans Association of New Jersey, Army and Air National Guard Association of New Jersey, The National Guard Association of the United States, The United States Coast Guard Auxiliary, Navy League, Veterans of World War I of the United States of America, Polish Legion of American Veterans, Polish Legion of American Veterans, Ladies Auxiliary, the Italian American War Veterans of the United States, Incorporated, and the Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated, to attend any State or national convention of such organization.

A certificate of attendance to the State convention or encampment shall, upon request, be submitted by the representative so attending.

Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention. No person shall be entitled to a total of more than 5 days leave of absence with pay each calendar year for the purpose of attending, as authorized representative, the State or national convention of one or more of the above enumerated organizations. The leaves of absence authorized hereunder shall not be cumulative and any unused leaves shall be canceled at the end of any given year.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 333

AN ACT validating joint agreements entered into by certain public authorities pursuant to the "Local Public Contracts Law" (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:*

Validating act.

1. Any joint purchase agreement entered into prior to the effective date of this act by an authority created by one or more counties or municipalities and a contracting unit or units pursuant to the provisions of Subdivision D of the Local Public Contracts Law (P. L. 1971, c. 198, C. 40A:11–10 through 40A:11–12) for the purchase of work, materials or supplies and any purchase of work, materials or supplies by any such authority under any contract or contracts entered into on behalf of the State by the Divison of Purchase and Property in the Department of the Treasury, is hereby ratified, validated and confirmed.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 334

AN ACT concerning municipal environmental commissions, authorizing the creation of environmental commissions jointly by two or more municipalities, amending and supplementing P. L. 1968, c. 245 (C. 40:56A–1 et seq.) and amending P. L. 1972, c. 49 (C. 13:1H–1 et seq.).

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

C. 40:56A-8 Joint environmental commission; creation; membership; compensation.

1. a. The governing bodies of two or more municipalities may, by adoption of substantially similar ordinances, create a joint environmental commission for the protection, development or use of natural resources, including water resources located within their combined territorial limits.

b. The number and qualifications of the members of such joint environmental commission, and their terms and methods of appointment or removal shall be such as may be determined and agreed upon by said governing bodies and set forth in the ordinance creating such joint commission, except that

(1) when such joint commission is created by two municipalities only, there shall be at least three members from each municipality;

(2) when such joint commission is created by three or more municipalities, there shall be at least two members from each municipality;

(3) at least one member from each municipality shall be a member of the planning board (if any) of the municipality, and

(4) a majority of the members of the joint commission shall hold no other public office, except membership on a municipal or other planning board.

c. Members of the commission shall serve without compensation, but may receive reimbursement for actual expenses necessarily incurred in the performance of their duties as members of the commission.

C. 40:56A-9 Chairman; election; term.

2. A joint environmental commission shall elect its chairman, who shall hold no other public office or position, except that he may be a member of a municipal or other planning board. The term of

the chairman shall be 1 year, and he shall be eligible to succeed himself unless the ordinance creating the commission shall otherwise provide. The ordinance creating such commission may provide that the chairmanship of the commission be rotated annually so that over each period of years corresponding to the number of participating municipalities it shall be held in each year by a member appointed from a different participating municipality.

C. 40:56A-10 Expenses of commission; apportionment.

3. The proportion of the expenses of the joint environmental commission to be borne by each participating municipality shall be such as may be determined and agreed upon by the participating municipalities, and said municipalities are hereby authorized to appropriate their respective shares of such expenses. Within the limits thus agreed upon and duly appropriated the commission may employ such clerical and technical or other assistants and may incur such other expenses as it may deem necessary to carry out its functions.

C. 40:56A-11 Functions, duties and powers of commission.

4. A commission created pursuant to this supplementary act shall have, with respect to all the participating municipalities, and to each of them, all the functions, duties and powers of an environmental commission established in a single municipality under sections 2 and 3 of P. L. 1968, c. 245 (C. 40:56A–2 and 40:56A–3) and section 7 of P. L. 1972, c. 35 (C. 40:56A–6).

C. 40:56A-12 Participation in joint environmental commission; transfers.

5. If any municipality which has heretofore established an environmental commission under the act to which this act is a supplement shall enter into participation in a joint environmental commission, such environmental commission heretofore established shall be abolished upon the taking effect of the ordinance establishing the joint environmental commission, and the terms of the members of such abolished environmental commission shall immediately cease and terminate. Except as may otherwise be provided in the ordinance establishing such joint commission, all employees of such abolished environmental commission and all the records, property and funds in its possession or under its control shall be transferred to the joint environmental commission, and all its debts and other financial obligations shall be assumed by the joint environmental commission.

6. Section 2 of P. L. 1972, c. 49 (C. 13:1H–2) is amended to read as follows:

C. 13:1H-2 Definitions.

2. The following words shall have the following meanings:

a. "Department" means the Department of Environmental Protection.

b. "Local environmental agency" means (1) a municipal environmental commission or joint environmental commission established by two or more municipalities, (2) a county environmental commission and (3) a soil conservation district.

7. Section 7 of P. L. 1972, c. 49 (C. 13:1H–7) is amended to read as follows:

C. 13:1H-7 State aid; limitation.

7. The department may grant up to $2,500.00 in State aid per year to any local environmental agency, except that such aid to a joint environmental commission may be up to $2,500.00 for each municipality participating in such joint environmental commission. The contribution by the department shall not exceed 50% of the cost of the project which qualifies for assistance under this act.

8. Section 1 of P. L. 1968, c. 245 (C. 40:56A–1) is amended to read as follows:

C. 40:56A-1 Commission; appointment; terms; vacancies.

1. Commission; appointment; terms; vacancies. The governing body of any municipality may by ordinance establish an environmental commission for the protection, development or use of natural resources, including water resources, located within its territorial limits. The commission shall consist of not less than five nor more than seven members, appointed by the mayor of the municipality, one of whom shall also be a member of the municipal planning board and all of whom shall be residents of the municipality; the members shall serve without compensation except as hereinafter provided. The mayor of the municipality shall designate one of the members to serve as chairman and presiding officer of the commission. The terms of office of the first commissioners shall be for 1, 2 or 3 years, to be designated by the mayor in making his appointments so that the terms of approximately ⅓ of the members will expire each year, and their successors shall be appointed for terms of 3 years and until the appointment and qualification of their successors. The mayor or governing body of the municipality may remove any member of the commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the commission occurring

otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Notwithstanding any other provisions of law to the contrary, the powers of appointment and removal hereby accorded to the mayor of a municipality shall be vested in the elected official so designated or, where there is a vacancy in the office of mayor, in the duly designated acting mayor.

9. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 335

AN ACT to amend the "Retirement Community Full Disclosure Act," approved December 2, 1969 (P. L. 1969, c. 215).

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

1. Section 2 of P. L. 1969, c. 215 (C. 45:22A–2) is amended to read as follows:

C. 45:22A-2 Definitions.

2. For the purposes of this act, the term:

(a) "Retirement subdivision" or "subdivision" means any land which is divided or proposed to be divided into 10 or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan where such subdivision is advertised or represented as a retirement subdivision or as a subdivision primarily for retirees or elderly persons, or where there is a minimum age limit tending to attract persons who are nearing retirement age;

(b) "Retirement community" or "community" means any complex or proposed complex of more than 10 units, whether contained in one or more buildings or whether constructed on separate lots, offered for sale or lease as part of a common promotional plan where such community is advertised or represented as a retirement community or as a community primarily for retirees or elderly persons, or where there is a minimum age limit tending to attract persons who are nearing retirement age;

(c) "Unit" means any apartment or structure intended primarily as a residence and consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, including a single residence dwelling and a share or membership interest of a cooperative housing corporation or association which entitles the holder thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association;

(d) "Common promotional plan" includes an offer for sale or lease of lots or units in a subdivision or community by a single developer, or a group of developers acting in concert where such lots or units are contiguous, or are known, designated, or advertised as a common entity or by a common name;

(e) "Person" means an individual, or any unincorporated organization, partnership, association, corporation, trust, or estate;

(f) "Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a retirement subdivision or any units in a retirement community;

(g) "Agent" means any person who represents, or acts for or on behalf of, a developer in selling or leasing, or offering to sell or lease, any lot or lots in a retirement subdivision or any units in a retirement community; but shall not include an attorney-at-law whose representation of another person consists solely of rendering legal services;

(h) "State" means the State of New Jersey;

(i) "Purchaser" means an actual or prospective purchaser or lessee of any lot or unit in a subdivision or community;

(j) "Offer" includes any inducement, solicitation, or attempt to encourage a person to acquire a lot or unit in a subdivision or community;

(k) "Disposition" includes sale, lease, assignment, award by lottery, or any other transaction concerning a subdivision or community.

2. Section 4 of P. L. 1969, c. 215 (C. 45:22A–4) is amended to read as follows:

C. 45:22A-4 Application of act; exemptions.

4. Unless the method of disposition is adopted for the purpose of evasion of this act, the provisions of this act do not apply to offers or dispositions of an interest in land by a purchaser of sub-

divided lands for his own account in a single or isolated transaction; nor shall the provisions of this act apply to the following:

(a) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust of real estate;

(b) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any State or Federal Statute;

(c) The sale or lease of real estate under or pursuant to court order;

(d) A subdivision as to which the agency has granted an exemption as provided in section 11.

(e) (Deleted by amendment.)

3. Section 11 of P. L. 1969, c. 215 (C. 45:22A–11) is amended to read as follows:

C. 45:22A-11 Rules and regulations; public hearing and notice; civil actions; agency's other powers.

11. (a) The agency shall adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of the provisions of this act, after a public hearing with notice thereof published once in a newspaper or newspapers with Statewide circulation not less than 5 days nor more than 15 days prior to the hearing and mailed to developers not less than 5 days nor more than 15 days prior to the public hearing. The Director of the Division on Aging, State Department of Community Affairs, shall advise the director of the agency concerning the promulgation or alteration of such rules. The rules shall include but not be limited to provisions for advertising standards to assure full and fair disclosure; provisions for escrow or trust agreements or other means reasonably to assure that all improvements referred to in the statement of record and advertising will be completed and that purchasers will receive the interest in land contracted for; provisions for operating procedures; rules of procedure to be followed in the conduct of all hearings; and other rules as are necessary and proper to effect the purpose of this act.

(b) The agency by rule or by an order, after reasonable notice to all developers covered by this act and a hearing, may require the filing of advertising material relating to retirement subdivision and community lands prior to its distribution.

(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this act, or a rule or order hereunder, the agency, with or without prior administrative proceedings, may bring an action in the Chancery

Division of the State Superior Court to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver may be appointed. The agency is not required to post a bond in any court proceedings.

(d) The agency may intervene in a suit involving subdivisions or community lands covered by this act. In such suit, the developer shall promptly furnish the agency notice of the suit and copies of all pleadings.

(e) The agency may:

(1) Accept registrations filed in other states or with the Federal Government, or with the Bureau of Securities, within the Division of Consumer Affairs, Department of Law and Public Safety;

(2) Grant exemptions if allowed by rules promulgated under subsection (a);

(3) Contract with similar agencies in this State or other jurisdictions to perform investigative functions;

(4) Accept grants in aid from any source.

(f) The agency shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures, statements of record and forms, uniform public offering statements, advertising standards, rules and common administrative practices.

4. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 336

AN ACT concerning education with relationship to expenses of supervisors of county departments of child study and amending N. J. S. 18A:46–4.

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

1. N. J. S. 18A:46–4 is amended to read as follows:

Supervisor and other members; terms; salaries; expenses; State aid.

18A:46–4. The commissioner shall fix the terms of office and compensation of the supervisor and other members of the child

study team. Their salaries shall be paid as other State salaries are paid by warrants drawn by the Director of the Division of Budget and Accounting on the State Treasurer, on orders issued by the commissioner. All claims for expenses of the supervisor, for each county in which he shall serve, shall be paid after being audited by the county superintendent on orders issued by the county superintendent and drawn on the county treasurer. Notwithstanding any other provision of the law, the State shall reimburse each county no more than $750.00 for the expenses of the supervisor in any 1 year. All claims for expenses of the supervisor which exceed the sum of $750.00 shall be paid by the county.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 337

AN ACT concerning investments by fiduciaries administering trust estates, supplementing chapter 15 of Title 3A of the New Jersey Statutes, repealing article 2 of chapter 15 of Title 3A of the New Jersey Statutes (N. J. S. 3A:15–18 through 3A:15–29) and revising parts of the statutory law.

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

C. 3A:15-35 Short title.

1. This act shall be known and may be cited as the "Prudent Investment Law."

C. 3A:15-36 Definitions.

2. As used in this act:

a. "Trust instrument" means and includes a will, deed, agreement, court order or other instrument pursuant to which money or other property is entrusted to a fiduciary;

b. "Fiduciary" means an individual or corporation authorized to act as a trustee, executor, administrator with the will annexed, or guardian, and every other person or corporation charged with the duty of administering a trust estate;

c. "Trust estate" means money or other property entrusted to a fiduciary pursuant to a trust instrument;

d. "Investments" means and includes property of every nature, real, personal and mixed, tangible and intangible, which persons of ordinary prudence and reasonable discretion acquire for the purpose of preserving capital and of realizing income; and specifically includes, solely by way of description and not by way of limitation, bonds, debentures and other corporate obligations, capital stocks, common stocks, preferred stocks, common trust funds as defined in and regulated by article 9, Common Trust Funds, P. L. 1948, c. 67 (C. 17:9A–36 et seq.), investments as authorized by article 1 of chapter 15 of Title 3A of the New Jersey Statutes, and securities of any open-end or closed-end management type investment company or investment trust registered pursuant to the Federal Investment Company Act of 1940, as from time to time amended.

C. 3A:15-37 Standards for investment of trust estate.

3. In investing and reinvesting money and property of a trust estate and in acquiring, retaining, selling, exchanging and managing investments, a fiduciary shall exercise care and judgment under the circumstances then prevailing, which persons of ordinary prudence and reasonable discretion exercise in the management of and dealing with the property and affairs of another, considering the probable income as well as the probable safety of capital. If the fiduciary has special skills or is named as the fiduciary on the basis of representations of special skills or expertise, he is under a duty to exercise those skills.

C. 3A:15-38 Investments by fiduciary.

4. Notwithstanding the provisions of any other law of this State and except as otherwise provided in this act, a fiduciary may, within the limitations of the standard prescribed by section 3 of this act, invest in any investments whatsoever, and subject to the limitations imposed by section 5 of this act.

C. 3A:15-39 Trust instrument; control over investments; departure from provisions; court's jurisdiction.

5. If a trust instrument prescribes, defines, limits or otherwise regulates a fiduciary's powers, duties, acts, or obligations in acquiring, investing, reinvesting, exchanging, retaining, selling, valuing or otherwise acting with respect to the property of a trust estate, the trust instrument shall control notwithstanding this act; but nothing herein shall affect the jurisdiction of the

Superior Court to order or authorize a fiduciary to depart from the express terms or provisions of a trust investment for the causes, in the manner, and to the extent otherwise provided by law.

C. 3A:15-40 Use of certain words in trust instrument; meaning.

6. Whenever any trust instrument or any statute of this State directs or authorizes a fiduciary to make any investment for a trust estate in "legal investments," or in "investments in which a fiduciary may by law invest" or in "legal investments for trustees" or uses words of similar import, such words shall, in the absence of an express provision to the contrary contained in such trust instrument or such statute, be taken to include any investments of the kinds authorized by this act and article 1 of chapter 15 of Title 3A of the New Jersey Statutes.

C. 3A:15-41 Application of act.

7. This act shall apply to and govern trust estates heretofore and hereafter created, fiduciaries heretofore and hereafter appointed, and trust instruments heretofore and hereafter made.

Repealer.

8. Article 2 of chapter 15 of Title 3A of the New Jersey Statutes (N. J. S. 3A:15–18 to 3A:15–29, inclusive) is repealed.

9. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 338

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 36 of P. L. 1948, c. 67 (C. 17:9A–36) is amended to read as follows:

C. 17:9A-36 Definitions.

36. Definitions.

As used in this article, and except as the context otherwise requires,

(1) "common trust fund" means a fund established and maintained by a bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in any fiduciary capacity specified in paragraphs (5), (6), (9) and (10) of section 28;

(2) "bank" means a qualified bank which is empowered to invest moneys entrusted to it in any capacity specified in paragraphs (5), (6), (9) and (10) of section 28;

(3) "cofiduciary" means one or more individuals or corporations, or both, lawfully acting or entitled to act jointly with a bank in the exercise of the powers referred to in the next preceding paragraph;

(4) "trust instrument" means the will, deed, agreement, court order or other instrument pursuant to which money or other property is entrusted to a bank as sole fiduciary or jointly with a cofiduciary;

(5) "trust estate" means money or other property entrusted to a bank solely or jointly with a cofiduciary pursuant to a trust instrument;

(6) "participation" means the undivided share in a common trust fund which accrues to a trust estate as the result of a bank's investment of funds of such trust estate in such common trust fund.

2. Section 38 of P. L. 1948, c. 67 (C. 17:9A–38) is amended to read as follows:

C. 17:9A-38 Effect of trust instruments.

38. Effect of trust instruments.

A. Except as otherwise provided by subsection B of this section, where the trust instrument defines, limits, or specifies the investments which may be made of a trust estate, any common trust fund in which all or any part of such trust estate is invested shall consist only of the investments defined, limited, or specified in such trust instrument.

B. Where the trust instrument makes no provision governing the investments which may be made of a trust estate, or where the trust instrument directs that an estate be invested in "legal investments" or in "investments in which a fiduciary may by law invest" or in "legal investments for trustees," or uses words of similar import, investment of such trust estate may be made, in whole or in part, in a common trust fund, consisting of property of every nature, real, personal, and mixed, tangible and intangible, and further including, solely by way of description and not by way of limitation, bonds, debentures, and other corporate obligations,

capital stocks, common stocks, preferred stocks, investments as authorized by article 1 of chapter 15 of Title 3A of the New Jersey Statutes, and shares of any open-end or closed-end management type investment company or investment trust registered pursuant to the Federal Investment Company Act of 1940, as from time to time amended.

C. (Deleted by amendment.)

D. In making investments as provided in this section a bank shall exercise care and judgment under the circumstances then prevailing, which persons of ordinary prudence and reasonable discretion exercise in the management of and dealing with the property and affairs of another, considering the probable income as well as the probable safety of capital, and, if the bank has special skills or is named as the fiduciary on the basis of representations of special skills or expertise, it is under a duty to exercise those skills.

3. Section 39 of P. L. 1948, c. 67 (C. 17:9A–39) is amended to read as follows:

C. 17:9A-39 Cash balances.

39. Cash balances.

A. (Deleted by amendment.)

B. (Deleted by amendment.)

C. Any common trust fund may consist in part of uninvested cash balances awaiting investment or held for the purpose of meeting cash requirements.

4. Section 40 of P. L. 1948, c. 67 (C. 17:9A–40) is amended to read as follows:

C. 17:9A-40 Participations; valuation; general provisions.

40. Participations; valuation; general provisions.

A. If so provided in the plan pursuant to which a common trust fund is established and maintained, the bank may divide the common trust fund into as many units as it may deem advisable, and it may increase or decrease the number of such units from time to time. Each unit shall at all times have the same value as every other unit of the same common trust fund. Such plan may also provide that a participation shall consist of a whole unit or a number of whole units, and may provide that withdrawals be made only of a whole unit or a number of whole units.

B. In determining the value of the property and investments of a common trust fund,

(1) an investment which is listed upon a stock, securities or investment exchange, shall be valued at the last recorded sales price in the ten-day period next preceding the date as of which the valuation is made, unless, within the said ten-day period, and subsequent to the date of the last recorded sales price, there have been recorded bid and asked prices, in which case the mean of the latest of such bid and asked prices shall be taken to be the value of such investment. An investment which is not listed upon a stock, securities or investment exchange, but which has an over-the-counter market, shall be valued at the mean of the last recorded bid and asked prices in the ten-day period next preceding the date as of which such valuation is made. If within the said ten-day period, there have been no recorded sales and no recorded bid and asked prices, the investment shall be valued at the mean of the last bid and asked prices as of a date not earlier than thirty days prior to the date as of which such valuation is made, as supplied by two stock or securities brokers deemed by the bank to be reliable. For the purposes of this paragraph, recorded sales prices, and recorded bid and asked prices shall be those which appear in a newspaper of general circulation, or in a financial, statistical, investment, rating or other publication or service, published for the use of and accepted as reliable by investors in like investments, or in the records of a stock, securities, or investment exchange;

(2) obligations of the United States which are not transferable or negotiable shall be valued at the issue price thereof;

(3) an investment about to be made, and an investment made and awaiting delivery against payment, shall be valued at the cost of acquisition thereof, and the cash account of the common trust fund shall be adjusted to reflect such cost of acquisition;

(4) an investment sold but not delivered pending receipt of the proceeds of sale shall be valued at the net sale price thereof;

(5) uninvested funds of a common trust fund shall be included in the aggregate value of all the property of a common trust fund to the extent that such funds constitute principal.

C. No person having an interest in a trust estate which has been invested in whole or in part in a common trust fund shall

have any ownership in any asset included in such common trust fund. The bank shall have exclusive control of every common trust fund established and maintained by it.

D. The bank shall not amortize premiums paid upon the purchase of an investment for a common trust fund, nor shall it accumulate discount in respect of investments purchased at less than face or par value, notwithstanding that the trust instrument may require amortization of premiums or accumulation of discount.

E. Money or other property paid by the bank as income from a common trust fund to itself in its capacity as the fiduciary administering and managing a trust estate shall, for the purpose of apportioning such income among the beneficiaries of the trust estate, be deemed to be income to the trust estate as of the date of such payment, regardless of the time when such income may have accrued, been earned, or accumulated.

F. For the purposes of this article, an investment made pursuant to a commitment therefor shall be deemed to be made on the date when the commitment was made.

5. This act shall take effect immediately, and shall apply to and govern trust estates heretofore and hereafter created, common trust funds heretofore and hereafter established, and trust instruments heretofore and hereafter made.

Approved March 3, 1976.

CHAPTER 339

AN ACT to amend the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199).

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

1. Section 13 of P. L. 1971, c. 199 (C. 40A:12–13) is amended to read as follows:

C. 40A:12-13 Sales of real property, capital improvements or personal property; exceptions; procedure.

13. Sales of real property, capital improvements or personal property; exceptions; procedure. Any county or municipality may sell any real property, capital improvements or personal property,

or interests therein, not needed for public use, as set forth in the resolution or ordinance authorizing the sale, other than county or municipal lands, real property otherwise dedicated or restricted pursuant to law, and, except as otherwise provided by law, all such sales shall be made by one of the following methods:

(a) By public sale to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated by two insertions at least once a week during 2 consecutive weeks, the last publication to be not earlier than 7 days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price, or prices, with or without the reservation of the right, to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisements required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions im-

posed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than 1 week without readvertising.

(b) At private sale when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

(1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.

(2) A sale to a person submitting a bid pursuant to subsection (a) of this section where all bids have been rejected, provided that the terms and price agreed to shall in no event be less than the highest bid rejected and provided further that the terms and conditions of sale shall remain identical.

(3) A sale by any county or municipality when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all encumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said conveyance was not the owner of some estate or interest in said real property, capital improvement or personal property or of some encumbrances thereon and the county or municipality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest thereon or outstanding

encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

(4) A sale of an easement upon any real property previously conveyed by any county or municipality may be made when the governing body of any county by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building in which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated within 5 days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following

the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

Any county or municipality selling any real property, capital improvement or personal property pursuant to subsection (b) of this section shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

All sales either public or private may be made for cash or upon credit. A deposit not exceeding 1% of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that when such mortgage shall be fully payable within 5 years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the Local Bond Law (chapter 2 of Title 40A of the New Jersey Statutes), whichever is highest. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale; provided, however, that no commission shall be paid unless notice of the governing body's intention to pay such a commission shall have been included in the advertisement of sale and the recipient thereof shall have filed an affidavit with the governing body stating that said recipient is not the purchaser. Said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any relator's commission). As used in this section, "purchaser" shall mean and include any person,

corporation, company, association, society, firm, partnership, or other business entity owning or controlling, directly or indirectly, more than 10% of the purchasing entity.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 340

AN ACT concerning fees in civil cases in the courts in certain instances and amending sections 22A:2–7 and 22A:2–12 of the New Jersey Statutes.

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

1. N. J. S. 22A:2–7 is amended to read as follows:

Law Division of Superior Court; fees.

22A:2–7. Upon the filing, entering, docketing or recording of the following papers, documents or proceedings by either party to any action or proceeding in the Law Division of the Superior Court, the party or parties filing, entering, docketing or recording the same shall pay to the clerk of said court the following fees:

Filing of the first paper in any motion, petition or application, if not in a pending action or proceeding under section 22A:2–6 of this Title, or if made after dismissal or judgment entered other than withdrawal of money deposited in court, the moving party shall pay $5.00 which shall cover all fees payable on such motion, petition or application down to and including filing and entering of order therein and taxation of costs.

For withdrawal of money deposited in court where the sum to be withdrawn is less than $100.00, no fee; where the sum is $100.00 or more but less than $1,000.00, a fee of $2.00; where such sum is $1,000.00 or more, a fee of $5.00.

Entering judgment on bond and warrant by attorney and issuance of one final process, $15.00 in lieu of the fee required by section 22A:2–6 of this Title.

Docketing judgments or orders from other courts or divisions, $2.00.

Satisfaction of judgment or other lien, $1.00.

Recording assignment of judgment or release, $2.00.

Issuing of executions and recording same, except as otherwise provided in this article, $2.00.

Recording of instruments not otherwise provided for in this article, $2.00.

Filing and entering recognizance of civil bail, $2.00.

Signing and issuing subpena, $1.00.

2. N. J. S. 22A:2–12 is amended to read as follows:

Filing of first paper in Chancery Division of Superior Court; payment of fees.

22A:2–12. Upon the filing of the first paper in any action or proceeding in the Chancery Division of the Superior Court, there shall be paid to the clerk of the court, for the use of the State, the following fees, which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Receivership and partition, $60.00.

For withdrawal of surplus and other moneys deposited with the court where the sum to be withdrawn is less than $100.00, no fee; where the sum is $100.00 or more but less than $1,000.00, a fee of $2.00; where such sum is $1,000.00 or more, a fee of $5.00.

Application for permanent alimony; for withdrawal of mortgages and other applications for relief filed subsequent to final judgment $5.00.

All other actions and proceedings except in probate cases $60.00.

3. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 341

AN ACT to defer payment of assessments levied for local improvements in certain cases.

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

C. 40:56-41.1 "Farmland or other open space" defined.

1. As used in this act "farmland or other open space" means lands devoted to agricultural use which are qualified for assessment for property tax under the "Farmland Assessment Act of 1964" (C. 54:4–23.1 et seq.).

C. 40:56-41.2 Deferral of payments.

2. When all or part of the cost of the installation of a local improvement, as defined in R. S. 40:56–1 is assessed against the lands benefited thereby, payment of bills for the amount of the assessment levied, or for any installment thereof, with respect to farmland or other open space shall be deferred, except as to the extent of the immediate benefit of the local improvement, until approval of a subdivision plan as to such land or the issuance of a building permit for a residential, commercial or industrial structure as to a particular lot or parcel thereof, whichever occurs first.

C. 40:56-41.3 Lien; filing of record.

3. A record to the effect that the land is subject to the lien of a deferred local improvement assessment shall be filed and maintained in the office of the tax collector or other officer responsible for maintenance of the record of municipal liens.

C. 40:56-41.4 Nonenlargement of time of appeal due to deferral.

4. Deferment of payment of a local improvement assessment pursuant to this act shall not enlarge the time within which the owner of the land may appeal from the levy of the assessment.

C. 40:56-41.5 Cost of local improvement deferred.

5. The costs of local improvements as to which payment of an assessment by the owner of the land is deferred pursuant to this act shall be borne by the municipality as in the case of a general improvement.

6. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 342

AN ACT authorizing governing bodies of counties and municipalities to make appropriations for community action programs, and supplementing Title 40 of the Revised Statutes.

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

C. 40:23-8.18 "Community action programs" defined.

1. As used in this act:

"Community action programs" are programs operated within counties or municipalities by public, or private nonprofit, agencies or organizations and established pursuant to the Federal "Economic Opportunity Act of 1964," (Public Law 88-452).

C. 40:23-8.19 Appropriation and distribution of funds.

2. The governing body of any county or municipality may annually appropriate and distribute to any public, or private nonprofit, agency or organization funds to defray in whole or in part the expenses incurred by any such agency or organization in maintaining community action programs and in providing facilities and equipment therefor within said county or municipality, as the case may be.

C. 40:23-8.20 Continuation beyond expiration.

3. Such appropriation and distribution may at the discretion of the governing body continue beyond the expiration of the Federal "Economic Opportunity Act of 1964" or succeeding legislation.

4. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 343

AN ACT to amend "An act authorizing the board of chosen freeholders of any county in which a park commission shall not have been established to acquire land for use as a public golf course and other recreational facilities, and to improve, maintain, and operate the same," approved June 30, 1958 (P. L. 1958, c. 94).

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

1. Section 4 of P. L. 1958, c. 94 (C. 40:32–7.9) is amended to read as follows:

C. 40:32-7.9 Supervision and control.

4. The board of chosen freeholders may assign general supervision and control over the maintenance, operation and regulation of any such public golf course, and of all recreational, playground and public entertainment activities carried on by the county to any department of the county government, or, by resolution, provide for such supervision by the county recreation commission or by a board of commissioners, to be appointed by the board of freeholders to so serve without compensation.

2. Section 5 of P. L. 1958, c. 94 (C. 40:32–7.10) is amended to read as follows:

C. 40:32-7.10 Annual appropriation.

5. The board of chosen freeholders may annually appropriate money to be raised by taxation to develop, maintain, and operate a public golf course and all form of recreation, playground, and public entertainment activities carried on by the county.

3. Section 6 of P. L. 1958, c. 94 (C. 40:32–7.11) is amended to read as follows:

C. 40:32-7.11 Fees, rents and other charges.

6. The board of chosen freeholders may establish, charge, and collect reasonable fees, rents or other charges for admission to, use or enjoyment of any property developed or used in whole or in part for a public golf course or for such other recreational, playground or public entertainment purposes and activities. And it may establish, charge, and collect reasonable fees, rents or other charges for any recreational privilege, entertainment, or other activity conducted on said premises or any part thereof.

4. Section 7 of P. L. 1958, c. 94 (C. 40:32–7.12) is amended to read as follows:

C. 40:32-7.12 Rules and regulations.

7. The board of chosen freeholders may by resolution make, alter, amend, and repeal rules and regulations for the supervision, regulation and control of all activities carried on, conducted, sponsored, arranged, or provided for in connection with a public golf course or other county recreational, playground or public enter-

tainment facility, and for the protection of property, and may prescribe and enforce fines and penalties for the violation of any such rule or regulation.

5. Section 8 of P. L. 1958, c. 94 (C. 40:32–7.13) is amended to read as follows:

C. 40:32-7.13 Jurisdiction of municipal court in actions for violations; enforcement of rules and regulations.

8. The municipal court of the municipality in which the public golf course or other county recreational, playground or public entertainment facility is located shall have jurisdiction in actions for the violation of any such rule or regulation. The rules and regulations shall be enforced by the same proceedings and processes, and the practice for the enforcement thereof shall be the same as that provided by law for the enforcement of other ordinances of the municipality.

6. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 344

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84), as said short title was amended by P. L. 1971, c. 213.

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

1. Section 7 of P. L. 1954, c. 84 (C. 43:15A–7) is amended to read as follows:

C. 43:15A-7 Public Employees' Retirement System; membership.

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions of the Department of the Treasury. The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954 who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, other than those whose appointments are temporary or seasonal, becoming an employee of the State or other employer after such date; and

c. Every employee veteran in the employ of the State or other employer on January 2, 1955 who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible to membership in this retirement system. Notwithstanding any other law to the contrary all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age. No person in employment, office or position, for which the annual salary or remuneration is fixed at less than $500.00, shall be eligible to become a member of the retirement system.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than 2 consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1955 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former "State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligation of such member shall be continued.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 345

AN ACT supplementing the "Medical and Dental Education Act of 1970," approved June 16, 1970 (P. L. 1970, c. 102, C. 18A:64G–1 et seq.).

WHEREAS, The education of dentists is of great concern and importance to the Legislature and people of the State; and

WHEREAS, There is a need for increased numbers of dentists in New Jersey; and

WHEREAS, At the present time, there exists only two schools in New Jersey which provide dental education, the College of Medicine and Dentistry of New Jersey, a public institution, and Fairleigh Dickinson University School of Dentistry, a private institution; and

WHEREAS, The Fairleigh Dickinson University School of Dentistry provides a service to the State which must be preserved; now, therefore

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

C. 18:64G-32 Contract with Fairleigh Dickinson University School of Dentistry for acceptance of students; appropriations.

1. The State Board of Higher Education is hereby authorized to contract with Fairleigh Dickinson University School of Dentistry for the acceptance of students who desire to study dentistry, and to expend annually within the limits of available appropriations such sums as are necessary to accomplish the intent of this act. For the fiscal year 1977, such appropriations shall not exceed $2,000,000.00 or 90% of the total Dental School Budget deficit, whichever is the lesser amount. Further appropriations shall be determined annually, but shall in no event exceed 90% of the Dental School's Annual Budget deficit. For the purposes of this act, said annual deficit shall be the difference between the total Dental School Operational Budget and the total revenues available to said school, exclusive of moneys obtained through State aid, university fund raising activities and university endowment funds. The fiscal operation of the dental school shall be maintained as a separate cost center, and shall be subject to periodic audit by the chancellor.

C. 18:64G-33 Contents of contract.

2. Said contract shall provide for consultation between the university and the chancellor on any proposed alteration in the present configuration of the dental school including, but not limited to, such matters as enrollment, tuition levels, educational programs, and resource allocations, and shall further provide for annual program review by the Chancellor of Higher Education, to insure that the State's needs and objectives are being realized.

C. 18A:64G-34 Rules and regulations.

3. The Chancellor of Higher Education shall, with the approval of the State Board of Higher Education, promulgate rules and regulations, establish procedures, and take all other necessary steps to include the implementation of the provisions of this act.

4. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 346

AN ACT concerning the transaction of insurance business by certain financial institutions and supplementing P. L. 1944, c. 175 (C. 17:22–6.1 et seq.), amending N. J. S. 17B:22–8 and supplementing Title 17 of the Revised Statutes.

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

C. 17:3C-1 Prohibition; exceptions.

1. No banking institution, as said term is defined in section 1 of the Banking Act of 1948 (C. 17:9A–1), bank holding company, savings and loan association, credit union or any other lending institution which regularly accepts deposits from New Jersey residents not regularly employed by said lending institution or its affiliates or any parent company, subsidiary, affiliate or member bank of any thereof, shall be licensed or admitted to transact in this State, directly or indirectly, any class of insurance except credit life insurance, credit accident and health insurance, group creditor insurance, group mortgage cancellation life insurance, or group mortgage accident and health insurance.

2. P. L. 1944, c. 175 is supplemented by the addition of the following section:

C. 17:22-6.6a Issuance of license; prohibition; exceptions; regulations.

No insurance agent's broker's or solicitor's license shall be issued or renewed to any banking institution or savings and loan association which regularly accepts deposit from New Jersey residents not regularly employed by said lending institutions or its affiliates or bank holding company, finance company, except any finance company affiliated with an insurance company, mortgage loan company, credit union or any other institution whose principal business is the lending of money, nor any parent company, subsidiary, affiliate, service corporation or member bank thereof, except that this section shall not apply with respect to credit life insurance, credit accident and health insurance, group mortgage cancellation life insurance or group mortgage accident and health insurance.

The Commissioner of Insurance is authorized to promulgate regulations to effectuate the purpose of this section, which will assist in maintaining the separation between lending institutions and the insurance business and to minimize the possibilities of unfair competitive practices by lending institutions or their related companies.

3. N. J. S. 17B:22–8 is amended to read as follows:

Licenses; agents, brokers, solicitors; necessity; agents for each insurer represented; lending institutions; prohibition; regulations.

17B:22–8. a. No individual, partnership or corporation or other entity shall act as an agent, nonresident agent, broker, nonresident broker or solicitor without first procuring a license so to act from the commissioner.

b. An agent or nonresident agent shall be licensed for each insurer represented by him.

c. No insurance agent's, broker's or solicitor's license shall be issued or renewed to any banking institution or savings and loan association which regularly accepts deposits from New Jersey residents not regularly employed by said lending institutions or its affiliates or bank holding company, finance company, except any finance company affiliated with an insurance company, mortgage loan company, credit union or any other institution whose principal business is the lending of money, nor any parent company, subsidiary, affiliate, service corporation or member bank thereof, except that this section shall not apply with respect to credit life insurance,

credit accident and health insurance, group mortgage cancellation life insurance or group mortgage accident and health insurance.

The Commissioner of Insurance is authorized to promulgate regulations to effectuate the purpose of this section, which will assist in maintaining the separation between lending institutions and the insurance business and to minimize the possibilities of unfair competitive practices by lending institutions or their related companies.

4. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 347

AN ACT concerning the status of certain police officers heretofore appointed.

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

1. The appointment of any person to serve as a police officer in any township heretofore made by the township committee is hereby validated and confirmed notwithstanding that no police department had theretofore been established.

2. Any police officer so appointed shall continue in such office or position at the will of the township committee and during good behavior and efficiency until such time as a police department and force may have been established for the township by ordinance pursuant to the provisions of N. J. S. 40A:14–118; provided he has completed at the time of his appointment or shall complete within 1 year of such appointment or within 6 months of the effective date of this act, whichever is later, all training courses required for police officers. Any police officer so appointed shall be in the unclassified service of any township wherein Title 11 (Civil Service) of the Revised Statutes is operative.

3. In any township where two or more such police officers were appointed and any such officer or officers were designated as chief of police, captain, sergeant or other rank, such officer shall be entitled to continue in employment in such rank upon the establishment of a police department and force pursuant to N. J. S. 40A:14–118.

4. Nothing herein contained shall be deemed to preclude the right of the governing body of any such township to dismiss any police officer so appointed immediately prior to the adoption of any ordinance establishing a police department and force.

5. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 348

AN ACT to amend "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen; make rules and regulations for the prevention of disorder, the preservation of safety, and the conservation of traffic on such bridges and in such tunnels and approaches thereto as the commission does or may hereafter operate; to prevent the evasion of the payment of tolls; providing a penalty for the violation of any such rules or regulations or for the evasion or the attempt to evade the payment of tolls, and repealing chapter 4 of Title 32 of the Revised Statutes," approved May 9, 1957 (P. L. 1957, c. 35).

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

1. Section 1 of P. L. 1957, c. 35 (C. 32:4–6) is amended to read as follows:

C. 32:4-6 Power and authority to appoint policemen; oath; compensation; power and authority to arrest and issue summons; rules and regulations; violations; penalties.

1. The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, and its wholly-owned subsidiary corporation through which it is effectu-

ating its authorized purposes, shall have the power, and authority to appoint such number of policemen as may be found necessary to keep in safety and preserve order upon such bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries, facilities and other property as the Delaware River Port Authority or such subsidiary corporations does or may hereafter own, lease or operate; to administer to such policemen an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of such policemen from the tolls, fares, charges and other revenue of the Delaware River Port Authority or such subsidiary corporations. The policemen so appointed shall have the power and authority to make arrests for any crimes, misdemeanors, and the offenses committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania upon said bridges or within said tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property, for disorder or breach of the peace, or for violations of any lawful regulation which may be or may heretofore have been adopted by the Delaware River Port Authority or such subsidiary corporations. Such policemen shall be further authorized and empowered to make arrests or issue summonses for evasion or attempts to evade the payment of tolls, fares or other charges which may be fixed or may have been fixed for the use of such bridge, tunnel, rapid transit system, or ferry, facility or other property. To pass over any part of said bridges or through said tunnels and approaches thereto in any vehicle for which tolls shall be collectible, or for any person or vehicle to use the rapid transit systems or ferries or other facilities or property without passing through the toll gates or paying such toll, fares or charges shall constitute such evasion and shall subject the person so evading or attempting to evade such payment to arrest or receipt of a summons as aforesaid. Any such summons shall direct such person to appear before any proper judicial officer as defined in this section at such time as the summons shall direct. Upon the return of such summons or upon the apprehension or arrest of any person or persons for any of the other foregoing reasons, the offender may be taken before any proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey without respect to the portion of the bridge, tunnel, ferry facility, rapid transit system, facilities or other property upon or within which such offense may have been committed or attempted or such offender arrested, and thereupon such judicial officer shall have the power

and authority to punish such offender as hereinafter provided. The Delaware River Port Authority and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes shall have the power to adopt such rules and regulations as they may respectively deem expedient for the proper government of said bridges, tunnels, approaches thereto, rapid transit systems, ferries, facilities or other property and for the preservation of good order, safe traffic, and proper conduct thereon or therein. For any violation of any of the foregoing provisions of this act or of any rule or regulation adopted by the Delaware River Port Authority, or its said subsidiary corporations, or for any evasion or attempt to evade payment of tolls, fares or charges the offender or offenders shall be subject to a fine or penalty of not less than $10.00 or more than $25.00, together with costs, to be adjudged by the proper judicial officer of the city and county of Philadelphia or other proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey before whom such offender or offenders may be brought, and on default of payment of such fine or penalty, then to imprisonment of not less than 10 days or more than 30 days in the place of incarceration decreed by said magistrate or other judicial officer; and upon conviction of any subsequent offense, shall be subject to a fine or penalty of not less than $25.00 or more than $50.00, together with costs, or to imprisonment of not less than 30 days or more than 60 days or both at the discretion of the said magistrate or other judicial officer.

2. This act shall take effect upon the enactment into law by the Commonwealth of Pennsylvania of legislation having a substantially similar effect as this act, but if the Commonwealth of Pennsylvania shall have already enacted such legislation, this act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 349

AN ACT to amend "An act to promote and regulate the sale and distribution of goods and articles made by blind persons," approved February 25, 1965 (P. L. 1964, c. 290).

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

1. Section 3 of P. L. 1964, c. 290 (C. 30:6–19) is amended to read as follows:

C. 30:6-19 Identification of goods or articles; registration; fees.

3. To facilitate ready and authoritative identification of goods or articles made by blind persons, any blind person and any public or private institution or agency, firm, association or corporation engaged in the manufacture or distribution of goods or articles made by a blind person or persons shall apply to the Commission for the Blind for a registration and authorization to use an official imprint, stamp, symbol or label, designed or approved by the commission, to identify goods and articles as made by the blind persons. Nothing in this act shall authorize the identification of goods or articles as made by blind persons when the direct labor performed by blind persons in connection therewith shall consist solely of the packaging or packing thereof as distinguished from the preparation, processing or assembling of such goods or articles. The commission shall investigate each application, under rules and regulations it shall adopt for the administration of this act, to assure that such person or organization is actually engaged in the manufacture or distribution of blind-made goods or articles. The commission may register, without investigation, nonresident individuals and out-of-state agencies, firms, associations or corporations upon proof that they are recognized and approved by the state of their residence or organization pursuant to a law of such state imposing requirements substantially similar to those prescribed pursuant to this act.

No fee shall be charged for registration of an individual blind person who manufactures and sells products of his own labor. A fee of $5.00 shall be charged and collected for registration of any other person, firm or corporation. All registrations shall be valid for 1 year from date of issue.

2. Section 6 of P. L. 1964, c. 290 (C. 30:6–22) is amended to read as follows:

C. 30:6-22 Violation of act; penalty.

6. Any person, firm, corporation, institution or association, who (a) shall use or employ an imprint, stamp, symbol or label issued or approved by the Commission for the Blind or an imitation thereof without having registered with the commission, or (b) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were made by a blind person or persons when in fact such goods or articles were not so made, or (c) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were sold by or for the benefit of the blind when in fact such sale was not by or of substantial benefit to a blind person or persons is a disorderly person and punishable by a fine of not more than $500.00 or imprisonment for not more than 1 year or both such fine or imprisonment.

3. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 350

AN ACT to promote and regulate the sale and distribution of goods and articles made by handicapped persons and supplementing Title 34 of the Revised Statutes.

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

C. 34:16-45 Declaration of policy.

1. It is the policy of the State to assist handicapped persons and organizations established to aid handicapped persons in the sale of goods or articles which are the product of handicapped workers' labor by providing a means of authenticating the source of such goods and articles and by preventing misrepresentation as to items offered for sale as the product of handicapped persons.

C. 34:16-46 Definitions.

2. As used in this act:

a. "Handicapped person" means any individual who is unable to engage in any substantial gainful activity by reason of any

medically determinable physical or mental impairment which is of a long-continued or indefinite duration or which can be expected to result in death.

b. "Direct labor" means all work required for the preparation, processing and assembling of goods or articles including the packaging and packing thereof, but not including time spent in the supervision, administration, inspection, and shipping of such operations, or in the production of component materials by other than handicapped persons.

C. 34:16-47 Registration and authorization to use official identification labels; fees; duration.

3. To facilitate ready and authoritative identification of goods or articles made by handicapped persons, any handicapped person and any public or private institution or agency, firm, association or corporation engaged in the manufacture or distribution of goods or articles made by handicapped persons shall apply to the State Rehabilitation Commission in the Department of Labor and Industry for registration and authorization to use an official imprint, stamp, symbol or label, designed or approved by the commission, to identify goods and articles as made by handicapped persons. Nothing in this act shall authorize the identification of goods or articles as made by handicapped persons when the direct labor performed by handicapped persons in connection therewith shall consist solely of the packaging or packing thereof as distinguished from the preparation, processing or assembling of such goods or articles. The commission shall investigate each application, under rules and regulations it shall adopt for the administration of this act, to assure that such person or organization is actually engaged in the manufacture or distribution of handicapped goods or articles. The commission may register without investigation nonresident individuals and out-of-state agencies, firms, associations, or corporations upon proof that they are recognized and approved by the state of their residence or organized pursuant to a law of such state imposing requirements substantially similar to those prescribed pursuant to this act.

No fee shall be charged for registration of an individual handicapped person who manufactures and sells products of his own labor. A fee of $25.00 shall be charged and collected for registration of any other person, firm or corporation. All registrations shall be valid for 1 year from date of issue.

C. 34:16-48 Sale of goods or articles made by handicapped persons; identification requirement.

4. No goods or articles made in this or any other state may be displayed, advertised, solicited for sale by telephone, mail or otherwise, offered for sale or sold in this State upon a representation that such goods or articles are made by handicapped persons unless they are identified as such by label, imprint, stamp, or symbol and no such goods or articles may be so identified unless at least 75% of the total hours of direct labor of producing such goods or articles shall have been performed by a handicapped person or persons.

C. 34:16-49 Contents of labels.

5. Any handicapped workman, or any public or private institution or agency, corporation, firm, or association, registered with the commission pursuant to this act, engaged in the manufacture or distribution of articles of merchandise, made or manufactured by a handicapped person or persons, shall imprint or stamp upon such articles of merchandise or affix thereto labels containing the words, "made by a handicapped workman" or "made by the handicapped" or "handicapped made," to which shall be added the name of the manufacturer, the place of manufacture and such other information as the commission may prescribe.

C. 34:16-50 Violations; penalty.

6. Any person, firm, corporation, institution, or association who (a) shall use or employ an imprint, stamp, or symbol or label issued or approved by the State Rehabilitation Commission or an imitation thereof without having registered with the commission, or (b) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were made by a handicapped person or persons when in fact such goods or articles were not so made, or (c) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were sold by or for the benefit of the handicapped when in fact such sale was not by or of substantial benefit to a handicapped person or persons is a disorderly person and punishable by a fine of not more than $500.00 or imprisonment for not more than 1 year or both such fine or imprisonment.

7. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 351

AN ACT to amend the "New Jersey Higher Education Tuition Aid Act," approved February 11, 1969 (P. L. 1968, c. 429).

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

1. Section 7 of P. L. 1968, c. 429 (C. 18A:71–47) is amended to read as follows:

C. 18A:71-47 Annual grant; eligibility; amount of grant.

7. A college tuition aid grant shall be awarded annually to each eligible, qualified full-time student enrolled in a curriculum leading to a degree in an institution of collegiate grade in New Jersey approved or accredited by the State Board of Higher Education in accordance with the following:

(a) Eligibility. To each full-time resident student registered as a freshman after September 1, 1968, as a freshman or sophomore after September 1, 1969, as a freshman, sophomore or junior after September 1, 1970, and as a freshman, sophomore, junior or senior student after September 1971, the State shall grant an amount as provided in paragraph (b) of this section 7. No student shall be eligible for a grant unless he has certified in a form satisfactory to the scholarship commission that the grant is essential to his carrying out his plans for attending college. No student shall be eligible for grants in more than the equivalent of eight semesters of undergraduate education. No student shall be eligible for grants unless he maintains such minimum standards of academic performance as are required by the institution in which he is enrolled. No student shall be eligible for a tuition aid grant who is enrolled in a course of study leading to a degree in theology, divinity or religious education.

In the event a student for any reason ceases to continue to be enrolled or otherwise becomes ineligible during the course of an academic year, he shall cease to be eligible for tuition aid.

(b) Amount of grant. The amount of tuition aid grant to any student under this act for any semester shall not exceed the amount of tuition normally charged a student at the institution of attendance less $400.00. The maximum tuition aid grant to any one student in 1 academic year shall not exceed $1,000.00.

No recipient of a State competitive scholarship shall receive any tuition aid grant for any academic period for which he has been awarded a State competitive scholarship.

The amount of grant to be paid for each semester or equivalent shall be based on the figure represented by the effective income of the eligible student together with the effective income of the parent or parents providing a majority of the eligible student's support, pursuant to the schedule set forth below, provided, however, that the State Scholarship Commission shall, at least once a year, revise the said schedule of effective income according to changes in the cost of living as reflected in the Consumer Price Index for Urban Wage Earners and Clerical Workers in northeastern New Jersey, published by the United States Department of Labor or in such other index or indices as the said State Scholarship Commission may designate.

"Effective income" of the eligible student and his parents shall be defined as total income subject to Federal income tax less personal dependent exemptions and standard or itemized deductions as eligible under Federal income tax regulations pursuant to the United States Internal Revenue Code as amended with a further allowance of $400.00 for each dependent, except that "effective income" of the eligible student shall not include more than one-half of his earnings from employment during the year for which the "effective income" is determined.

The following schedule shall be used for determining grants:

Effective Income	Amount of Grant Each Semester
-0- - $7,500.00	$500.00
$7,501.00- $9,000.00	$400.00
$9,001.00-$10,500.00	$300.00
$10,501.00-$12,000.00	$200.00
$12,001.00-$13,500.00	$100.00
Over $13,500.00	-0-

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 352

AN ACT to change the name of the Division of Workmen's Compensation to the Division of Warkers' Compensation and supplementing Title 34 of the Revised Statutes.

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

C. 34:1A-5.1 Division of Workmen's Compensation changed to Division of Workers' Compensation.

1. Notwithstanding any other law to the contrary, the division heretofore referred to as the Division of Workmen's Compensation in the Department of Labor and Industry shall be known as the Division of Workers' Compensation, and whenever the term "Division of Workmen's Compensation" is used in any law or statute such term shall mean and refer to the Division of Workers' Compensation.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 353

AN ACT to amend and supplement the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 2 of P. L. 1971, c. 198 (C. 40A:11–2) is amended to read as follows:

C. 40A:11-2 Definitions.

2. Definitions. As used herein the following words have the following definitions, unless the context otherwise indicates:

(1) "Contracting unit" means
(a) Any county; or
(b) Any municipality; or

(c) Any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any district other than a school district, project, or facility, included or operating in whole or in part, within the territorial boundaries of any county or municipality which exercises functions which are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts or agreements for the performance of any work or the furnishing or hiring of any materials or supplies usually required, the cost or contract price of which is to be paid with or out of public funds.

(2) "Governing body" means:

(a) The board of chosen freeholders of the county, when the purchase is to be made or the contract or agreement is to be entered into by, or in behalf of, a county; or

(b) The governing body of the municipality, when the purchase is to be made or the contract or agreement is to be entered into by, or on behalf of, a municipality; or

(c) Any board, commission, committee, authority or agency of the character described in subsection (1) (c) of this section.

(3) "Contracting Agent" means the governing body of a contracting unit, or any board, commission, committee, officer, department, branch or agency which has the power to prepare the advertisements, to advertise for and receive bids and, as permitted by this act, to make awards for the contracting unit in connection with purchases, contracts or agreements.

(4) "Purchase" is a transaction, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein.

(5) "Materials" includes goods and property subject to article 2 of Title 12A of the New Jersey Statutes, apparatus, or any other tangible thing, except real property or any interest therein.

(6) "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the performance of work that is

original and creative in character in a recognized field of artistic endeavor.

(7) "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

(8) "Project" means any work, undertaking, program, activity, development, redevelopment, construction or reconstruction of any area or areas.

(9) "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a contracting unit.

2. Section 3 of P. L. 1971, c. 198 (C. 40A:11–3) is amended to read as follows:

C. 40A:11-3 Purchases, contracts or agreements not required to be advertised.

3. Purchases, contracts or agreements not required to be advertised. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any other sums expended or to be expended for the performance of any work or services in connection with the same immediate program, undertaking, activity or project or the furnishing of similar materials or supplies during the same fiscal year paid with or out of public funds, does not exceed the total sum of $2,500.00 in the fiscal year or, in the case of purchases that are not annually recurring, in a period of 1 year, may be made, negotiated or awarded by a contracting agent when so authorized by resolution of the governing body of the contracting unit without public advertising for bids .

3. Section 4 of P. L. 1971, c. 198 (C. 40A:11–4) is amended to read as follows:

C. 40A:11-4 Contracts and agreements required to be advertised for.

4. Contracts and agreements required to be advertised for. Every contract or agreement, for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price whereof is to be paid with or out of public funds, not included within the terms of section 3 of this act, shall be made or awarded only by the governing body of the contracting unit after public advertising for bids and bidding therefor, except as is provided otherwise in this act or specifically by any other law. No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate $2,500.00, except by contract or agreement.

4. 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 contracting unit without public advertising for bids and bidding therefor if

(7) The subject matter thereof consists of

(a) Professional services or extraordinary unspecifiable services which cannot reasonably be described by written specifications. The application of this exception to extraordinary unspecifiable services shall be construed narrowly in favor of open competitive bidding where possible and the Division of Local Government Services is authorized to establish 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 cause such resolution to be printed once in a newspaper authorized by law to publish its legal advertisements;

(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 Utility Commissioners, 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;

(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; or

(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 unit has advertised for bids pursuant to section 4 on two occasions and has received no bids in response to its advertisement, and after reasonable inquiry it is determined that no board, body, officer, agency or authority of the United States, or of the State of New Jersey or of any neighboring county or municipality is willing and able to perform any work or furnish or hire any materials or supplies in conformity with the specifications of the contracting unit. Any such contract or agreement entered into pursuant to this subsection (3) of section 5 may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing such a contract or agreement. Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of the competitive bidding pursuant to section 4 of this act shall be stated in the resolution awarding the contract.

(4) The contracting unit has advertised for bids pursuant to section 4 on two occasions and the governing body thereof has rejected such bids on each occasion because the contracting unit has determined that they are not reasonable as to price on the basis of cost estimates prepared for the contracting unit prior to the advertising therefor or have not been independently arrived at in open competition, but no such contract or agreement may be entered into after such rejection of bids, unless:

(a) Notification of the intention to negotiate and a reasonable opportunity to negotiate shall have been given by the contracting unit to each responsible bidder;

(b) The negotiated price is lower than the lowest rejected bid price of a responsible bidder who bid thereon and is the lowest negotiated price offered by any responsible supplier and is a reasonable price for such work materials, supplies or services;

(c) Any amendment or modification 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 the contract; and

(d) The negotiated price is lower than the price of the same or equivalent materials or supplies available from the State or the county in which the contracting unit is located.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to this subsection 5 of section 5, 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.

Any such contract or agreement entered into pursuant to this subsection (4) of section 5 may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing such a contract or agreement.

5. Section 6 of P. L. 1971, c. 198 (C. 40A:11–6) is amended to read as follows:

C. 40A:11-6 Emergency purchases and contracts.

6. Emergency purchases and contracts. Any purchase, contract or agreement may be made, negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor notwithstanding that the cost or contract price will exceed $2,500.00, when an emergency affecting the public health, safety or welfare requires the immediate delivery of the articles or the performance of the service, provided that the awarding or making of such purchases, contracts or agreements are made in the following manner:

a. A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence and the need for invoking this section, certified by the officer or director in charge of the department wherein the emergency occurred, and the contracting agent or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services.

b. Upon the furnishing of such work or labor, materials, supplies or services, in accordance with the terms of the contract or

agreement, the contractor furnishing such work or labor, materials, supplies or services, shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment. The governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price.

c. The governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section.

C. 40A:11-6.1 Award to lowest bidder; exceptions.

6. (New section) a. All contracts and agreements shall be awarded to the lowest responsible bidder.

b. Except contracts which require the performance of professional services, all contracts or agreements which do not require public advertising for bids and the estimated cost or price exceeds $500.00, at least three quotations as to the cost or price, whenever practicable, shall be solicited by the contracting agent, and the contract or agreement shall be made with and awarded to the lowest responsible bidder.

7. Section 7 of P. L. 1971, c. 198 (C. 40A:11–7) is amended to read as follows:

C. 40A:11-7 Contracts not to be divided.

7. Contracts not to be divided. No purchase, contract or agreement, which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement, includes the furnishing of additional services or buying or hiring of materials or supplies or the doing of additional work, shall be subdivided, so as to bring it or any of the parts thereof under the maximum price or cost limitation of $2,500.00 thus dispensing with the requirement of public advertising and bidding therefor, and in purchasing or contracting for, or agreeing for the furnishing of, any services, the doing of any work or the supplying of any materials or the supplying or hiring of any materials or supplies, included in or incident to the performance or completion of any project, program, activity or undertaking which is single in character or inclusive of the furnishing of additional services or buying or hiring of materials or supplies or the doing of additional work, or which requires the furnishing of more than one article of equipment or buying or hiring of materials or supplies, all of the services, materials or property requisite for the completion of such project shall be included in one purchase, contract or agreement.

8. Section 9 of P. L. 1971, c. 198 (C. 40A:11–9) is amended to read as follows:

C. 40A:11-9 Purchasing agent, department or board; establishment; powers.

9. Purchasing agent, department or board; establishment; powers. The governing body of any local unit may, by ordinance, in the case of a municipality, and resolution, in the case of a county, provide for the appointment of a purchasing agent, or purchasing department or a purchasing board, with authority, as its contracting agent, to prepare public advertising for bids and to receive bids for the purchase of materials and supplies on behalf of the contracting unit and, subject to the provisions of this act, make awards of contracts in the name of the contracting unit.

9. Section 11 of P. L. 1971, c. 198 (C. 40A:11–11) is amended to read as follows:

C. 40A:11-11 Additional matters regarding agreements for the purchases of work, materials and supplies.

11. Additional matters regarding agreements for the purchases of work, materials and supplies.

(1) The contracting units entering into a joint agreement pursuant to section 10 of this act may designate a joint purchasing agent, department or board pursuant to section 9 of this act. Any such agent, board or department already designated pursuant to section 9 may serve as the joint agent, department or board designated pursuant to this section.

(2) Purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this act.

(3) Any county or municipality serving as a purchasing agent, board or department pursuant to this section 11, may make an appropriation to enable it to perform any such contract and may anticipate as revenue payments to be made and received by it from any other party to the agreement. Any items so included in a local budget shall be subject to the approval of the Director, Division of Local Government Services, who shall consider the matter in conjunction with the requirements of chapter 4 of Title 40A of the New Jersey Statutes. The agreement and any subsequent amendment or revisions thereto shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs. The purchasing agent, pursuant to such an agreement, shall also annually file with the director a report of any purchases, contracts or agreements and the amounts thereof

annually. The director may, by regulation, specify the form and content of such reports.

(4) Any agent, department or board so designated pursuant to a joint purchasing agreement shall have the sole responsibility to comply with the provisions of section 23 of this act.

10. Section 14 of P. L. 1971, c. 198 (C. 40A:11–14) is amended to read as follows:

C. 40A:11-14 Form and execution of contracts and bonds.

14. Form and execution of contracts and bonds. All contracts for the performing of work or furnishing materials, supplies or services shall be in writing. The governing body of any contracting unit may, subject to the requirements of law, prescribe the form and manner in which contracts shall be made and executed, and the form and manner of execution and approval of all guarantee, indemnity, fidelity and other bonds.

11. Section 15 of P. L. 1971, c. 198 (C. 40A:11–15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. Any contracting unit may enter into a contract exceeding the fiscal year for

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, 2 years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, 2 years;

(2) The plowing and removal of snow and ice from highways and public places, for any term not exceeding in the aggregate, 1 year;

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, 5 years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E–1, et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than 3 years;

(6) Insurance, for any term of not more than 3 years;

(7) Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for a period of 1 year with options by the contracting unit to renew such lease for further periods of 1 year, but in the aggregate not to exceed 3 years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utility Commissioners for a term not exceeding 5 years.

All multi-year leases and contracts entered into pursuant to this section 15 except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utility Commissioners shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

12. Section 16 of P. L. 1971, c. 198 (C. 40A:11–16) is amended to read as follows:

C. 40A:11-16 Separate plans for various types of work; bids; contracts.

16. Separate plans for various types of work; bids; contracts. In the preparation of plans and specifications for the erection, alteration or repair of any public building by any contracting unit, when the entire cost of the work will exceed $2,500.00 in amount, the architect, engineer or other person preparing the plans and specifications, may prepare separate plans and specifications for

(1) The plumbing and gas fitting and all kindred work;

(2) Steam power plants, steam and hot water heating and ventilating apparatus and all kindred work;

(3) Electrical work;

(4) Structural steel and ornamental iron work; and

(5) All other work required for the completion of the project.

The contracting unit or its contracting agent shall advertise for and receive, in the manner provided by law, either (a) separate bids for each of said branches of work, or (b) bids for all the work and materials required to complete the building to be included in a single overall contract, or (c) both. There will be set forth in the bid the name or names of, and evidence of performance security

from, all subcontractors to whom the bidder will subcontract the furnishing of plumbing and gas fitting, and all kindred work, and of the steam and hot water heating and ventilating apparatus, steam power plants and kindred work, and electrical work, structural steel and ornamental iron work, each of which subcontractors shall be qualified in accordance with this act.

Contracts shall be awarded to the lowest responsible bidder. In the event that a contract is advertised in accordance with (c) above said contract shall be awarded in the following manner: If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all the work and materials, the contracting unit shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the contracting unit shall award a single overall contract to the lowest responsible bidder for all of such work and materials. In every case in which a contract is awarded under (b) above, all payments required to be made under such contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

13. Section 23 of P. L. 1971, c. 198 (C. 40A:11–23) is amended to read as follows:

C. 40A:11-23 Advertisements for bids; bids; general requirements.

23. Advertisements for bids; bids; general requirements. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding, but in no event less than 10 days prior to such date. The advertisement shall designate the manner of submitting and the method of receiving the bids and the time and place at which the bids will be received. If the published specifications provide for receipt of bids by mail, those bids which are mailed to the contracting unit shall be sealed and shall only be opened for examination at such time and place as all bids received are unsealed and announced. At such time and place the contracting agent of the contracting unit shall publicly receive the bids, and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the presence of any parties bidding or their agents, who are

then and there present, and shall also make proper record of the prices and terms, upon the minutes of the governing body, if the award is to be made by the governing body of the contracting unit, or in a book kept for that purpose, if the award is to be made by other than the governing body, and in such latter case it shall be reported to the governing body of the contracting unit for its action thereon, when such action thereon is required. No bids shall be received after the time designated in the advertisement.

14. Section 24 of P. L. 1971, c. 198 (C. 40A:11–24) is amended to read as follows:

C. 40A:11-24 Time for making awards; deposits returned.

24. Time for making awards; deposits returned. The contracting unit shall award the contract or reject all bids within such time as may be specified in the invitation to bid, but in no case more than 60 days, except that the bids of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed. All bid security except the security of the three apparent lowest responsible bidders shall, if requested, be returned after 10 days from the opening of the bids, Sundays and holidays excepted and the bids of such bidders shall be considered as withdrawn. Within 3 days after the awarding of the contract and the approval of the contractor's performance bond the bid security of the remaining unsuccessful bidders shall be returned to them forthwith, Sundays and holidays excepted.

15. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 354

AN ACT authorizing the State to lease riparian lands to municipalities in certain cases.

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

C. 12:3-37.1 Authority to lease or permit municipalities to use riparian lands.

1. The State is authorized to lease or otherwise permit the municipal use of riparian lands owned by the State and situate

within or contiguous to said municipality, when said lease or use is approved by the Department of Environmental Protection, without consideration or at nominal consideration, and to be maintained and used exclusively for park and recreational purposes. Said lease or use agreement shall contain a limitation that if the riparian lands are not maintained and used in accordance with the provisions of this act, such lease or use agreement shall be of no further force and effect.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 355

AN ACT to amend the "Temporary Disability Benefits Law," approved June 1, 1948 (P. L. 1948, c. 110).

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

1. Section 17 of P. L. 1948, c. 110 (C. 43:21–41) is amended to read as follows:

C. 43:21-41 Entitlement to benefits; requirements.

17. (a) (Deleted by amendment.)

(b) With respect to periods of disability commencing on or after January 1, 1953, and prior to January 1, 1976, no individual shall be entitled to benefits under this article unless he has established at least 17 base weeks within the 52 calendar weeks preceding the week in which his period of disability commenced, nor unless he shall duly file notice and proof of claim, and submit to such reasonable examinations as are required by this act and the rules and regulations of the division.

(c) With respect to periods of disability commencing on or after January 1, 1976, no individual shall be entitled to benefits under this article unless he has established at least 17 base weeks within the 52 calendar weeks preceding the week in which his period of disability commenced or, in the alternative has earned $2,200.00 or more within the 52 calendar weeks preceding the week in which his period of disability commenced, nor unless he shall duly file

notice and proof of claim, and submit to such reasonable examinations as are required by this act and the rules and regulations of the division.

Notwithstanding any provisions of this section to the contrary, the provision of section 17 (c) shall apply to any claim pending before the division or the courts on the effective date of this act.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 356

AN ACT to provide reimbursement to educational institutions for tuition credit to certain veterans of the Armed Forces of the United States.

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

C. 18A:71-64 Definitions.

1. As used in this act:

a. "Eligible veteran" means any veteran of the Armed Forces of the United States residing in New Jersey who is or was eligible for Veterans Educational Assistance pursuant to Federal Law and who (1) was domiciled in New Jersey either at the time of his induction into the armed forces or at the time of his discharge therefrom, or (2) has been domiciled in New Jersey for a period of not less than 2 consecutive years, exclusive of any time spent on active duty.

b. "Approved educational institution" means (1) any academic, professional or vocational school operating within this State or (2) any graduate level school operating within the United States or (3) any academic, professional or vocational school operating outside of this State; provided, however, that any such institution shall have made a prior written agreement to accept the tuition credit and reimbursement provided for in sections 6 and 7 of this act; provided further, that no more than 20% of the eligible veterans under (1) and (3) of this subsection shall attend an approved educational institution operating outside of this State. To qualify as an "approved educationl institution" under this act, any such

institution must have been approved for Veteran's Educational Assistance pursuant to Federal Law.

c. "Approved course of study" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is accepted for Veteran's Educational Assistance pursuant to the Federal Law.

d. "Chancellor" means the Chancellor of Higher Education, "Commissioner" means the Commissioner of Education and includes any deputies or employees of the department designated by him to administer and enforce this act.

C. 18A:71-65 Courses.

2. For the purposes of this act:

a. an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than 2½ hours of rest periods per week allowed;

b. an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required;

c. an academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than 120 60-minute hours or their equivalent of study in any subject in 1 academic year; and

d. an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the chancellor, that (a) full-time tuition is charged to all undergraduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, or (b) all undergraduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course

offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

C. 18A:71-66 Selection by veteran of approved course of study.

3. Each eligible veteran may select an approved course of study at any approved educational institution selected by him, which will accept and retain him as a student or trainee in any field or branch of knowledge which the institution finds him qualified to undertake or pursue.

C. 18A:71-67 Application for tuition credit; approval.

4. Any eligible veteran who desires tuition credit pursuant to this act, within 8 years from the date of (a) his separation from active duty or (b) the effective date of this act, whichever is later, shall submit an application to the chancellor which shall be in a form and contain information as the chancellor shall prescribe. The chancellor shall approve the application unless he finds that the veteran is ineligible for or not entitled to tuition credit or that his course of study is not approved pursuant to this act, or that he has already been approved. The chancellor shall notify the veteran and his selected educational institution of the approval of his application.

C. 18A:71-68 Tuition credit; schedule; redistribution of credit.

5. a. Each eligible veteran shall be entitled to tuition credit pursuant to this act in accordance with the following schedule:

(1) For a period of one semester (or the equivalent thereof in part-time tuition credit), in the case of educational institutions regularly operated on the semester system, for each 3 months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before the date of termination as proclaimed by the Governor. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for a period of eight semesters (or the equivalent thereof in part-time tuition credit): the maximum credit hereunder shall be for a period of eight semesters; or

(2) For a period of one-quarter (or the equivalent thereof in part-time tuition credit) in the case of educational institutions regularly operated on the quarter system, for each 2 months or

fraction thereof of the veteran's service on active duty after December 31, 1960 and before the date of termination as proclaimed by the Governor. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for a period of 12 quarters; the maximum credit hereunder shall be for a period of 12 quarters; or

(3) For a period of 1½ months of any tuition period (or the equivalent thereof in part-time tuition credit) in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960 and before the date of termination as proclaimed by the Governor. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for 36 months of tuition credit (or the equivalent thereof in part-time tuition credit). The maximum credit hereunder shall be for a period of 36 months.

b. If an eligible veteran shall change his program of study from an educational institution regularly operated on the quarter or semester system or otherwise, to an educational institution regularly operated on a different system, the remainder of his credit shall accordingly be redistributed by the chancellor in such manner as to carry out the intent of this act.

C. 18A:71-69 Benefits.

6. Benefits hereunder shall be in the form of tuition credits limited by the lesser of full tuition or:

a. For educational institutions regularly operated on the semester system, $200.00 per semester.

b. For educational institutions regularly operated on the quarter system, $100.00 per quarter.

c. For educational institutions not regularly operated on the semester or quarter system, $400.00 per full school year prorated on an equal basis as the chancellor shall determine.

d. For veterans pursuing a program of part-time education, the tuition credit shall be in such amounts as the chancellor shall determine.

C. 18A:71-70 Reimbursement for tuition credit.

7. Reimbursement for tuition credit shall be made by the State Treasurer to the approved educational institution upon certification by the institution that the veteran is enrolled for the current

period and upon certification by the chancellor that the veteran is both eligible and entitled to tuition credit hereunder subject to the provisions of section 12 of this act. Reimbursement for tuition credit shall be made out of funds accumulated from the State Lottery.

C. 18A:71-71 Rules and regulations.

8. The chancellor, in consultation with the commissioner as to matters under the jurisdiction of the commissioner shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act" (P. L. 1968, c. 410) (C. 52:14B–1 et seq.) as he deems necessary to effectuate the purposes of this act.

C. 18A:71-72 Benefits not considered income or asset for determination of financial need.

9. Any benefits granted to eligible veterans pursuant to this act shall not be considered income or an asset in determining financial need for any financial assistance provided pursuant to chapter 71 of Title 18A of the New Jersey Statutes.

C. 18A:71-73 Authority of chancellor to consult with commissioner.

10. The chancellor is authorized and empowered to consult with the Commissioner of the Department of Education in order to effectuate the purposes of this act.

C. 18A:71-74 Severability.

11. If any provision of this act or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect; and, to this end, the provisions of this act are declared to be severable.

C. 18A:71-75 Insufficient appropriation; apportionment.

12. In the event that the amount appropriated in any fiscal year is insufficient to carry out in full the provisions of this act, the chancellor shall apportion such amount among the eligible veterans applying for tuition credit pursuant to the act in proportion to the amount each such veteran would be allocated if the full amount were appropriated.

C. 18A:71-76 Authority of departments of Higher Education and Education.

13. Nothing in this act shall be construed to abrogate any previous authority granted to either the Department of Higher Education or the Department of Education.

14. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 357

AN ACT concerning boards of education of county vocational schools and amending N. J. S. 18A:54–16.

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

1. N. J. S. 18A:54–16 is amended to read as follows:

Boards of education of county vocational schools; appointment; vacancies.

18A:54–16. For each county system of vocational schools established in accordance with this chapter, there shall be a board of education consisting of the county superintendent of schools and four persons to be appointed.

In counties of the first class having the office of county supervisor the four appointive members of such board shall be appointed by the county supervisor. In all other counties of the first class, in all counties of the second class, and in counties of the third and fifth classes having populations in excess of 120,000, the four appointive members of the board shall be appointed by the director of the board of chosen freeholders, with the advice and consent of that board. Not more than two members appointed in any such county of the second, third, or fifth class shall be members of the same political party, but no changes for adjustment of party representation shall be made in a board except as vacancies occur. In other counties, the four appointive members of the board shall be appointed by the judge of the county court or in counties where there is more than one judge by a majority of them.

In making the first appointments to a board, one person shall be appointed to serve for 1 year, one for 2 years, one for 3 years and one for 4 years from November 1 next succeeding the date of their respective appointments. The persons so appointed shall also serve from the date of their respective appointments until November 1 next ensuing.

Annually during the month of October a member of the board shall be appointed to serve for a term of 4 years, and thereafter until the appointment and qualification of his successor, to take the place of the member whose term shall expire on November 1 then next ensuing.

A vacancy in the board caused by the death, resignation or removal of a member, or in any other manner, shall be reported

forthwith by the secretary of the board to the county supervisor, director of the board of chosen freeholders, or the judge or judges, as the case may be, who, within 30 days thereafter, and in the manner herein prescribed for making appointments for a full term, shall appoint a person to fill the vacancy for the unexpired term.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 358

AN ACT establishing acupuncture research programs, requiring licenses for the participation therein, and supplementing Title 45 of the Revised Statutes.

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

C. 45:9B-1 Authority to establish and administer research programs.

1. The State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety is hereby authorized to establish and administer acupuncture research programs in research institutions or hospitals affiliated with duly recognized medical schools.

C. 45:9B-2 Duration of research programs; report to Governor and Legislature.

2. The research programs established by the board pursuant to this act shall remain operative until December 31, 1978. On or before December 31, 1978, the board shall report to the Governor and the Legislature its evaluation of the acupuncture research program and shall include therewith its recommendations with respect to the future prohibition or authorization of acupuncture treatment outside of a controlled research environment.

C. 45:9B-3 Rules and regulations.

3. For purposes of establishing and administering acupuncture research programs, the board is empowered to promulgate, amend, and rescind rules and regulations deemed necessary and proper.

C. 45:9B-4 License.

4. Persons designated by the board to participate in acupuncture research shall be licensed pursuant to this act.

C. 45:9B-5 Definition of practice of acupuncture research.

5. Definition of practice of acupuncture research. a. The practice of acupuncture research is defined as studying treatment by means of mechanical, thermal or electrical stimulation effected by the insertion of solid needles or the application of heat or electrical stimulation at a point or combination of points on the surface of the body predetermined on the basis of the theory of the physiological interrelationship of body organs with an associated point or combination of points for diseases, disorders and dysfunctions of the body for the purpose of achieving a regular therapeutic or prophylactic effect.

b. A license to practice acupuncture research shall not permit the holder thereof to use radiotherapy, fluoroscopy, or any form of ionizing radiation, to operate, to reduce fractures or dislocations, or to use diagnostic or therapeutic methods involving chemical or biological means.

c. A license to practice acupuncture research shall permit the holder thereof to treat any human disease, pain, injury, deformity or physical condition not prohibited by the provision of this section provided the person volunteering for research treatment presents a prior referral obtained from a licensed psysician after appropriate medical examination.

C. 45:9B-6 Practice of acupuncture research and use of title.

6. Practice of acupuncture research and use of title. No person, unless licensed or exempt under this act, shall participate in acupuncture research or use a title or description including the term "acupuncture" or any of its derivatives in a manner which would imply that he is licensed under this act.

C. 45:9B-7 Acupuncture Advisory Committee.

7. Acupuncture Advisory Committee. a. An Acupuncture Advisory Committee is hereby created in the Division of Consumer Affairs of the Department of Law and Public Safety, under the the State Board of Medical Examiners.

Within 30 days after this act takes effect, the members of the Acupuncture Advisory Committee shall be appointed by the Governor with the advice and consent of the Senate for the purpose of assisting the board on matters of professional licensing and professional conduct. The committee shall be composed of seven members, including three licensed practitioners of acupuncture research, two licensed physicians, and two members of the general public.

Each member of the committee shall serve until December 31, 1978. Vacancies shall be filled for the unexpired term only.

b. Each member of the committee shall serve without compensation, but shall be entitled to be reimbursed for his necessary travel expenses in connection with the business of the board.

The three acupuncturists appointed to the committee need not be licensed to practice acupuncture research at the time of their appointment, provided, however, they satisfy the requirements for licensure within a reasonable time after such requirements are established by the board.

c. In accordance with the provisions of this act the committee shall, within 6 months following their appointment and after appropriate hearings and investigation, transmit their initial recommendations for the establishment of acupuncture research programs and standards for professional education, experience and licensing examinations to the board. Based upon the recommendations and subject to the approval of the committee, the State Board of Medical Examiners shall establish, by rules or regulations adopted in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), the education, experience and examination requirements for a license to practice acupuncture research, and such other requirements with respect to the practice of acupuncture research and the conduct of practitioners thereof as the board may deem advisable to effectuate the provisions of this act.

C. 45:9B-8 Requirements for a research license.

8. Requirements for a research license. To qualify for a license to practice acupuncture research an applicant shall fulfill the following requirements:

a. Application: file an application with the board;

b. Education: have received an education satisfactory to the board and in accordance with its regulations;

c. Experience: have experience satisfactory to the board and in accordance with its regulations;

d. Examination: have experience satisfactory to the board and in accordance with its regulations, in the theory and practice of acupuncture;

e. Character: be of good moral character as determined by the board; and

f. Fees: pay a fee to the board for admission to the examination and for initial license of $40.00, for each reexamination $15.00, and for each biennial registration $15.00.

No license to practice acupuncture shall be issued pursuant to this act unless the applicant therefor shall submit proof satisfactory to the board that he has or will have on the effective date of his license a professional liability insurance policy with coverage of not less than $100,000.00 for any one claimant.

C. 45:9B-9 Waiver of requirements for licensure; qualifications.

9. The board may waive the education, experience and examination requirements for licensure hereunder and issue a license to practice acupuncture research by endorsement to any applicant who holds a current license or certificate to practice acupuncture issued by the licensing agency of another state or country which, in the opinion of the board, has licensure requirements for the practice of acupuncture equivalent to or higher than those required to practice acupuncture research pursuant to this act.

C. 45:9B-10 Licensed doctor or registered physical therapist; practice of acupuncture research; examination.

10. Any person licensed to practice medicine and surgery or registered to practice physical therapy in this State may engage in the practice of acupuncture research, provided said person shall have passed the examination provided for in subsection 8 d. of this act and shall have received such training in the practice of acupuncture research as the board shall require in its rules or regulations.

C. 45:9B-11 Continuation of acupuncture research by licensed physician for 6 months after effective date of rules and regulations.

11. Any person licensed to practice medicine and surgery in this State who is engaged in the practice of acupuncture research on the effective date of this act may continue to engage in such practice and shall not be in violation of this act thereby for a period not to exceed 6 months from the effective date of the rules or regulations prescribing examination and training requirements for any such person.

C. 45:9B-12 Refusal to grant license; suspension or revocation; grounds; hearing.

12. The board may refuse to grant or may suspend or revoke a license issued pursuant to this act 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 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 crime involving moral turpitude, or (d) has been determined to be physically or

mentally incapacitated, or (e) knowingly becomes employed by any physician, surgeon, chiropractor, or osteopath, who advertises, or (f) shall have presented to the board any diploma, license or certificate that shall have been illegally obtained or shall have 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 gross malpractice or gross neglect in the practice of acupuncture research which has endangered the health or life of any person, or (h) has been demonstrated professionally incompetent to practice acupuncture research.

Before any license to practice acupuncture research shall be suspended or revoked, except in the case of convictions of crime involving moral turpitude or plea of nolo contendere, non vult contendere or non vult to indictment, information, or complaint alleging commission of crime involving moral turpitude, 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 acupuncture research without first having obtained a license so to do. Any person whose license to practice acupuncture research has been suspended or revoked pursuant to this section may, at the discretion of the board, be relicensed at any time to practice without an examination or application 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 to practice acupuncture research.

C. 45:9B-13 Exempt persons.

13. Exempt persons. Nothing in this act shall be construed to affect or prevent a student from engaging in clinical practice under the supervision of a licensed acupuncture researcher in an educational or research institution or hospital in this State registered by the State.

C. 45:9B-14 Violation of act; penalty.

14. Any person violating the provisions of this act shall, in addition to any other sanction provided herein, be liable to a penalty of not less than $500.00 nor more than $1,000.00 for each offense. The penalty shall be collected and enforced by a summary proceeding pursuant to the "Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.).

15. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 359

AN ACT creating a commission to recommend improvements in programs for income maintenance for the injured and disabled.

WHEREAS, It is an appropriate social goal to minimize the losses that people suffer because of injury or disability; and

WHEREAS, Our current methods of providing income maintenance to the injured and disabled are fragmented and often duplicative, resulting in administrative costs that almost equal benefits paid in such programs as workmen's compensation; and

WHEREAS, Many people suffer because of delays in payments due to conflicts between the several programs; and

WHEREAS, The desire of most people is to have enough income to carry them through their hardship; and

WHEREAS, The possible benefits of combining several income maintenance programs include increases in efficiency, extending coverage to all injured and disabled persons needing help, and overall improvement in the quality of program operations; and

WHEREAS, A comprehensive income maintenance system would enable the public to identify the true costs of its various assistance programs through consolidation and computerization of records; and

WHEREAS, A unified system would be able to deliver assistance promptly to the injured and disabled and at the same time make the government more accountable for its disbursement of funds in these programs; now, therefore

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

1. There is hereby created a bipartisan commission to be known as the Commission on Income Maintenance consisting of 12 members, four to be appointed by the Speaker of the General Assembly, two of whom shall be members of the General Assembly, four to be appointed by the President of the Senate, two of whom shall be members of the Senate, four to be appointed by the Governor from the citizenry of the State at large, at least two of whom shall be disabled persons. No more than two of the appointees in any group shall be of the same political party. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman and vice-chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of the commission:

a. To review all existing income maintenance programs in the State, including but not limited to workmen's compensation, disability insurance programs, aid for the permanently and totally disabled victims of violent crimes, no fault insurance, unemployment compensation, income insurance, welfare and other public assistance programs which contribute to the support of the injured and disabled;

b. To review all proposals for combining two or more of these programs in a single administrative system; and

c. To evaluate all feasible merger proposals for these income maintenance programs and recommendations for improving the existing systems of financial support.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic, clerical, technical and expert assistance and incur such traveling and other miscellaneous

expenses as it may deem necessary, in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and the Legislature, as soon as may be, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. The commission is authorized to apply for and to receive any Federal funds or grants or any grants from foundations or other sources that may be available for carrying out the purposes of this act.

7. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 360

AN ACT concerning education, authorizing and providing a procedure for withdrawal from a limited purpose regional school 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:13-51 Investigation as to advisability of withdrawal; application.

1. The board of education of any local school district constituting part of a limited purpose regional school district or the governing body of the municipality constituting a constituent district may, by resolution, apply to the county superintendent of schools to make an investigation as to the advisability of withdrawal of such local district from the regional district.

C. 18A:13-52 Report; contents; filing.

2. The county superintendent shall, within 30 days after such request, file with the governing bodies of the municipalities constituting the regional district and the boards of education of all of the constituent school districts and the board of education of the regional school district a report containing a statement of the current assets and operating expenses of the regional district

for the then current year and such financial, educational and other information as he may deem necessary to enable said governing bodies and local boards of education and regional board of education to form an intelligent judgment as to the advisability of the proposed withdrawal and the effect thereof upon the educational and financial condition of the withdrawing district and the regional district and setting forth the amount of indebtedness, if any, to be assumed by the withdrawing and the regional districts, calculated as hereinafter provided.

C. 18A:13-53 Calculation of amount of indebtedness to be assumed; basis.

3. The county superintendent shall calculate the amount of indebtedness so to be assumed on the basis of the proportion which the replacement cost of the buildings, grounds, furnishings, equipment, and additions thereto of the regional district situated in the withdrawing district bears to the replacement cost of the buildings, grounds, furnishings, equipment and additions thereto situated in the entire regional district. Said replacement cost shall be determined according to rules prescribed by the commissioner with the approval of the State board and in accordance with recognized accounting practices. The amount of indebtedness to be assumed shall be calculated in the same manner as is provided in article 4 of chapter 8 of Title 18 of the New Jersey Statutes.

C. 18A:13-54 Petition for permission to submit to voters for approval of withdrawal; proof of service.

4. The municipal governing body or the board of education of the withdrawing district may, within 30 days after the filing of the report by the county superintendent, petition the commissioner for permission to submit to the legal voters of the withdrawing district and the remaining districts within the regional district the question whether or not it shall so withdraw, and in such petition the board 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 and the board of education of each constituent district, the board of education of the regional district, and the county superintendent, prior to the filing of the petition, shall accompany the petition.

C. 18A:13-55 Answer by governing body; contents; filing.

5. The governing body of any municipality constituting a constituent district or the board of education of any such constituent district and the board of education of the regional district shall,

within 15 days after service of a copy of the petition upon it, file an answer thereto with the commissioner and serve a copy of such answer upon the board of education of every other constituent district and of the regional district and the county superintendent. The answer shall set forth matters similar to those described in section 6 of this act.

C. 18A:13-56 Submission of petition and answers to board of review; findings and determination of board.

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 himself, 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 remaining and the new district upon approval of the legal voters of the withdrawing district and the remaining districts 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 and the remaining districts 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 districts the board of review shall:

a. Consent to the granting of the application; or

b. Oppose the same because, if the same be granted—

1. An excessive debt burden will be imposed upon the remaining districts, or the withdrawing district;

2. An efficient school system cannot be maintained in the remaining districts or the withdrawing district without excessive costs;

3. Insufficient pupils will be left in the remaining districts 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 be granted, the amount of debt which the remaining districts would be required to assume, calculated as hereinbefore provided, be reduced for the reason that—

1. Such amount of indebtedness, together with all other indebtedness of the municipalities or school districts 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. Such amount of indebtedness is inequitable in relation to the value of the property to be acquired by the remaining districts and would materially impair the credit of the municipalities or such districts and the ability to pay punctually the principal and interest of their debt and to supply such essential educational facilities and public improvements and services as 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:13-57 Fixing date of special school election.

7. If the application be granted, the county superintendent shall, within 30 days thereafter, fix a day between April 1 next ensuing and December 1 next occurring after said April 1, and a time on said day for holding a special school election, at which time the question whether or not the withdrawing school district shall withdraw from the regional district shall be submitted to the legal voters of the withdrawing district and to the legal voters within the remainder of the regional district.

C. 18A:13-58 Statement of indebtedness to be assumed in notices and advertisements; conduct of election; certification of results.

8. The amount of indebtedness to be assumed by the withdrawing district and the effect of such indebtedness upon the borrowing margin of the municipality, the withdrawing district the remaining districts, and the remaining municipalities within the regional district shall be stated in the notices and advertisements of the special school election and in the ballots to be used therein, and said election shall be conducted and the results thereof determined in the manner prescribed by law for special school elections in type II districts. The result shall be certified within 5 days after the holding of the election to the county superintendent and to the boards of education of the withdrawing district, the regional district and the constituent districts within the regional district.

C. 18A:13-59 Effective date of withdrawal.

9. If the question is adopted at said elections, the withdrawal of the district shall become effective upon July 1 of the next ensuing school year.

C. 18A:13-60 Members of board of education of regional district; continuance in office until effective date; expiration of terms; reapportionment of vacancies.

10. The members of the board of education of the regional district shall continue in office until the withdrawal of the district has become effective. When such withdrawal has taken effect, the terms of those members of the regional board who reside in the withdrawing district shall thereupon expire, and the vacancies so occurring shall be reapportioned among the remaining districts and filled by appointment by the county superintendent to serve until the next annual school election of the regional district, at which time their successors shall be elected in accordance with such reapportionment.

C. 18A:13-61 Taking title to and control of grounds, buildings, furnishings and equipment by districts; assumption of indebtedness.

11. The withdrawing district and the remaining districts 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 when the commissioner shall certify to each board that suitable facilities and accommodations have been made available for the instruction of the pupils in each district. However, the districts shall not take title and control of grounds, buildings furnishings and equipment before July 1 of the calendar year next following the date of the special election, except by agreement of the districts and with the approval of the commissioner. The county superintendent shall allot a fair proportion of the shared or rotated furnishings and equipment to the withdrawing district.

Upon the assumption of title, each board shall also assume such amount of the indebtedness of the original regional school district as shall have been determined by the board of review. The withdrawing district shall pay to the regional board of education, at least 5 days before it becomes due, the amount of the principal and interest of the assumed indebtedness; such principal and interest shall be paid by the regional board, together with such amount due on its assumed indebtedness, at and when it becomes due and payable.

C. 18A:13-62 Division of assets and liabilities between withdrawing district and regional district.

12. 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 withdrawing district and the regional district in the same manner as provided in N. J. S. 18A:8–24.

C. 18A:13-63 Dissolution of limited purpose regional school district; withdrawal of local districts.

13. If as a result of the foregoing procedures a limited purpose regional school district shall be left with only one constituent local school district, such regional school district shall be dissolved upon the effective date of the withdrawal of the other constituent school districts, and such remaining constituent municipality shall thenceforth be constituted a separate local school district and governed by the laws applicable thereto. If all of the local districts withdraw from the regional district, such regional district shall be dissolved upon the effective date of the last withdrawal, and its assets and liabilities shall devolve upon the respective withdrawing districts in accordance with the division made by the county superintendent as provided in section 12 hereof.

C. 18A:13-64 Positions, rights and benefits of regional district employees continued.

14. All employees of the regional district shall continue in their respective positions in the withdrawing 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 regional district shall count toward the acquisition of tenure to the same extent as if all such employment had been under the withdrawing disrict. Any tenured employee in a school located in the withdrawing district who desires to remain in the employ of the 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 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 such transfers shall be made within 45 days of the date of the special school election at which the withdrawal was approved.

C. 18A:13-65 Rights of bondholders not effected by act.

15. Nothing contained herein shall in any way effect the rights of holders of any bonds issued by any school district or municipality effected pursuant to this act.

16. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 361

AN ACT concerning tax appeals, amending R. S. 54:3–27, supplementing article 4 of chapter 3 of Title 54 of the Revised Statutes and repealing P. L. 1968, c. 365.

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

1. R. S. 54:3–27 is amended to read as follows:

Payment of tax pending appeal.

54:3–27. A taxpayer who shall file an appeal from an assessment against him shall pay to the collector of the taxing district no less than 90% of the taxes assessed against him in the manner prescribed in R. S. 54:4–66 even though his petition to the Tax Appeal Board might request a reduction in excess of 10% of the taxes assessed for the full year. The collector shall accept such amount, when tendered, give a receipt therefor and credit the taxpayer therewith, and the taxpayer shall have the benefit of the same rate of discount on the amount paid as he would have on the whole amount.

The payment of part or all of the taxes upon any property, due for the year for which an appeal from an assessment upon such property has been or shall hereafter be taken, or of taxes for subsequent years, shall in nowise prejudice the status of the appeal or the rights of the appellant to prosecute such appeal, before the county board of taxation, the State Board of Tax Appeals, or in any court to which the judgment arising out of such appeal shall be taken.

C. 54:3-27.2 Refund of excess taxes with interest.

2. In the event that a taxpayer is successful in an appeal from an assessment on real property the respective taxing district shall refund any excess taxes paid, together with interest thereon from the date of payment at a rate of 8% per annum, within 50 days of the date of judgment.

C. 54:2-41.5 and C. 54:2-41.6 Repealed.

3. P. L. 1968, c. 365 (C. 54:2–41.5 and C. 54:2–41.6) is hereby repealed.

4. This act shall take effect for purposes of the tax year next following enactment and thereafter.

Approved March 3, 1976.

CHAPTER 362

AN ACT concerning fees payable to constables or sergeants-at-arms of county district courts and amending N. J. S. 22A:2–38.

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

1. N. J. S. 22A:2–38 is amended to read as follows:

Constables or sergeants-at-arms; fees.

22A:2–38. From the fees mentioned in section 22A:2–37 of this Title, the clerk of the county district court shall pay to constables or sergeants-at-arms the following fees:

Serving summons or notice on one defendant, $0.60.

Serving summons on every additional defendant, $0.30.

Warrant to arrest, capias, or commitment, for each defendant served, $0.75.

Serving writ and summons in replevin, taking bond and any inventory, against one defendant, $2.50. Against each additional defendant, $0.30.

Serving writ in replevin when issued subsequent to service of summons, $1.50.

Every execution, or any order in the nature of an execution on a judgment or execution against the body, for each defendant, $0.75.

Writ of attachment and making inventory, $1.85.

Warrant for possession, $2.00.

For every mile of travel in serving any summons or capias against the body, execution, subpena, notice or order, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the county board of chosen freeholders for other county employees.

In addition to the foregoing, the following fees for constables and sergeants-at-arms shall be taxed in the costs and collected on execution, writ of attachment or order in the nature of an execution on any final judgment, or on a valid and subsisting levy of an execution or attachment which may be the effective cause in producing payment or settlement of a judgment or attachment.

For advertising property under execution or any order, $0.35.

For selling property under execution or any order, $0.50.

On every dollar of the first $500.00 collected on execution, writ of attachment or any order, $0.10, and on every dollar of any amount in excess thereof, $0.02.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 363

AN ACT to establish and administer a Natural Areas System within the State of New Jersey in order to protect and preserve natural and ecological resources for present and future generations and supplementing P. L. 1961, c. 51 (C. 13:1B–15.4 et seq.).

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

C. 13:1B-15.12a Short title.

1. This act shall be known as, and may be cited as, the "Natural Areas System Act."

C. 13:1B-15.12a1 Natural areas; standards for inclusion within system.

2. For inclusion in the system, it is not necessary that an area be wholly unmarked by man, but that the impact of man be not permanent, not seriously destructive of the area's potential for developing natural values, and not obtrusively apparent to the casual observer, and is of such character that the lessening of human impact will allow the land or water to recover natural values of interest. Notwithstanding the above definition and criteria, lands subject to the noise of vehicular traffic and of commercial and industrial operations, and subject to air and water pollution as the result of the activities of man, may nevertheless be designated as parts of the system if they lie on the perimeters of primary natural areas within the system, and if the purpose of their inclusion within the system is to protect or buffer the primary natural areas.

C. 13:1B-15.12a2 Planning for natural areas; review and update.

3. The Department of Environmental Protection shall within 2 years of the effective date of this act review and update the planning for natural areas as part of the New Jersey Statewide

Comprehensive Outdoor Recreation Plan and shall recommend certain areas for inclusion within a New Jersey Natural Areas System, hereinafter referred to as "the system."

C. 13:1B-15.12a3 Authority to establish system; additional areas.

4. The department shall have the authority to establish the system initially by declaring those areas designated as natural areas as of January 1, 1975 and, after suitable studies and public hearings, up to 5,000 additional acres of State parklands, State forests, hunting and fishing preserves, or other State lands within the jurisdiction of the department to be within the system.

C. 13:1B-15.12a4 Study of State lands; inclusion in system; recommendations to Governor.

5. The department shall as rapidly as possible study all remaining State lands that may have the required potential for natural values, and after a public hearing as to each such area of land being considered for inclusion in the system, make periodic recommendations to the Governor concerning additional lands to be included within the system.

C. 13:1B-15.12a5 Study of non-State-owned lands; inclusion.

6. The department shall also, as rapidly as possible study lands that are not State-owned lands to determine their natural values and potential for inclusion with the system.

C. 13:1B-15.12a6 Registry of lands.

7. The department shall, in keeping with the findings of the studies conducted pursuant to sections 5 and 6 of this act, maintain a registry of all lands, public and private, which are suitable for inclusion within the system under the provisions of this act and the act to which this act is a supplement.

C. 13:1B-15.12a7 Limitations on use of land in system; exception.

8. No land in the system may be leased, sold or exchanged or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed, nor minerals extracted, except by authorizing special legislation.

C. 13:1B-15.12a8 Authority to acquire land by purchase, gift or otherwise.

9. The department is authorized to acquire by purchase, gift, or otherwise any land or any interest therein that will serve to further the purposes of this act and the act to which this act is a supplement.

C. 13:1B-15.12a9 Designation and regulation of classifications and uses of lands within system.

10. The department shall designate and regulate those classifications and uses of lands within the system as it shall deem proper to effectuate the purposes of this act and the act to which this act is a supplement, such that the New Jersey Natural Areas System shall include:

a. Areas of limited public access which are dedicated and restricted to ecological research and study, wherein the only permissible development shall be that of temporary, unobtrusive structures erected for scientific purposes and later removed;

b. Areas which provide opportunities for public interpretation of the natural processes, flora and fauna of this State, wherein the development of nature trails and educational facilities shall be permitted;

c. Areas of minimal interference by man wherein those recreational activities at those levels, to be determined by the department, which will not have serious or long-term effects on natural values and processes shall be permitted.

C. 13:1B-15.12a10 Permission for certain recreational activities.

11. Swimming, canoeing, rowboating, fishing and hunting may be permitted in designated sections of the system at the discretion of the department, but only at levels of activity that will not have serious or long-term effects on the natural values of areas within the system. Hiking may also be permitted in lands of the system, but only to the extent of minimal impact on natural values. Camping may be permitted but shall be restricted to occasional overnight camping along trails and shall not include day-long camping or camping at established campgrounds. Auto campgrounds are excluded from all natural areas. Overnight trailside shelters of the type called lean-tos are permitted, but there may not be two such shelters within 3 miles of each other, and such shelters may not be used for day-long camping or for more extended stays. Nothing may be brought into a natural area and left there except upon specific approval of the department. Nonburnable camping trash shall be removed for disposal elsewhere.

12. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 364

AN ACT to amend "An act providing for the uniform administration of the alternate programs of benefits for certain members of the faculty and other eligible employees of the New Jersey College of Medicine and Dentistry, Rutgers, The State University of New Jersey, the Newark College of Engineering, the Department of Higher Education, and the State and county colleges, and supplementing chapter 66 of Title 18A and repealing sections 18A:64C–11.1 to 18A:64C–11.9 (inclusive) and 18A:65–74 to 18A:65–85 (inclusive) of the New Jersey Statutes, and chapters 278 and 281 of the laws of 1967 and chapter 181 of the laws of 1968," approved December 22, 1969 (P. L. 1969, c. 242).

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

1. Section 8 of P. L. 1969, c. 242 (C. 18A:66–174) is amended to read as follows:

C. 18A:66-174 Deductions or reductions from compensation of participants; payments of employer contribution.

8(a). The College of Medicine and Dentistry, Rutgers, The State University and the Newark College of Engineering shall deduct from or with the consent of the participant, reduce the compensation of each participant in the alternate benefit program and pay over to the insurer or insurers for the benefit of the participant an employee contribution for the retirement annuity contract or contracts equal to 5% of the participant's base salary. The intervals for deductions or reductions and payments shall be determined by the respective school governing bodies.

The Division of Pensions shall deduct from or with the consent of the participant, provide for reductions from the compensation of each participant in the alternate benefit program employed by the Department of Higher Education, the State and county colleges of an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions or reductions and payments shall be determined by the Division of Pensions.

(b). Based on a certification to the Division of Pensions by the College of Medicine and Dentistry, Rutgers, The State University and the Newark College of Engineering of the number and base salary of participants, the division shall authorize the State to make payment of the employer contributions to the alternate benefit programs at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys shall be paid to the designated insurer or insurers for the benefit of each participant.

Based on a certification by the Division of Pensions of the number and base salary of participants employed by the Department of Higher Education, the State and county colleges, the State shall make payment of the employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System, which moneys shall be paid to the designated insurer or insurers for the benefit of each participant.

(c). For the member of the Public Employees' Retirement System employed by the county colleges who is defined in the regulations of the Board of Higher Education as a full-time faculty member and who is permitted to transfer his membership or continue membership in that State program, as the case may be, the State shall pay the employer contribution to the retirement system on his behalf and such employer contribution shall be at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 365

AN ACT concerning assessment of omitted property and amending P. L. 1968, c. 184.

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

1. Section 1 of P. L. 1968, c. 184 (C. 54:4–63.31) is amended to read as follows:

C. 54:4-63.31 Assessment of omitted property.

1. In any tax year or in the next succeeding tax year the assessor or board of assessors of any taxing district, may in accordance with the provisions of this act, assess any taxable property omitted from the assessment list for particular tax year. The taxable value of such property shall be determined as of October 1 of the preceding year.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 366

AN ACT to authorize the borough of Paulsboro, in the county of Gloucester, to make permanent the appointment of John Roger DiStefano to the police department of the borough of Paulsboro.

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 Paulsboro, in the county of Gloucester, is authorized to make permanent the appointment of John Roger DiStefano to the police department of the borough of Paulsboro notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. This act shall take effect upon due adoption of an ordinance of the borough of Paulsboro for the purpose of adopting the same.

Approved March 3, 1976.

CHAPTER 367

AN ACT authorizing the New Jersey Trails Council created by the Department of Environmental Protection to undertake a study and prepare a plan for a coordinated system of trails throughout the State of New Jersey.

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

1. The New Jersey Trails Council is hereby authorized, in cooperation with the Department of Environmental Protection, to undertake a study and devise a plan for a coordinated system of trails throughout the State of New Jersey.

2. It shall be the duty of the New Jersey Trails Council to serve as a lay advisory board to the New Jersey Department of Environmental Protection and the Department of Transportation in coordinating the activities of the study and plan to be undertaken.

The council shall:

a. Be ever cognizant of the environment and shall strive to have such a system of trails planned and developed in such a way so that, the local environments will not be harmed but rather enhanced by the proposed system of trails; and

b. Endeavor to encourage cooperation between various governmental agencies at the Federal, State, county and municipal levels so that, the proposed trails system may be a reality and properly coordinated to realize the intent for a system of trails.

3. The council shall be entitled to call to its assistance and retain consultants in various disciplines to study the desirability and feasibility of establishing a system of trails in the State of New Jersey, including the location as well as the type of trails, and give consideration to all types of trails that may be utilized throughout the State for recreational, as well as transportation activities.

4. The New Jersey Trails Council shall report its findings and recommendations to the Commissioner of Environmental Protection 1 year from the effective date of this act.

5. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 368

AN ACT to authorize the city of Long Branch in the county of Monmouth to make permanent the appointment of Ralph De Fillipo to the police department of the city of Long Branch.

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

Private act.

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 city of Long Branch, in the county of Monmouth, is authorized to make permanent the appointment of Ralph De Fillipo, to the police department of the city of Long Branch notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The Board of Trustees of the Police and Fireman's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Long Branch for the purpose of adopting same.

Approved March 3, 1976.

CHAPTER 369

AN ACT concerning the abandoning of vessels and their disposition, providing for the acquisition of titles to such vessels by certain persons, prescribing penalties for violations thereof and supplementing Title 12 of the Revised Statutes.

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

C. 12:7C-7 Short title.

1. This act shall be known and may be cited as the "Abandoned Vessels Disposition Law."

C. 12:7C-8 Definitions.

2. The following terms whenever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context:

a. "Vessel" means a boat or watercraft, other than a seaplane on the water, used or capable of being used as a means of trans-

portation on the water, except a boat or watercraft which is subject to the provisions of P. L. 1969, c. 264 (C. 12:7C–1 et seq.).

b. "Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the uses or possession of a vessel subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

c. "Lienholder" means any person holding a security interest.

d. "Security interest" means an interest which is reserved or created by an agreement which secures payment or performance of an obligation and is valid against third parties generally.

e. "Department" means the Department of Environmental Protection.

f. "Waters of this State" means all waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State.

g. "Removal costs" means any or all costs associated with the removal or destruction of any vessel from land or water and shall include the reimbursement of any or all costs incurred by the applicant in the course of acquiring title to an abandoned vessel.

C. 12:7C-9 Abandonment of vessel without consent; prima facie evidence.

3. It shall be unlawful for any person to willfully abandon any vessel to or upon public land or waters of this State or to or upon any private property or the water immediately adjacent thereto without the consent of the official designated by law to have jurisdiction over such public land or waterway, or the owner or other person in charge of the private property. A vessel which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 6 months shall be prima facie evidence of such abandonment.

C. 12:7C-10 Acquisition of title to abandoned vessel.

4. A landowner, his lessee, or his agent, may, subject to the provisions of this act, acquire title to any vessel on his land or the water immediately adjacent thereto which has been abandoned according to the provisions of section 3 of this act. The acquisition of title divests any other person of any interest in the vessel.

C. 12:7C-11 Notification to owner.

5. If a vessel has a boat registration number or other means of identifying the owner thereof, the person desiring to acquire title,

shall, if possible, secure the owner's last known address, and the lienholder, if any, appearing on the records of the department. He shall notify the owner by registered letter to his last known address and the lienholder by registered letter at the address of the lienholder appearing on the records of the department that if ownership is not claimed and the vessel removed within 30 days, title to the vessel will be applied for in his name. If any vessel's owner cannot be identified or his address ascertained, or no lienholder appears on the records of the department, the registered letter need not be sent.

C. 12:7C-12 Notice in newspaper.

6. The person desiring to acquire title shall also place a notice in a newspaper of general circulation published in the county or city where the vessel is located, describing the vessel, its location of apparent abandonment, any identifying number, and shall state if the vessel is not claimed and removed within 30 days after the publication date of the notice, he will apply for title to the vessel in his name.

C. 12:7C-13 Application for title; affidavits.

7. At the end of the 30-day period the person desiring to acquire title shall apply to the department for a title to the vessel in his name on forms approved by the department accompanied by the following affidavits:

a. A statement that the vessel has been apparently abandoned for at least 6 months.

b. Proof that the registered letter was mailed at least 30 days before application or a detailed explanation of the unsuccessful steps taken to identify the owner and secure his address.

c. Proof that a notice was printed in a paper as required in section 6 of this act.

C. 12:7C-14 Issuance of title.

8. Upon receipt of the material required in section 7 of this act and upon payment of any fees and taxes due, the department shall issue the applicant a title to the vessel.

C. 12:7C-15 Costs in receiving title.

9. All costs incurred in receiving title to a vessel under this section shall be borne by the applicant.

C. 12:7C-16 Removal or destruction of vessel; costs.

10. After receiving title if the applicant desires to remove an abandoned vessel from his land or the water immediately adjacent

thereto, or to destroy such vessel, the removal costs shall be borne by the previous owner of said vessel, provided that such owner shall have been identified pursuant to sections 5 or 6 of this act.

C. 12:7C-17 Report to department.

11. After receiving title if the applicant destroys or otherwise disposes of the vessel, he shall report the same to the department within 15 days giving all details.

C. 12:7C-18 Acquisition of title by department.

12. The department may receive title to any vessel abandoned on any of the waters of this State or on any land owned by this State or any of its political subdivisions by proceeding in the same manner as a landowner, his lessee, or his agent, as set forth in this act.

C. 12:7C-19 Violation of act; penalty enforcement.

13. a. Any person who violates section 3 of this act shall be subject to a fine of not less than $500.00 and not more than $1,000.00, to be recovered in a summary proceeding instituted by the Commissioner of Environmental Protection in the name of the State in accordance with the "Penalty Enforcement Law" (N. J. S. 2A:58–1 et seq.).

b. Any person who obtains or attempts to obtain title to a vessel under the provisions of this act through fraudulent means is guilty of a disorderly persons offense and upon conviction shall be subject to a fine of not more than $200.00.

C. 12:7C-20 Rules and regulations.

14. The department may promulgate pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) such rules and regulations deemed necessary to carry out the provisions of this act.

15. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such 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 such judgment shall have been rendered.

16. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 370

AN ACT to amend the "New Jersey Commercial Feed Law of 1970," approved December 30, 1970 (P. L. 1970, c. 338).

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

1. Section 9 of P. L. 1970, c. 338 (C. 4:4–20.9) is amended to read as follows:

C. 4:4-20.9 Inspection fees and reports.

9. Inspection fees and reports. a. An inspection fee at the rate of $0.15 per ton shall be paid on commercial feeds distributed in this State by the person who distributes the commercial feed to the consumer subject to the following:

(1) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor.

(2) No fee shall be paid on customer formula feeds if the inspection fee is paid on the commercial feeds which are used as ingredients therein.

(3) No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of commercial feeds which are subject to the inspection fee. If the fee has already been paid, credit shall be given for such payment.

(4) In the case of a person who manufactures or distributes commercial feed in the State, a minimum annual fee of $25.00 shall be paid.

b. Each person who is liable for the payment of such fee shall:

(1) File, not later than January 31 of each year, a statement, setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar year; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph "a." of this section. Inspection fees which are due and owing and have not been remitted to the department within 15 days following the due date shall have a penalty fee of 10% (minimum $10.00) added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the department from taking other actions as provided in this act.

(2) Keep such records as may be necessary or required by the State board to indicate accurately the tonnage of commercial feed distributed in this State, and the department shall have the right to examine such records to verify statements of tonnage.

Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

c. Fees imposed by, and fines collected for violations of this act, shall be deposited in the State Treasury.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 371

AN ACT concerning charges for use of certain State funded parking facilities.

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

C. 27:1A-18.1 Charges for park-and-ride lot for railroad commuters; approval.

1. Any railroad, prior to receiving State funds for the construction or reconstruction of a park-and-ride lot used for railroad commuters' parking purposes, shall agree not to impose any new charges or increase any existing charge for the use of such lot, either directly or through lease of such lot to a private operator, without the approval of the Commissioner of Transportation.

C. 27:1A-18.2 Act not applicable to railroad lots receiving funds prior to effective date.

2. This act shall not apply to any park-and-ride lot for which a railroad has received such funds prior to the effective date of this act.

3. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 372

AN ACT amending the "Optional Municipal Charter Law", approved June 8, 1950 (P. L. 1950, c. 210).

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

1. Section 1–3 of P. L. 1950, c. 210 (C. 40:69A–3) is amended to read as follows:

C. 40:69A-3 Candidates' qualifications; nomination; acceptance; nomination verification.

1–3. Candidates for the charter commission shall be registered voters of the municipality. They may be nominated by petition signed by at least 3% or 100, whichever is the lesser number, but at no time shall such number be less than 10, of the registered voters of the municipality, and filed with the municipal clerk not less than 60 days prior to the date of the election.

(a) Each nominating petition shall set forth the names, places of residence, and post-office addresses of the candidate or candidates thereby nominated, that the nomination is for the office of charter commissioner and that the petitioners are legally qualified to vote for such candidate or candidates. Every voter signing a nominating petition shall add to his signature, his place of residence, post-office address and street number, if any. No voter shall sign a petition or petitions for more than five candidates.

(b) Each nominating petition shall, before it may be filed with the municipal clerk, contain an acceptance of such nomination in writing, signed by the candidate or candidates therein nominated, upon or annexed to such petition, or if the same person or persons be named in more than one petition, upon or annexed to one of such petitions. Such acceptance shall certify that the candidate is a registered voter of the municipality, that the nominee consents to stand as a candidate at the election and that if elected he agrees to take office and serve.

(c) Each nominating petition shall be verified by an oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that the petition was signed by each of the signers thereof in his proper handwriting, that the signers are, to the best knowledge and belief of the affiant, registered

voters of the municipality, and that the petition is prepared and filed in good faith for the sole purpose of endorsing the person or persons named therein for election as stated in the petition.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 373

AN ACT to reestablish part of the boundary line between the township of Colts Neck and the township of Marlboro in Monmouth county.

WHEREAS, The governing bodies of the township of Colts Neck and the township of Marlboro in Monmouth county have determined by resolution that the change in that part of the boundary line between the two municipalities hereinafter described is desirable and have requested the Legislature to so provide by law; and

WHEREAS, A notice of intention to apply for passage of this act has been given by publication as required by law; now, therefore

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

Private act.

1. The following described area of land situate in the township of Colts Neck is annexed to and made a part of the township of Marlboro in Monmouth county:

All that certain lot, tract or parcel of land and premises, situate, lying and being in the Township of Colts Neck, County of Monmouth and State of New Jersey, and more particularly described as follows:

Beginning at the intersection of the Easterly line of the whole tract, owned by Simcha R. Asman, with the Northeasterly line of Route #18 Freeway, and continuing, thence,

1. North thirty degrees, twelve minutes, fifty-eight seconds West (N 30° 12′ 53″ W) along the Northeasterly line of Route #18 Free-

way, two hundred feet more or less (200.00′ ±) to the Colts Neck-Freehold Township line, thence,

2. Northeasterly along the Colts-Neck-Freehold Township line, seventeen hundred feet more or less (1700.00′ ±) to the intersection with the Northerly line of the whole tract owned by Simcha R. Asman, thence,

3. South eighty-seven degrees, thirty minutes, thirty seconds East (S 87° 30′ 30″ E) along the Northerly line of the whole tract owned by Simcha R. Asman, two hundred fifty feet more or less (250.00′ ±) to the Northeast corner of same, thence,

4. South fourteen degrees, twenty minutes, thirty seconds West (S 14° 20′ 30″ W) along the Easterly line of the whole tract, owned by Simcha R. Asman, one thousand eight hundred sixty-eight and fifty-four hundredths feet (1868.54′) to the point or place of Beginning.

Being and intended to be Lot 9, Block 22, as presently shown on the Township of Colts Neck Tax Map dated 1973.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 374

AN ACT to authorize the township of Willingboro in the county of Burlington to make permanent the appointment of Donald Warren to the police department of the township of Willingboro.

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

Private act.

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 township of Willingboro, in the county of Burlington is authorized to make permanent the appointment of Donald Warren to the police department of the township of Willingboro notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement

system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Willingboro for the purpose of adopting same.

Approved March 3, 1976.

CHAPTER 375

AN ACT to amend "An act to provide for increases in the benefits of certain retired public employees and beneficiaries," approved November 24, 1958 (P. L. 1958, c. 143 as said title was amended by P. L. 1971, c. 139), and amending section 6 of P. L. 1969, c. 169, and P. L. 1971, c. 139.

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

1. Section 1 of P. L. 1958, c. 143 (C. 43:3B-1) is amended to read as follows:

C. 43:3B-1 Definitions.

1. As used in this act:

a. "Retirant" means any person who was employed by the State of New Jersey, any of its instrumentalities, any of its political subdivisions or any of the instrumentalities of its political subdivisions, retired from such employment and, as a result of such employment, is receiving a retirement allowance or pension from a retirement system or under any law administered by the Division of Pensions of the State of New Jersey, other than one providing for individual annuity contracts purchased from private insurers.

b. "Survivorship benefit" means a monthly annuity to the designee of a retirant who, at retirement, elected Option II, III or IV pursuant to the provisions of N. J. S. 18A:66-47 or P. L. 1954, c. 84, s. 50 (C. 43:15A-50) or P. L. 1944, c. 255, s. 12 (C. 43:16A-12), but it shall not mean (1) an annuity based on settlement of a self-insured or insured lump sum death benefit or in lieu of a lump sum

death benefit, (2) an annuity based on the return of the member's contributions or (3) any life annuity settlement payable under Option I as provided by the aforesaid sections of the statutory law.

c. "Beneficiary" means any person who is receiving a pension as the result of the death of an active or retired member of a State administered retirement system or who is receiving a survivorship benefit.

d. "Benefit year" means:

(1) the calendar year 1966 for:

(a) all retirants who retired before the calendar year 1955; and

(b) all beneficiaries of members who retired or died before the calendar year 1955 except those beneficiaries covered by (4) of this subsection;

(2) the actual calendar year of retirement for:

(a) all members who retired after 1954; and

(b) all beneficiaries of retirants who retired after 1954 except those beneficiaries covered by (4)of this subsection;

(3) the actual calendar year of death for all beneficiaries of members who died after 1954 except those beneficiaries covered by (4) of this subsection;

(4) the calendar year:

(a) 1967 for all beneficiaries of active or retired members entitled to receive increased pensions in 1967 in accordance with R. S. 43:16–3(c);

(b) 1968 for all beneficiaries of members entitled to receive increased pensions in 1968 in accordance with R. S. 43:16–4(b);

(c) 1968 for all beneficiaries of active or retired members entitled to receive increased pensions in 1968 accordance with P. L. 1967, c. 250, s. 26 (C. 43:16A–12.1);

(d) 1969 for all beneficiaries of active or retired members entitled to receive increased pensions in 1969 in accordance with P. L. 1941, c. 220, s. 3 (C. 43:7–9) as amended.

e. "Calendar year" means the 12-month period beginning January 1 and ending December 31.

f. "Index" shall mean the annual average over a 12-month period, beginning September 1 and ending August 31, of the Consumer Price Index for Urban Wage Earners and Clerical Workers, All Items Series A, of the United States Department of Labor (1957-1959=100). Should the reference base of said index be changed, the index used to determine the Consumer Price Index as defined herein will be the index converted to the new base by

standard statistical methods. The annual average index so calculated shall be the index for the calendar year in which the 12-month period ends.

g. "Benefit year index" shall be the index of the benefit year.

This act shall be known and may be cited as the "Pension Increase Act."

2. Section 2 of P. L. 1958, c. 143 (C. 43:3B–2) is amended to read as follows:

C. 43:3B-2 Adjustment of monthly retirement allowance, pension or survivorship benefit.

2. The monthly retirement allowance or pension originally granted to any retirant and the pension or surviorship benefit originally granted to any beneficiary shall be adjusted in accordance with the provisions of this act provided, however, that:

a. the maximum retirement allowance, without option, shall be considered the retirement allowance originally granted to any retirant who, at retirement, elected an Option I allowance pursuant to the provisions of the statutes stipulated in subsection b. of section 1 of this act (C. 43:3B–1); and b. the minimum pension granted to any beneficiary stipulated in subsection d. (4) of section 1 of this act (C. 43:3B–1), shall be considered the pension originally granted to such beneficiary.

Pension adjustments shall not be paid to retirants or beneficiaries who are not receiving their regular, full, monthly retirement allowances, pensions or survivorship benefits. The adjustment granted under the provisions of this act shall be effective only on the first day of a month, shall be paid in monthly installments, and shall not be decreased, increased, revoked or repealed except as otherwise provided in this act. No adjustment shall be due to a retirant or a beneficiary unless it constitutes a payment for an entire month.

3. Section 4 of P. L. 1958, c. 143 (C. 43:3B–4) is amended to read as follows:

C. 43:3B-4 Payment of cost of adjustment by employer; certification of amounts due; failure to make payment; penalty.

4. Except in the case of retirants and beneficiaries of the Teachers' Pension and Annuity Fund, each employer shall bear the cost of the adjustment in the retirement allowances or pensions payable to retirants who retired from the employ of such employer and the cost of the adjustment in the surviorship benefits or

pensions payable to beneficiaries of active or retired members who were in the employ of such employer at the time of the member's death or retirement. Certification of the amounts due shall be made by the Director of the Division of Pensions to each employer other than the State, prior to December 1 of each year. Each employer shall appropriate the amounts so certified in the fiscal year next following its fiscal year in which such certification is made. Such amounts shall be paid by each employer to the Division of Pensions by March 30 of each year in the case of employers whose fiscal year extends from January 1 to December 31, and by July 30 of each year in the case of each employer whose fiscal year extends from July 1 of a given calendar year to June 30 of the following calendar year. In making such certifications to employers the Director of the Division of Pensions shall take into account payments made by the employer, payments to retirants and beneficiaries of former employees of such employer, prospective payments to be made to such retirants and beneficiaries in the following year and necessary administrative costs on behalf of such retirants and beneficiaries.

The Director of the Division of Pensions shall certify annually to the Director of the Division of Budget and Accounting the amount necessary to provide for the remaining cost of the adjustments in retirement allowances, pensions and survivorship benefits and necessary administrative costs.

Payment of invoices rendered by the Division of Pensions to public employers for the amounts required to meet the employer's obligation under the act shall be made payable to "State of New Jersey, Pension Increase Fund."

If payment of the full amount of such employer obligation is not made within 30 days of the due date, interest at the rate of 6% per annum shall commence to run against the unpaid balance thereof on the first day after such thirtieth day.

The employer's failure to pay invoices within 30 days after being notified of his delinquency shall result in the suspension of payments under this act to eligible retirants and beneficiaries of former employees of the employer on the first of the month 30 days subsequent thereto. The office of the Attorney General shall act to collect such outstanding amounts. At the request of the Attorney General, delinquent payments, including interest charges, may be deducted from any moneys payable to such local government employers by any department or agency of the State.

4. Section 5 of P. L. 1958, c. 143 (C. 43:3B–5) is amended to read as follows:

C. 43:3B-5 Commencement and duration of adjustment in retirement allowances, pensions and survivorship benefits.

5. The adjustment in retirement allowances, pensions and survivorship benefits provided for under this act shall commence with retirement allowance, pension and survivorship benefit payments for the month of January 1976 provided, that there is appropriated the amount certified by the Director of the Division of Pensions to the Director of the Division of Budget and Accounting as set forth in section 4 hereof. The adjustment in retirement allowances, pensions and survivorship benefits shall continue to be paid as long as there shall be appropriated the amounts so certified. In the event that the necessary funds are not so appropriated, the adjustment in retirement allowances, pensions and survivorship benefits shall cease; no further payments shall be made by other employers; refunds shall be made by the Director of the Division of Pensions to all employers of any balances unexpended on their account; and charges shall be certified by the Director of the Division of Pensions to all employers of any amounts which have been paid on behalf of the retirants and beneficiaries of former employees of such employer for which funds have not been paid to the Division of Pensions by the employer. In the event that any such charges are certified, provision for payment shall be made by the employer in the budget for the ensuing fiscal year.

5. Section 6 of P. L. 1969, c. 169 (C. 43:3B–7) is amended to read as follows:

C. 43:3B-7 Review of index and determination of percentum of change; "retirant" defined.

6 a. On or before October 1, 1975 and by the same date in each subsequent year, the Director of the Division of Pensions shall review the index and determine the percentum of change in the index from the benefit year index. In determining the percentum of change the director shall use the index for the year ending the August 31 prior to the date of review, dividing such index by the benefit year index and then subtracting 100% from the resulting quotient expressed to the nearest 1/100 of 1%. The percentage of adjustment shall be ½ of the percentum of change. Any adjustment so calculated shall apply to all of the months of the following calendar year for eligible retirants and beneficiaries, including those qualifying for the first time.

The director shall include (a) in his corpus appropriation request for the administration of the act on behalf of those retirants and beneficiaries for whom the State assumes the costs attributable to this act, and, (b) in his certification of amounts due from each employer in accordance with section 4 of the Pension Increase Act, amounts sufficient to adjust the retirement allowances, survivorship benefits or pensions payable to all eligible retirants and beneficiaries by ½ of the percentum of change in the index as such retirement allowances, survivorship benefits or pensions may have been originally granted, or increased for certain retirants or beneficiaries in accordance with section 3 of the Pension Increase Act. In no instance shall the amount of the retirement allowance or pension originally granted and payable to any retirant be reduced as a result of the adjustment made pursuant to the provisions of P. L. 1969, c. 169.

b. For purposes of this act a "retirant" shall include all retirants except those whose retirement allowance or pension commenced within the 3 calendar years prior to the first of the month in which the adjustment is to become effective in any calendar year and a "beneficiary" shall include all beneficiaries except those whose pension, or survivorship benefit, or whose increased pension pursuant to the provisions of the statutes stipulated in subsection d (4) of section 1 of the act to which this act is an amendment (C. 43:3B–1), commenced within the 3 calendar years prior to the first of the month in which the adjustment is to become effective in any calendar year. In the case of beneficiaries, all or any part of the 3 calendar year period shall include the period in which the retirant was entitled to receive his retirement allowance or pension.

6. Section 10 of P. L. 1971, c. 139 (C. 43:3B–4.1) is amended to read as follows:

C. 43:3B-4.1 Failure of State to appropriate moneys.

10. If, in any year, the State does not appropriate the amount required under section 4 of P. L. 1958, c. 143 (C. 43:3B–4), no adjustments in benefits may be paid under any other law of New Jersey in the subsequent calendar year to retirants or beneficiaries of active or retired members of any retirement system or program which is not administered by the Division of Pensions of the State of New Jersey.

7. This act shall take effect immediately with increased benefits initially payable to retirants and beneficiaries for the month of January, 1976.

Approved March 3, 1976.

CHAPTER 376

AN ACT authorizing counties and certain municipalities of this State to adopt ordinances or resolutions establishing offices of consumer affairs and granting certain powers to them, validating certain ordinances or resolutions adopted or actions taken heretofore and supplementing Title 40 of the Revised Statutes.

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

C. 40:23-6.47 Creation and establishment of office of consumer affairs; officers and employees.

1. A county by resolution or, by ordinance a municipality situated in a county in which no such county office then exists, may create and establish an office of consumer affairs to be administered by a county or municipal director of consumer affairs who shall be appointed by the governing body thereof. In addition, the governing body may provide for the employment of such other officers and employees as may be necessary or desirable for the proper conduct of the affairs of the office. The qualifications of the director and other officers and employees shall be established by the Attorney General.

C. 40:23-6.48 Powers of offices.

2. Offices created hereunder shall have the following powers:

a. Those powers granted to the Attorney General by P. L. 1960, c. 39 (C. 56:8–1 et seq.) and all supplements thereto, which he may from time to time by rule or regulation delegate to them; provided, however, that the following powers shall not be delegable: the power to promulgate substantive regulations as authorized by P. L. 1960, c. 39, s. 4 (C. 56:8–4); the power to conduct administrative hearings and other powers connected therewith as authorized by P. L. 1967, c. 97, s. 1 (C. 56:8–3.1) and by P. L. 1971, c. 247,

ss. 3 through 6, inclusive (C. 56:8–15 through 56:8–18); and the power to grant immunity as authorized by P. L. 1960, c. 39, s. 7 (C. 56:8–7).

b. Such other powers not inconsistent with the provisions of this act or any other act or the rules and regulations promulgated thereunder which may from time to time be assigned to such offices by the governing body of the county or municipality which created them.

C. 40:23-6.49 Ratification and confirmation of acts and things done by county or municipality prior to enactment of act.

3. All acts and things done or authorized by any county or municipality within the powers granted by this act prior to its enactment are hereby ratified and confirmed. Where any office of consumer affairs has heretofore been established in substantial conformity with the provisions of this act under and by virtue of a county resolution or municipal ordinance which may be invalid by reason of lack of power in the county or municipality to pass such resolution or ordinance, such resolution or ordinance and all acts and proceedings thereunder are hereby validated and confirmed, including any proceeding initiated within 90 days of the effective date of this act to compel compliance with or prevent the violation of such resolution or ordinance; provided, however, that nothing in this section shall validate or authorize any act or thing which is expressly prohibited by the provisions of this act, or of any other statute of this State.

4. This act shall take effect 90 days following enactment; provided, however, nothing contained herein shall be construed to prohibit any anticipatory action being taken in advance of such effective date, including, without limitation, the adoption of regulations by the Attorney General.

Approved March 3, 1976.

CHAPTER 377

AN ACT concerning civil service and supplementing Title 11 of the Revised Statutes.

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

1. All persons who are, as of the effective date of this act, employed in the capacity of police officer in cities of the second class having a population of more than 42,000 but less than 50,000 inhabitants, provided such cities are located in counties of the second class, and who are either residents of such cities or who are occupying positions funded under the "Emergency Employment Act of 1971" (42 U.S.C. § 4871 et seq.) or the "Comprehensive Employment and Training Act of 1973" (29 U.S.C. § 801 et seq.) shall be granted permanent classified service status after successful completion of the appropriate civil service examination. This examination shall be conducted by the Department of Civil Service pursuant to standards normally applied in such examination for police officer, provided that the examination shall be limited to persons employed as police officers under the aforementioned Federal acts upon the effective date of this act, or to persons who are residents of such second class cities. Persons attaining such permanent status shall be subject thereafter to the provisions of Title 11 (Civil Service) of the Revised Statutes.

2. This act shall take effect immediately but shall expire on the one hundred eightieth day following enactment.

Approved March 3, 1976.

CHAPTER 378

AN ACT to amend the "Tax on Capital Gains and Other Unearned Income Tax Act" awaiting action by the Governor.

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

1. Section 3 of the act of which this act is amendatory is amended to read as follows:

C. 54:8B-3 Imposition of tax.

3. Imposition of tax.

a. A tax is hereby imposed upon unearned income earned, received or constructively accrued or credited to the taxpayer during his taxable year, subject to the exemptions allowed under this act. The exemptions allowed under this act shall first be deducted from the total unearned income subject to tax and the remainder shall

be subject to the rate schedule set forth in this section. There shall then be deducted from the amount of tax so determined the tax on interest and dividends at one-half the rates set forth in this section.

If unearned income is:	The tax is:
Not over $1,000	1.5% of the taxable income
Over $ 1,000 but not over $ 3,000	$ 15 plus 2.0% of excess over $ 1,000
Over 3,000 but not over 5,000	55 plus 2.5% of excess over 3,000
Over 5,000 but not over 7,000	105 plus 3.0% of excess over 5,000
Over 7,000 but not over 9,000	165 plus 3.5% of excess over 7,000
Over 9,000 but not over 11,000	235 plus 4.0% of excess over 9,000
Over 11,000 but not over 13,000	315 plus 4.5% of excess over 11,000
Over 13,000 but not over 15,000	405 plus 5.0% of excess over 13,000
Over 15,000 but not over 17,000	505 plus 5.5% of excess over 15,000
Over 17,000 but not over 19,000	615 plus 6.0% of excess over 17,000
Over 19,000 but not over 21,000	735 plus 6.5% of excess over 19,000
Over 21,000 but not over 23,000	865 plus 7.0% of excess over 21,000
Over 23,000 but not over 25,000	1,005 plus 7.5% of excess over 23,000
Over 25,000	1,155 plus 8.0% of excess over 25,000

b. Any taxpayer and spouse whose adjusted gross income as defined by the director consistent with section 62 of the Internal Revenue Code plus interest on governmental obligations as defined in section 2 of this act and long-term capital gains otherwise excluded, is less than $30,000.00, or in case of an individual taxpayer is less than $15,000.00, shall not be required to file any return, and is exempt from tax under this act provided, however, that the director may require any person to file an information return.

2. Section 5 of the act of which this act is amendatory is amended to read as follows:

C. 54:8B-5 Exemption allowed senior citizens, widows, widowers and persons entitled to disability benefits under the Federal Social Security Act for gain from sale of home.

5. Exemption allowed senior citizens, widows, widowers, and persons entitled to disability benefits under the Federal Social Security Act for gain from sale of home. Every husband and wife, and each other person, described as a taxpayer in this act shall, in addition to the exemptions allowed under the provisions of this act, be allowed an exemption and deduction from the amount of gains from the sale or exchange of capital assets for any taxable year which are subject to the tax imposed hereunder in the amount of any gain for such taxable year included in net gains from the sale or exchange of capital assets for Federal Income Tax purposes, arising from the sale of a residence in such taxable year, but not in excess of $75,000.00 and only if (A) either of such

spouses or both, or said other person, had attained the age of 65 years on the date of such sale, or is a widow or widower, or is a person entitled to disability benefits under the Federal Social Security Act and all amendments and supplements thereto, and had owned and used such residence as principal residence for at least 5 years of the 8 years immediately preceding the date of such sale and (B) said gain is the first such gain for such taxpayer with respect to the sale of such a residence on or after January 1, 1975. If the exemption provided for in this section is availed of by a taxpayer in or for any taxable year, no such exemption shall be allowed with respect to such taxpayer or a spouse thereof in any subsequent taxable year. For the purposes of this section, the word "sale" means a "sale," "exchange," "transaction" or "event" through which the taxpayer is divested of all interest in his residence.

3. This act shall take effect immediately but shall remain inoperative until 1975 Assembly No. 3556 is enacted into law.

Approved March 3, 1976.

CHAPTER 379

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, 1976, and regulating the disbursement thereof," approved June 27, 1975 (P. L. 1975, c. 128).

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

1. The following additional sum is hereby appropriated out of the General State Fund, for the purpose herein specified:

DEPARTMENT OF INSTITUTIONS AND AGENCIES
PERSONAL HEALTH

22400. TREATMENT OF COMMUNICABLE DISEASES

794. NEW JERSEY HOSPITAL FOR CHEST DISEASES

22490. Administration and Support $250,000

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 380

AN ACT to authorize the city of Summit in the county of Union to make permanent the appointment of William D. Scheck to the police department of the city of Summit.

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

Private act.

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 city of Summit, in the county of Union is authorized to make permanent the appointment of William D. Scheck to the police department of the city of Summit notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the city of Summit for the purpose of adopting same.

Approved March 3, 1976.

CHAPTER 381

AN ACT to amend the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138).

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

1. Section 4 of P. L. 1946, c. 138 (C. 40:14A–4) is amended to read as follows:

C. 40:14A-4 Sewerage authorities in counties and municipalities.

4. (a) The governing body of any county may, by resolution duly adopted, create a public body corporate and politic under the name and style of "the ..... sewerage authority," with all or any significant part of the name of such county inserted. Said body shall consist of the five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, together with the additional members thereof, if any, appointed as hereinafter in subsection (i) of this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said county. After the taking effect of the resolution for the creation of said body and the filing of a certified copy thereof as in subsection (d) of this section provided, five persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(b) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "the ..... sewerage authority," with all or any significant part of the name of such municipality inserted. Said body shall consist of five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said municipality. After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (d) of this section provided, five persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys

next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(c) The governing bodies of any two or more municipalities or any two or more counties, the areas of which together comprise an integral body of territory, may, by parallel ordinances or in the case of counties by parallel resolutions, duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of "the ..... sewerage authority," with all or any significant part of the name of each such municipality or county or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolutions of the several governing bodies as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities or counties. The number of members of the sewerage authority to be appointed at any time for full terms of office by the governing body of any such municipality or county shall be as may be stated in said ordinances or resolutions which shall be not less than one nor more than three. After the taking effect of the said ordinances or resolutions of all such municipalities or counties and after the filing of certified copies thereof as in subsection (d) of this section provided, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county. In the case of municipalities or counties which by ordinance or resolution are entitled to appoint only one member of the authority, the total number of members, if five or more, shall be divided into five classes as nearly equal as possible, except that if there are less than five members each member shall constitute a class. The members initially appointed shall be appointed for such terms that the terms of one class shall expire on the first day of each of the first, second, third, fourth and fifth February next ensuing the date of appointment. In the event the

several municipalities or counties cannot agree on the terms of the respective representatives, such terms shall be determined by lot. On or after January 1 in each year after such appointments, the expiring terms shall be filled by the appointment for terms commencing February 1 in such year and expiring on the first day of the fifth February next ensuing.

Upon the expiration of the terms of office of members, in office on July 1, 1970, of sewerage authorities created by two or more municipalities or counties where only one member is appointed by any participating municipality or county, their immediate successors, except for appointments to fill vacancies, shall be appointed for designated terms of 1, 2, 3, 4 or 5 years in the same manner as in this subsection (c) provided as to initial appointees.

In municipalities or counties entitled to appoint three members, the appointing authority shall designate one of the initial appointees to serve for a term of 3 years, one for 4 years and one for 5 years. In municipalities or counties entitled to appoint two members, the appointing authority shall designate one of the initial appointees to serve for a term of 5 years and one for 4 years. On or after January 1 in the year in which expire the terms of the said members first appointed and in every fifth year thereafter, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county, to serve for terms commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during the unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

Upon the expiration of the terms of office of members, in office on July 1, 1967, of sewerage authorities created by two or more municipalities or counties where more than one member is appointed by any participating municipality or county, their immediate successors, except for appointments to fill vacancies, shall be appointed for designated terms of 3, 4 or 5 years in the same manner as in this subsection (c) provided as to initial appointees.

(d) A copy of each resolution or ordinance for the creation of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies

of the parallel ordinances for the creation of a sewerage authority as aforesaid, the sewerage authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the sewerage authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(e) A copy of each resolution appointing any member of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the member or members named therein.

(f) The governing body of a county which may create or join in the creation of any sewerage authority pursuant to this section shall not thereafter create or join in the creation of any other sewerage authority. No governing body of any municipality constituting the whole or any part of a district shall create or join in the creation of any sewerage authority except upon the written consent of the sewerage authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and a sewerage authority be created pursuant thereto, the terms and conditions of such consent shall thereafter be in all respects binding upon such municipality and the sewerage authority so created and any system of sewers or sewage disposal plants constructed or maintained in conformity with the terms and conditions of such consent by the sewerage authority so created shall be deemed not to be competitive with the sewerage systems of the sewerage authority giving such consent. In the event that prior to the creation of a sewerage authority of a county the governing body of any municipality located in said county shall have created or joined in the creation of a sewerage authority, the area within the territorial limits of such municipality shall not be part of the district of the sewerage authority of said county.

(g) Within 10 days after the filing in the office of the Secretary of State of a certified copy of a resolution for the creation of a

sewerage authority adopted by the governing body of any county pursuant to this section, a copy of such resolution, duly certified by the appropriate officer of the county, shall be filed in the office of the clerk of each municipality within the county. In the event that the governing body of any such municipality shall, within 60 days after such filing in the office of the Secretary of State, adopt a resolution determining that such municipality shall not be a part of the district of such sewerage authority and file a copy thereof duly certified by its clerk, in the office of the Secretary of State, the area within the territorial limits of such municipality shall not thereafter be part of such district, but at any time after the adoption of such resolution, the governing body of such municipality may, by ordinance duly adopted, determine that such area shall again be a part of such district and if thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of such sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the area within the territorial limits of such municipality shall forever be part of such district.

(h) The governing body of any local unit which has created a sewerage authority pursuant to subsection (a) or subsection (b) of this section may, in the case of a county by resolution duly adopted or in the case of a municipality by ordinance duly adopted, dissolve such sewerage authority on the conditions set forth in this subsection. The governing bodies of two or more local units which have created a sewerage authority pursuant to subsection (c) of this section may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, dissolve such sewerage authority on the conditions set forth in this subsection. Such a sewerage authority may be dissolved on condition that (1) either the members of such authority have not been appointed or the sewerage authority, by resolution duly adopted, consents to such dissolution, and (2) the sewerage authority has no debts or obligations outstanding. Upon the dissolution of any sewerage authority in the manner provided in this subsection, the governing body or bodies dissolving such sewerage authority shall be deemed never to have created or joined in the creation of a sewerage authority. A copy of each resolution or ordinance for the dissolution of a sewerage authority adopted pursuant to this subsection, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State.

Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the dissolution of a sewerage authority as aforesaid and upon proof that such sewerage authority had no debts or obligations outstanding at the time of the adoption of such resolution, ordinance or ordinances, the sewerage authority therein referred to shall be conclusively deemed to have been lawfully and properly dissolved and the property of the sewerage authority shall be vested in the local unit or units. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(i) Whenever the sewerage authority of any county shall certify to the governing body of any county that it has entered into a contract pursuant to section 23 of this act with one or more municipalities situate within any other county, one additional member of the sewerage authority for each such other county shall be appointed by resolution of the governing body of such other county as in this section provided. The additional member so appointed for any such other county, and his successors shall be a resident of one of said municipalities situate within such other county. The additional member first appointed or to be first appointed for any such other county shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If after such appointment of an additional member for any such other county the sewerage authority shall certify to said governing body of such other county that it is no longer a party to a contract entered into pursuant to section 23 of this act with any municipality situate within such other county, the term of office of such additional member shall thereupon cease and expire and no additional member for such other county shall thereafter be appointed.

(j) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality may, by ordinance duly adopted, provide that the members of the sewerage

authority shall thereafter be appointed by the governing body of such new consolidated municipality, which shall make appointment of members of the sewerage authority by resolution as hereinafter in this subsection provided. On or after the taking effect of such ordinance, one person shall be appointed as a member of the sewerage authority for a term commencing on February 1 in each year, if any, after the date of consolidation, in which has or shall have expired the term of a member of the sewerage authority theretofore appointed by the governing body of the municipality which has been or shall be so consolidated, and expiring on February 1 in the fifth year after such year. Thereafter, on or after January 1 in each year, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term. Each member of the sewerage authority appointed by the governing body of a municipality which has been or shall be so consolidated shall continue in office until his successor has been appointed as in this subsection provided and has qualified.

(k) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality, subject to the rights of the holders, if any, of bonds issued by the sewerage authority, and upon receipt of the sewerage authority's written consent thereto, may provide, by ordinance duly adopted, that the area within the territorial boundaries of the new consolidated municipality shall constitute the district of the sewerage authority, and upon the taking effect of such ordinance, such area shall constitute the district of the sewerage authority. Until the taking effect of such ordinance, the district of the sewerage authority shall be the area within the territorial boundaries, as they existed at the date of the consolidation, of the municipality the governing body of which created the sewerage authority.

(l) Whenever, with the approval of any sewerage authority created by the governing bodies of two or more municipalities, any other municipality not constituting part of the district shall convey to the sewerage authority all or any part of a system of main, lateral or other sewers or other sewerage facilities located within the

district and theretofore owned and operated by such other municipality, then, if so provided in the instruments of such conveyance, one additional member of the sewerage authority for such other municipality shall be appointed by resolution of its governing body as in this section provided. The additional member so appointed for such municipality, and his successors, shall be residents of such municipality. The additional member first appointed or to be first appointed for such municipality shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If at any time after such conveyance of sewers or sewerage facilities by a municipality its governing body shall adopt a resolution determining not thereafter to be represented in the membership of the sewerage authority and shall file a copy thereof duly certified by its clerk in the office of the sewerage authority, the term of office of any such additional member theretofore appointed for such municipality shall thereupon cease and expire and no additional member for such municipality shall thereafter be appointed.

(m) (i) The governing body of any municipality which is contiguous to the district of a sewerage authority created by the governing bodies of two or more other municipalities may at any time, by ordinance duly adopted, propose that the whole or any part of the area herein referred to as "service area" within the territorial limits of such municipality shall be a part of said contiguous district. Such ordinance shall (1) state the number of members of the sewerage authority, not less than one nor more than three, thereafter to be appointed for full terms of office by the governing body of such municipality, and (2) determine that, after the filing of a certified copy thereof and of a resolution of the sewerage authority in accordance with this subsection, such service area shall be a part of said contiguous district. If thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of said sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the service area shall forever be part of said contiguous district and said sewerage authority shall consist of the members thereof acting

or appointed as in this section provided and constitute an agency and instrumentality of such municipality as well as such other municipalities. The governing body of the said municipality so becoming part of said contiguous district shall thereupon appoint members of the sewerage authority in the number stated in such ordinance, for periods and in the manner provided for the first appointment of members of a sewerage authority under subsection (c) of this section.

(ii) If the service area of such municipality shall then be part of the district of any other sewerage authority or municipal authority, such other authority shall by resolution adopted not more than 1 year prior to the adoption of such ordinance, consent to the inclusion of the service area in the district of said contiguous district, and the service area shall become part of said contiguous district as aforesaid and shall no longer be part of the district of such other authority for sewerage purposes. If only part of the area within the territorial limits of such municipality shall constitute the service area to become part of said contiguous district, the service area shall be that so designated or shown on a map thereof bearing legend or reference to this section and filed in the office of the clerk of such municipality and in the office of the secretary of each authority referred to in this section, and such map shall be incorporated by a reference thereto in such ordinance and resolutions as or for a description of the service area. For all the purposes of this act such sewerage authority shall be deemed to have been created by the governing body of such municipality jointly with the other municipalities (the territorial areas of which constitute the district of such contiguous authority), and such municipality shall have all powers, duties, rights and obligations provided for by this act or any other law for or with respect to such sewerage authority or any other sewerage authority or municipal authority, notwithstanding that only a part of the area within the territorial limits of such municipality shall become part of said contiguous district.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 382

AN ACT concerning controlled dangerous substances and amending R. S. 45:5–8, R. S. 45:6–7, R. S. 45:9–16, R. S. 45:14–12, R. S. 45:16–6 and section 10 of P. L. 1947, c. 262 (C. 45:11–32).

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

C. 45:1-13 Grounds for revocation or suspension of license to practice health care profession.

1. It shall be a valid ground for the refusal to grant, revocation or suspension of a license to practice a health care profession, subject to regulation in this State, including the practice of pharmacy, or for the refusal to admit to an examination a candidate for licensure, that the licensee has prescribed or dispensed a controlled dangerous substance or substances, as defined by the "New Jersey Controlled Dangerous Substances Act" (P. L. 1970, c. 226) (C. 24:21–1 et seq.), in an indiscriminate manner, or not in good faith, or without good cause, or where the licensee reasonably knows or should have known that the substance or substances prescribed are to be used for unauthorized or illicit consumption or distribution or that a substance or substances previously prescribed or dispensed were used by the patient for unauthorized or illicit consumption or distribution.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 383

AN ACT concerning expunging the record of certain criminal convictions and amending N. J. S. 2A:164–28.

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

1. N. J. S. 2A:164–28 is amended to read as follows:

Criminal conviction; expunging from record after 10 years; hearing; order; service; order of expungement; removal of disabilities; exceptions; fees.

2A:164–28. In all cases wherein a criminal conviction has been entered against any person, and no subsequent conviction has been

entered against such person, it shall be lawful after the lapse of 10 years from the date of such conviction or 10 years after the date such person completed his term of imprisonment or was released from parole, whichever is later, for the person so convicted to present a duly verified petition to the court wherein such conviction was entered, setting forth all the facts in the matter and praying for the relief provided for in this section.

Upon reading and filing such petition such court may by order fix a time, not less than 10 nor more than 30 days thereafter, for the hearing of the matter, a copy of which order shall be served in the usual manner upon the prosecutor of the county wherein such court is located, and upon the chief of police or other executive head of the police department of the municipality wherein said offense was committed, and upon the Diagnostic Center at Menlo Park if such person was committed to that institution before sentencing, within 5 days from the date of such order, and at the time so appointed the court shall hear the matter and if no material objection is made and no reason appears to the contrary, an order may be granted directing the clerk of such court to expunge from the records all evidence of said conviction and that the person against whom such conviction was entered shall be forthwith thereafter relieved from such disabilities as may have heretofore existed by reason thereof, excepting convictions involving the following crimes: treason, misprision of treason, anarchy, all homicides other than death by driving a vehicle under N. J. S. 2A:113–9, assault on a head of state, as defined in N. J. S. 2A:148–6, kidnapping, rape, arson or robbery, and further excepting that the court may continue the hearing for 30 days and order an evaluation of such person by the Diagnostic Center if he was committed to such center before sentencing.

For services performed under this section same fees shall be taxed as are usual for like services in other matters, which fees shall be payable by the petitioner.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 384

AN ACT to authorize the township of Hardyston in the county of Sussex to make permanent the appointment of James Richard Parrish to the police department of the township of Hardyston.

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

Private act.

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 township of Hardyston, in the county of Sussex is authorized to make permanent the appointment of James Richard Parrish to the police department of the township of Hardyston notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, appointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the township of Hardyston for the purpose of adopting same.

Approved March 3, 1976.

CHAPTER 385

AN ACT concerning unemployment compensation and amending R. S. 43:21–6.

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

1. R. S. 43:21–6 is amended to read as follows:

Claim for benefits.

43:21–6. Claim for benefits.

(a) Filing. Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Industry of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers and at such place as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed a printed copy of benefit instructions. Both the aforesaid notices and instructions shall be supplied by the division to employers without cost to them.

(b) (1) Procedure for making initial determinations with respect to benefit years commencing on or after January 1, 1953.

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question and such notification shall also provide the most recent chargeable employer in the base year with the name and address of the most recent employing unit of the claimant.

In his discretion, the director may appoint special deputies to make initial or subsequent determinations under subsections 4 (f) and 5 (d) of this chapter.

If any employer or employing unit fails to respond to the request for information within 7 days after the mailing of such request, the deputy shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

The deputy shall promptly make an initial determination based upon the available information. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to the employer to whom the determina-

tion relates, and also shall show whether the claimant is ineligible or disqualified for benefits under the initial determination. The claimant and the employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

Whenever an initial determination is based upon information other than that supplied by an employer because such employer failed to respond to the deputy's request for information, such initial determination and any subsequent determination thereunder shall be incontestable by the noncomplying employer, as to any charges to his employer's account because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such initial determination shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered initial determination.

The deputy shall issue a separate initial benefit determination with respect to each of the claimant's base year employers, starting with the most recent employer and continuing as necessary in the inverse chronological order of the claimant's last date of employment with each such employer. If an appeal is taken from an initial determination as hereinafter provided by any employer other than the first chargeable base-year employer, then such appeal shall be limited in scope to include only one or more of the following matters:

(A) The correctness of the benefit payments authorized to be made under the determination;

(B) Fraud in connection with the claim pursuant to which the initial determination is issued; or

(C) The refusal of suitable work offered by the chargeable employer filing the appeal.

The amount of benefits payable under an initial determination may be reduced or canceled if necessary to avoid payment of benefits for a number of weeks in excess of the maximum specified in subsection (d) of section 43:21–3 of this Title.

Unless the claimant or any interested party within 7 calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall be final and benefits shall be paid

or denied in accordance therewith, except for such determinations as may be altered in benefit amounts or duration as provided in this paragraph. If an appeal is duly filed, benefits with respect to the period covered by the appeal shall be payable only after a determination of entitlement by the appellate tribunal; benefits payable for periods pending an appeal and not in dispute shall be paid as such benefits accrue; provided, that insofar as any such appeal is or may be an appeal from a determination to the effect that the claimant is disqualified under the provisions of R. S. 43:21–5 or any amendments thereof or supplements thereto, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in said section, and notwithstanding such appeal the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification; and provided, also, that if there are two determinations of entitlement, benefits for the period covered by such determinations shall be paid regardless of any appeal which may thereafter be taken, but no employer's account shall be charged with benefits so paid if the decision is finally reversed.

(2) Procedure for making initial determinations in certain cases of concurrent employment, with respect to benefit years commencing on or after January 1, 1953.

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling $30.00 or more but in each of which there was no single employer from whom he earned as much as $100.00, then such individual's claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for

benefits paid under said initial determination in the inverse chronological order of such last dates of employment.

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall make determinations with respect to claims for benefits thereafter in the course of the benefit year in accordance with any initial determination allowing benefits, and under which benefits have not been exhausted, and each notification of a benefit payment shall be a notification of an affirmative subsequent determination. The allowance of benefits by the deputy on any such determination, or the denial of benefits by the deputy on any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless within 10 days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) Appeal tribunals. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under section 43:21–16(d) of this chapter (R. S. 43:21–1 et seq.), the director with the approval of the Commissioner of Labor and Industry shall establish one or more impartial appeal tribunals consisting in each case of either a salaried examiner or a body, consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commissioner and be paid a fee of not more than $20.00 per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the division in any case in which he is an interested party. The director may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

(e) Board of review. The board of review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The board of review shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and from any determination which has been overruled or modified by any appeal tribunal. The board of review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceeding so removed to the board of review shall be heard by a quorum thereof in accordance with the requirements of subsection (c) of this section. The board of review shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed benefit claims, and appeals from determinations with respect to (1) claims for benefits and (2) demands for refunds of benefits under section 43:21–16 (d) of this chapter (R. S. 43:21–1 et seq.) shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness fees. Witnesses subpenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter (R. S. 43:21–1 et seq.).

(h) Court review. Any decision of the board of review shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address. The Division of Unemployment and Disability Insurance and any party to a proceeding before the board of review may secure judicial review of the final decision of the board of review. Any party not joining in the appeal shall be made a defendant; the board of review shall be deemed to be a party to any judicial action involving the review

of, or appeal from, any of its decisions, and may be represented in any such judicial action by any qualified attorney who may be a regular salaried employee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

(i) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any employer's account of any charge by reason of any benefits paid unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account had such notice been given. Any determination hereunder by the director shall be subject to court review.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 386

AN ACT to authorize the borough of Tenafly in the county of Bergen to make permanent the appointment of Alfred P. Schwab to the police department of the borough of Tenafly.

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

Private act.

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 Tenafly, in the county of Bergen is authorized to make permanent the appointment of Alfred P. Schwab to the police department of the borough of Tenafly notwithstanding his age is greater than the maximum age limit for appointment thereto set forth in N. J. S. 40A:14–127.

2. The board of trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman, otherwise eligible for membership, ap-

pointed pursuant to this act provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption of an ordinance of the borough of Tenafly for the purpose of adopting same.

Approved March 3, 1976.

CHAPTER 387

AN ACT to establish the authority of the Director of the Division of Taxation to enter into closing agreements and compromises with taxpayers within certain limitations, supplementing Title 54 of the Revised Statutes.

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

ARTICLE I

Closing agreements

C. 54:53-1 Authorization to enter into agreements.

1. The Director of the Division of Taxation is authorized to enter into a written agreement with any person relating to the liability of such person, or of the person or estate for whom he acts, in respect of any State tax for any taxable period ending prior or subsequent to the date of such agreement. A closing agreement may be entered into in any case in which there appears to be an advantage in having the case permanently and conclusively closed, or if good and sufficient reasons are shown by the taxpayer for desiring a closing agreement and its is determined by the director that the State will sustain no disadvantage through consumation of such an agreement.

C. 54:53-2 Execution.

2. A closing agreement may be executed even though under the agreement the taxpayer is not liable for any tax for the period to which the agreement relates. There may be a series of closing agreements relating to the tax liability for a single period.

C. 54:53-3 Relation to total tax liability or to one or more separate items.

3. a. Closing agreements with respect to taxable periods ended prior to the date of the agreement may relate to the total tax liability of the taxpayer or to one or more separate items affecting the tax liability of the taxpayer.

b. Closing agreements with respect to taxable periods ending subsequent to the date of the agreement may relate to one or more separate items affecting the tax liability of the taxpayer.

C. 54:53-4 Agreement final and conclusive.

4. A closing agreement which is approved within such time as may be stated in such agreement, or later agreed to, shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of fact:

a. The case shall not be reopened as to the matters agreed upon or the agreement modified by any officer, employee or agent of the State of New Jersey, and;

b. In any suit, action or proceeding, such agreement, abatement, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded; provided, however, a closing agreement with respect to a taxable period ending subsequent to the date of the agreement is subject to any change in, or modification of the law enacted subsequent to the date of such agreement and made applicable to such taxable period, and each closing agreement shall so state.

C. 54:53-5 Request for closing agreement; submission; forms; procedure.

5. A request for a closing agreement which relates to a prior taxable period may be submitted at any time before a case with respect to the tax liability involved is filed with the Division of Tax Appeals. All requests for closing agreements shall be submitted on forms prescribed by the Director of the Division of Taxation. The procedure, with respect to applications, for entering into closing agreements shall be pursuant to such rules as may be promulgated from time to time by the Director of the Division of Taxation in accordance with the provisions of this act.

C. 54:53-6 Assessment and collection of tax or deficiency; credit or refund of overpayment.

6. Any tax or deficiency in tax determined pursuant to a closing agreement shall be assessed and collected, and any overpayment determined pursuant thereto shall be credited or refunded, in accordance with the applicable provisions of law.

ARTICLE II

Compromises

C. 54:53-7 Liabilities arising under tax laws prior to reference of case to attorney general; grounds.

7. The Director of the Division of Taxation may compromise criminal liabilities and any civil liability arising under the tax laws of the State prior to reference of a case involving such liability to the Attorney General for prosecution or defense. Any such liability may be compromised only upon one or both of the following grounds:

a. Doubt as to liability; or

b. Doubt as to collectability.

No such liability shall be compromised if the liability has been established by a court of competent jurisdiction or is certain, and there is no reasonable doubt as to the ability of the State to collect the amounts owing with respect to such liability.

C. 54:53-8 Compromise as to penalties and liabilities.

8. A compromise agreement may relate to a civil or criminal liability for taxes, interest, ad valorem penalties or specific penalties. A criminal liability may be compromised only if it involves a violation of a regulatory provision or a related statute in Title 54 or Title 56 of the Revised Statutes, and then only if such violation was not deliberately committed with intent to defraud.

C. 54:53-9 Relation to entire liability of taxpayer; separate compromise on specific penalties; exceptions.

9. A compromise agreement shall relate to the entire liability of the taxpayer (including taxes, ad valorem penalties and interest) with respect to which the offer in compromise is submitted and all questions of such liability are conclusively settled thereby. Specific penalties, however, shall be compromised separately and not in connection with taxes, interest or ad valorem penalties. Neither the taxpayer nor the State shall, upon the acceptance of an offer in compromise, be permitted to reopen the case except by reason of the following:

a. Falsification or concealment of assets by the taxpayer; or

b. Mutual mistake of a material fact sufficient to cause a contract to be set aside.

However, acceptance of an offer in compromise of a civil liability shall not operate to remit a criminal liability, nor shall acceptance of a compromise of a criminal liability operate to remit a civil liability.

C. 54:53-10 Offers in compromise; submission; forms; remittance or deposit.

10. Offers in compromise shall be submitted on forms prescribed by the Director of the Division of Taxation and shall be accompanied by a remittance representing the amount of the compromise offer, or a deposit if the offer provides for future installment payments. If the final payment on an accepted offer is contingent upon the immediate or simultaneous release of a tax lien in whole or in part, such payment must be in cash, or in the form of a certified, cashier's or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or any State, Territory or possession of the United States, or by a United States postal, bank, express or telegraph money order.

C. 54:53-11 Stay of collection; interests of State.

11. The submission of an offer in compromise shall not operate automatically to stay the collection of any tax liability; however, enforcement of collection may be deferred only if the interests of the State shall not be jeopardized thereby.

C. 54:53-12 Offer in compromise; acceptance; notification; conditions.

12. An offer in compromise shall be considered accepted only when the proponent thereof is so notified in writing. As a condition to accepting an offer in compromise, the taxpayer may be required to enter into any collateral agreement or to post any security which is deemed necessary for the protection of the State.

C. 54:53-13 Withdrawal or rejection of offer.

13. An offer in compromise may be withdrawn by the proponent at any time prior to its acceptance. In the event an offer is rejected, the proponent shall be notified promptly in writing. Frivolous offers or offers submitted for the purpose of delaying the collection of tax liabilities shall be rejected immediately. If an offer is withdrawn or rejected, the amount tendered with the offer, including all installments paid, shall be refunded without interest, unless the taxpayer has stated or agreed that the amount tendered may be applied to the liability with respect to which the offer was submitted.

C. 54:53-14 Opinion of attorney general; filing; contents; exceptions.

14. Except as otherwise provided in this section, before an offer in compromise is accepted, there shall be placed on file in the office of the director the opinion of the Attorney General or his designee with respect to such compromise, with his reasons therefor, and including a statement of:

a. The amount of tax assessed

b. The amount of interest, additional amount, addition to the tax, or assessable penalty, imposed by law on the person against whom the tax is assessed, and

c. The amount actually paid in accordance with the terms of the compromise;

provided, however, no such opinion shall be required with respect to the compromise of any civil case in which the unpaid amount of tax assessed, including any interest, additional amount, addition to the tax or assessable penalty, is less than $5,000.00.

C. 54:53-15 Statute of limitations; waiver by taxpayer.

15. No offer in compromise shall be accepted unless the taxpayer waives the running of the statutory period of limitations on both assessment or collection of the tax liability involved for the period during which the offer is pending, or the period during which any installment remains unpaid, and for one year thereafter.

Effective date

16. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 388

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255).

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

1. Section 4 of P. L. 1944, c. 255 (C. 43:16A–4) is amended to read as follows:

C. 43:16A-4 Creditable service for purposes of act.

4. Only service as a policeman or fireman paid for by an employer, which was rendered by a member since he became a member, or, since he last became a member in case of a break in service, plus service, if any, covered by a prior service liability, shall be considered as creditable service for the purposes of this act, except

that temporary service as a policeman or fireman may also be considered as creditable service if it results, without interruption, in a valid permanent or probational appointment as a policeman or fireman and the member agrees during his first year of membership in the retirement system, or within 1 year after the effective date of this 1975 amendatory act, to make contributions covering such temporary service on the basis of rates established by the actuary.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 389

AN ACT to amend the title of "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a retail value not in excess of $15.00, and the charge for the privilege of playing shall not exceed $0.25; providing for the licensing, regulation and control by a commissioner, of the conducting and operating of such games; providing restrictions as to the places where such games may be conducted and operated; providing that certain playing for money or other valuable things is not authorized; providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein; and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," approved June 16, 1959 (P. L. 1959, c. 109), so that the same shall read "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a retail value not in excess of $100.00, and the charge for the privilege of playing shall not exceed $0.50; providing for the licensing, regulation and control by a commissioner, of the conducting and operating of

such games; providing restrictions as to the places where such games may be conducted and operated; providing that certain playing for money or other valuable things is not authorized; providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein; and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," to amend and supplement the body of said act, and to provide for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State.

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

1. The title of P. L. 1959, c. 109 is amended to read as follows:

Title amended.

An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a retail value not in excess of $100.00, and the charge for the privilege of playing shall not exceed $0.50; providing for the licensing, regulation and control by a commissioner, of the conducting and operating of such games; providing restrictions as to the places where such games may be conducted and operated; providing that certain playing for money or other valuable things is not authorized; providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein; and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State.

2. Section 4 of P. L. 1959, c. 109 (C. 5:8–103) is amended to read as follows:

C. 5:8-103 Investigation of applicant; license; fees; application for removal of disqualification; change in facts; notice.

4. The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to hold, operate and conduct amusement games under the provisions of this

act governing the issuance of licenses to hold, operate and conduct amusement games and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the individual applicant and the officers, directors and stockholders of any corporation holding 5% or more of the capital stock of any corporate applicant, as well as the partners or members, as the case may be, of any partnership, association or organization applicant, are persons of good moral character and have never been convicted of a crime or that such a disqualification has been removed by the commissioner; that such amusement games are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and if the governing body is satisfied that the prize or prizes to be offered and given in any single game shall be of merchandise only of a retail value not in excess of $100.00 and that no such prize or prizes will be redeemed or redeemable, directly or indirectly, for money, it shall issue a license to the applicant for the holding, operation and conduct of said amusement games applied for, accordingly, upon payment of a license fee or fees to be fixed by the governing body by ordinance taking into consideration the number of days or period upon or during which the licensee shall be authorized to operate or conduct the games, the number of units employed therein, the number of places, the number of specific kinds of games to be conducted and the number of persons who may become players of the games at any one time, but in no case less than $10.00 for any one license for a period of 1 year or for a lesser term.

Any person who would be disqualified from holding a license under this act by reason of a conviction for a crime may apply to the commissioner for removal of the disqualification. Such application may be made upon the expiration of a period of 5 years from the date of conviction or, if the applicant had been confined under sentence imposed as a result of the conviction, from the date of unrevoked release from that confinement. If the commissioner shall find that the applicant has conducted himself in a law abiding manner since his conviction or release from confinement and that the association of the applicant will not be contrary to the public interest, the commissioner shall remove such disqualification.

Whenever any change shall occur in the facts as set forth in any application for license, the licensee shall file with the municipal governing body and the commissioner a notice in writing of such

change within 10 days after the occurrence thereof, and said notice of change shall thereupon become part of said application.

No license for the holding, operation and conduct of any game or games of amusement shall be issued under this act which shall be effective for a period of more than 1 year.

3. Section 8 of P. L. 1959, c. 109 (C. 5:8–107) is amended to read as follows:

C. 5:8-107 Charges; awarding of prizes.

8. No more than $0.50 for any one game shall be charged or accepted by any licensee from any one player or participant as an entry fee or payment for the privilege of participating therein. No prize or prizes shall be offered or given in any single game except of merchandise and the merchandise prize or prizes so to be offered and given in any such game shall not exceed in the aggregate sum of $100.00 of retail value and all winners shall be determined and all prizes shall be awarded in any game forthwith upon the completion of the game and before making or accepting any charge for participation in any subsequent game.

4. Section 13 of P. L. 1959, c. 109 (C. 5:8–112) is amended to read as follows:

C. 5:8-112 Exceptions.

13. Nothing contained in this act shall be deemed to authorize the playing of bingo hereunder or to modify, change or supersede the bingo licensing law (P. L. 1954, c. 6), or the raffles licensing law (P. L. 1954, c. 5), except in regard to such raffles, other than draw raffles, where the prizes or awards to be given shall be of merchandise only of an aggregate retail value not in excess of $100.00.

5. Section 17 of P. L. 1959, c. 109 (C. 5:8–116) is amended to read as follows:

C. 5:8-116 Submission of public question to voters; statement.

17. Upon a petition signed by qualified voters of any municipality equal in number to at least 15% of the total number of votes cast therein at the latest preceding general election for members of the General Assembly and filed with the clerk of the municipality at least 60 days before such election, the governing body of the municipality shall provide for the submission to the legal voters of the municipality at such general election, the question of whether this act shall become operative or cease to be operative in such municipality, as the case may be. If, upon such submission of the

question, the majority of all the valid votes cast on the question shall be in favor of having this act inoperative in the municipality, then this act shall, 60 days thereafter, become inoperative in the municipality. The question shall be deemed to be a public question and shall be submitted to the voters as in the case of other public questions. The question shall be stated as follows:

	Yes.	AMUSEMENT GAMES Shall the act entitled "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a retail value not in excess of $100.00, and the charge for the privilege of playing shall not exceed $0.50; providing for the licensing, regulation and control by a commissioner, of the conducting and operating of such games; providing restrictions as to the places where such games may be conducted and operated; providing that certain playing for money or other valuable things is not authorized; providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein; and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," become ..... (insert "operative" or "inoperative") in this municipality?
	No.	

In the blank space set forth in the above box, the word "operative" or "inoperative" shall be inserted in the question when it is submitted to the voters of the municipality according to whether this act become operative by reason of the vote on the question submitted to all the voters of the State as to whether this act should become operative. If a majority of the voters in the munici-

pality who voted on the said general public question was in the affirmative and, thereby, under the provisions of this act, municipal licenses are authorized, then the word "inoperative" should be included in the above blank space, but if this does not become operative in the municipality because a majority of the votes cast therein on the general public question was in the negative, then the word "operative" should be inserted in the above-mentioned blank space. If this act shall have become operative in any municipality by reason of a referendum vote therein, as herein provided, and a further referendum is authorized to determine the question of whether this act shall become inoperative notwithstanding such previous approval by the voters, then the word "inoperative" should be inserted in the above blank space.

6. (New section) For the purpose of complying with the provisions of the State Constitution this amendatory and supplementary act shall be submitted to the people for their approval or rejection at the next general election.

7. (New section) There shall be printed on each official ballot to be used at such election the following:

If you favor the amendment to the Amusement Games Licensing Law printed below, make a cross ×, plus + or check √ in the square opposite the word "Yes."

If you are opposed to the amendment to the Amusement Games Licensing Law printed below, make a cross ×, plus + or check √ in the square opposite the word "No."

	Yes.	AMUSEMENT GAMES INCREASE IN VALUE OF PRIZES AND ADMISSION CHARGE Shall the amendment to the Amusement Games Licensing Law enacted by the Legislature authorizing an increase from $15.00 to $100.00 in the maximum retail value of prizes, and from $0.25 to $0.50 for the privilege of playing amusement games, be approved?
	No.	

In any election district in which voting machines are used the question shall be placed upon the official ballot to be used upon the voting machines, with the foregoing instructions to the voters but

with instructions to vote "Yes" or "No" by the use of such machines and without marking as aforesaid.

8. (New section) If at such election a majority of all the votes cast both for and against the approval of this amendatory and supplementary act shall be cast in favor of the approval thereof, then all of its provisions shall forthwith take effect.

9. (New section) This section and sections 6, 7, and 8 of this amendatory and supplementary act shall take effect immediately and the remainder hereof shall take effect as hereinbefore provided.

Approved March 3, 1976.

CHAPTER 390

AN ACT concerning the operation of certain cemetery companies and amending N. J. S. 8A:5–3.

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

1. N. J. S. 8A:5–3 is amended to read as follows:

Prohibited activities.

8A:5–3. Every cemetery company whether incorporated or organized prior to or subsequent to the effective date of this act, is specifically prohibited from engaging, directly or indirectly, in any of the following activities:

a. The manufacture or sale of monuments, markers or bronze memorials.

b. The manufacture or sale of vaults as defined in this act and the manufacture or sale of private mausoleums or any private sarcophagus.

c. The conduct of any funeral home or engaging in the business or profession of mortuary science; provided that crematoriums operated in conjunction with funeral homes prior to December 1, 1972, are excepted from the provisions of this subsection.

2. This act shall take effect 30 days following enactment.

Approved March 3, 1976.

CHAPTER 391

AN ACT to amend "A supplement to the 'Unincorporated Business Tax Act,' approved June 17, 1966 (P. L. 1966, c. 137) now pending before the Legislature as Assembly Bill No. 3627 (P. L. 1975, c. .....).

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

1. Section 2 of P. L. 1975, c. ..... is amended to read as follows:

C. 54:11B-25 Application of tax; date; deductions by retail dealers of motor fuels.

2. a. The tax imposed by this supplementary act shall be applicable with respect to gross receipts received or accrued on and after January 1, 1975, and shall be applicable to taxpayers reporting on the basis of the calendar year 1975 and fiscal years ending on and after December 31, 1974 and not later than June 30, 1976.

b. In calculating the gross receipts on which tax is due under the "Unincorporated Business Tax Act" (P. L. 1966, c. 137, C. 54:11B–1 et seq.), as amended and supplemented, retail dealers of motor fuels shall be entitled to a deduction of 100% of the amount of Federal and New Jersey motor fuel taxes which were paid on motor fuel purchased by said dealers and which were included in the cost to the retail dealers on the purchase of said motor fuel.

2. This act shall take effect upon the enactment of Assembly Bill No. 3627 (now pending before the Legislature), but if said bill has already been enacted, this act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 392

NOTE: In approving the following act certain items, designated by *, were deleted or reduced by Governor. See Statement appended following the text of the act.

A SUPPLEMENT to an act entitled "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1975, and regulating the disbursement thereof," approved June 25, 1974 (P. L. 1974, c. 58).

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

1. The following sums are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

GENERAL STATE OPERATIONS

300. DEPARTMENT OF STATE

71600. *Recording, Filing, and Control of Documents and Administrative Procedures*

Receipts derived from the examination of voting machines by the Secretary of State are hereby appropriated for the costs of making such examinations.

400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

49100. *Department Management*

The unexpended balance as of June 30, 1974 in the Biological and ecological study—Lake Musconetcong account is hereby appropriated.

500. DEPARTMENT OF EDUCATION

39100. *Department Planning and Management*

From funds appropriated to the Department of Education, an amount not to exceed $2,500 is hereby authorized as a housing allowance for the Commissioner in the absence of any residence provided by the State.

Nothing herein contained shall be deemed to appropriate any funds received in the State Treasury under the State and Local Fiscal Assistance Act of 1972 for any program of State aid to local school districts nor for any payment by the State on behalf of local school districts.

STATE AID

600. Department of Transportation

61500. *Local Highway Facilities—State Aid*

The sums provided for county and municipal aid for lighting may be made available for the payment of obligations applicable to prior fiscal years.

FEDERAL, OTHER NON-STATE AND REVOLVING FUNDS

Subject to allotment by the Director of the Division of Budget and Accounting, the unexpended balances as of June 30, 1974 in the several Federal, Other Non-State, Dedicated and Revolving Funds, and any receipts during the fiscal year 1974-75 from all such funds heretofore or hereafter established, are appropriated for the several purposes thereof, notwithstanding the estimates of revenues and expenditures as to such funds made, except as may have been otherwise specifically provided in P. L. 1974, c. 58.

CLAIMS

72400. Legislative Commissions

72410-031. *Family Court Study Commission*

Howard H. Kestin, Esquire, 18 Washington Place, Suite 400, Newark, New Jersey 07102, for professional services performed for the Family Court Study Commission during 1973 and 1974 $2,150

100. Department of Law and Public Safety

14820. *Racing Commission*

Atlantic City Racing Association, c/o Saiber, Schlesinger and Satz, Attorneys at Law, 11 Commerce Street, Newark, New Jersey 07102, for capital costs for winterization and for other financial losses resulting from the conduct of the special meet granted by the Racing Commission $193,470

200. DEPARTMENT OF THE TREASURY

71300. *Tax and Revenue Administration**

City of Asbury Park, c/o Norman H. Mesnikoff, Counsellor at Law, 305 Bond Street, Asbury Park, New Jersey 07712, for a refund of State gasoline taxes paid, provided that the award be paid as a refund from Motor Fuels Tax revenues of fiscal year 1974-75, payable in the amount of $2,694.

Tony Canale, Pleasantville, New Jersey 08232, c/o Gibson, Previti and Todd, Counsellors at Law, New Road and Shepherd Drive, Northfield, New Jersey 08225, for a refund of Motor Carriers Road Tax and Motor Fuels Tax paid, provided that the award be paid as a refund from Motor Fuels Tax revenues of fiscal year 1974-75, payable in the amount of $2,221; provided further that an additional sum of $1,268 be settled administratively by the Department.

City of Plainfield, c/o George N. Ramsey, Municipal Comptroller, City Hall, Plainfield, New Jersey 07061, for a refund of State gasoline taxes paid, provided that the award be paid as a refund from Motor Fuels Tax revenues of fiscal year 1974-75, payable in the amount of $12,420.

Borough of River Edge, c/o Ned J. Parsekian, Esquire, 210 River Street, Hackensack, New Jersey 07601, for a refund of State gasoline taxes paid, provided that the award be paid as a refund from Motor Fuels Tax revenues of fiscal year 1974-75, payable in the amount of $319.

71330. *Administration of State Lottery*

Haskins and Sells, 1040 Kings Highway North, Cherry Hill, New Jersey 08034, for professional services performed at the request of and for the New Jersey State Lottery Commission during fiscal year 1973-74, payable from funds appropriated to the New Jersey State Lottery Commission, $33,906.

400. Department of Environmental Protection

41370. *Wildlife and Fisheries Management**

46110. *Parks Management**

Department of Higher Education

33970-573. *College of Medicine and Dentistry of New Jersey Martland Hospital—Newark*

Margarita Merced, 123 Norwood Avenue, Newark, New Jersey, c/o Ball, Elwell, Hayden, Livingston and Nelson, Attorneys at Law, 108 Washington Street, Newark, New Jersey 07102, for damages connected with an incident while riding in a Martland Hospital ambulance on September 12, 1970, payable from funds appropriated to the Martland Hospital—Newark, $7,500.

600. Department of Transportation

63100. *State Highway Facilities*

Henry Bober, 258 Bloomingdale Avenue, Cranford, New Jersey, c/o Magner, Abraham, Orlando, Kahn and Pisansky, Counsellors at Law, 840 North Wood Avenue, Linden, New Jersey 07036, for various injuries sustained in an accident in Elizabeth, New Jersey on February 15, 1970 due to an alleged improper functioning of a traffic light, provided that the Attorney General is authorized to negotiate a settlement not to exceed $7,500, payable from the Tort Claims Fund, $7,500.

61100. *State Highway Facilities—Capital Construction**

DEPARTMENT OF INSTITUTIONS AND AGENCIES

12100–732. *State Prison, Rahway*

Franklin Delano Moody, Jr., c/o Steven H. Gifis, Esquire, 180 University Avenue, Newark, New Jersey 07102, for loss of his father's life resulting

from a violent crime on February 28, 1971 at Rahway State Prison, payable from funds appropriated to the Department, $10,000; provided further that these funds be administered by the claimant's legal guardian; provided further that no part of the income shall be chargeable or subject to levy or attachments for any debts or obligations incurred by said claimant prior to the effective date of this act; and provided further that counsel fees shall not exceed 10% of the amount of this award.

Chesley W. Holmes, 554 Central Avenue, Newark, New Jersey, c/o Leora Mosston, Esquire, Director, PROD, 45 Academy Street, Newark, New Jersey 07102, for injuries received on or about March 30, 1971 while assigned duty at Rahway State Prison, payable from funds appropriated to the Department, $2,530.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911. *Palisades Interstate Park Commission*

Borough of Alpine, c/o Schneider, Schneider and Behr, Counsellors at Law, 1029 Teaneck Road, Teaneck, New Jersey 07666, and Borough Officials for the Boroughs of Englewood Cliffs and Fort Lee, for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	$18,300
Borough of Englewood Cliffs	25,200
Borough of Fort Lee	19,500

Payable from the net share of revenues derived from operations of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, $63,000.

970. The Judiciary

73100. *Court Operations**

The Director, Division of Budget and Accounting, is authorized to pay the following prior year's voucher from funds appropriated to the respec-

tive department for fiscal year 1974-75:		
Department of Higher Education:		
Glassboro State College	$480	
Total Appropriation, Claims		$195,620*
Total Supplemental Appropriation		$195,620*

The appropriations hereinabove made for claims shall fully settle and extinguish all claims, demands and liens of every character. The acceptance of said sums shall constitute a full and complete release and acquittance to the State of New Jersey, its agencies, instrumentalities and employees.

2. This act shall take effect immediately.

Approved March 3, 1976.

STATEMENT ON SENATE BILL No. 3174

To the Senate:

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3174 (Corrected Copy) at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall either not take effect or shall be modified.

On page 3:

"71300. *Tax and Revenue Administration*

Tony Canale, Pleasantville, New Jersey 08232, c/o Gibson, Previti and Todd, Counsellors at Law, New Road and Shepherd Drive, Northfield, New Jersey 08225, for a refund of Motor Carriers Road Tax and Motor Fuels Tax paid, provided that the award be paid as a refund from Motor Fuels Tax revenues of fiscal year 1974-75, payable in the amount of $2,221; provided further that an additional sum of $1,268 be settled administratively by the Department."

The first mentioned sum of $2,221 is reduced to $1,788.09.

On page 4:

"41370. *Wildlife and Fisheries Management*

Sandyston Township, Layton, New Jersey 072851, c/o Hixon Spangenberg, Township Clerk, Layton, New Jersey 07851, for payment in lieu of taxes for certain fish and game properties, payable from the Public Shooting and Fishing Grounds Fund, $5,670."

This item is deleted in its entirety.

On page 4:

"46110. *Parks Management*

Gilberto Senior, c/o Samuel K. Yucht, Esquire, 35 Church Street, Paterson, New Jersey 07505, for injuries and resultant consequences sustained on July 4, 1971 from an accident while visiting the Morris Canal, payable from funds appropriated to the Department, $3,000, and balance of $2,742, payable from the General State Fund, $2,742."

This item is deleted in its entirety.

On page 5:

"61100. *State Highway Facilities—Capital Construction*

Borough of Netcong, c/o Borough Officials and Meyerson and Kron, Esquires, 46 Main Street, Netcong 07857, for drainage expenses resulting from flooding due to construction of Route 80, payable from funds appropriated to the Department, $29,000."

This item is deleted in its entirety.

On page 5:

"61100. *State Highway Facilities—Capital Construction*

Royal Rack Service Company, Inc., 9545 Royal Highway, Pennsauken, New Jersey, c/o Farr, Brandt, Haughey, Penberthy and Lewis, Counsellors at Law, Four Kings Highway East, Haddonfield, New Jersey 08033, for property acquisition costs, payable from funds appropriated to the Department, $346,700."

This item is deleted in its entirety.

On page 5:

"61100. *State Highway Facilities—Capital Construction*

Township of Warren, c/o Mastro and Mastro, Attorneys at Law,
7 Morristown Road, Bernardsville, New Jersey 07924, for road

reconstruction costs resulting from construction of Route I-78 during the period April, 1964 through June, 1964, payable from funds appropriated to the Department, $30,000.''

This item is deleted in its entirety.

On page 7:

''73100. *Court Operations*

County of Morris, Court House, Morristown, New Jersey 07960, c/o Robert T. Natoli, County Treasurer, for overtime expended by the Sheriff's Office for security in the jury selection for the Squires and Chesimard Jury, $7,491.''

This item is deleted in its entirety.

On page 7, line 12:

''Total Appropriation, Claims ..... $205,853''

This item is reduced to $195,620.00.

On page 7, line 13:

''Total Supplemental Appropriation ... $205,853''

This item is reduced to $195,620.00.

Senate Bill No. 3174 (Corrected Copy) is a supplemental appropriations bill. Authorizations for the payment of certain claims filed against the State of New Jersey are included in the bill. I have decided, for the reasons stated below, to delete entirely or reduce the following claims.

The award of $2,221 to Mr. Tony Canale includes $330 as interest. Statutory tax refunds are normally made without interest and therefore an award of interest in this matter would be contrary to existing practice. Accordingly, I have reduced the Canale award by $330.

The supplemental appropriations bill process is not the best method for dealing with the Sandyston Township claim. The annual Appropriations Act ''P. L. 1975, c. 128'' contains sufficient authority to pay Sandyston Township in-lieu-of tax payments calculated in accordance with N. J. S. A. 54:4–2.1. Sandyston Township should now provide the Department of Environmental Protection with the specific data necessary to support its request for in-lieu-of tax payments under the provisions of the aforementioned law.

The Gilberto Senior matter involves a negligence claim based on injuries sustained by the claimant while a visitor at the recreational facilities at Lake Hopatcong. While this incident occurred before the Tort Claims Act became effective, I have used the act's principles of liability as a standard against which to measure this claim. As a result, I find no evidence of negligence which could be actionable.

The record before me indicates that Senior tripped over a concrete wall, which was approximately six inches above the ground and thirty feet wide and fell to the bed of the Morris Canal. The Department of Environmental Protection had no record or notice of prior injuries of this type. Furthermore, the area where he fell was not on any path nor a part of the recreational area that is normally used by the public. Accordingly, I must conclude that the State neither knew nor should have known of any dangerous condition and therefore should not be held accountable.

The Borough of Netcong matter involves a claim that is based on proposed costs which would be incurred by the Borough in upgrading storm drains at Helen Way and between Helen Way and Route 46. The Borough contends that the Department of Transportation caused flooding in the area when constructing Route 80.

The record before me only indicates that the construction of Route 80 was one of a series of contributing factors and indeed a very insignificant factor, since the Route 80 area covers only 6-7% of the watershed. Indeed, both the drainage engineer for the Department of Transportation and the Borough's engineer agree that the flooding problem can only be corrected by beginning the upgrading of the draining facility at Lake Musconetcong and working back to Helen Way. This will be an extremely expensive project and will need far more consultation between the State, the Borough of Netcong, Morris County, a railroad, and the acquisition of right-of-way from private land owners. The Borough's claim clearly will not alleviate the situation.

Royal Rack Service Company, Inc. seeks the appropriation of funds from the Trust Fund of the Transportation Benefit Tax Act to permit the Department of Transportation to acquire its property through condemnation.

Last year the Legislature appropriated $346,700 to be deposited into court to allow the Department of Transportation to proceed with condemnation. However, I vetoed that appropriation pri-

marily on the grounds that "... the provisions of the Supplemental Appropriations Act are an inappropriate means for the State to determine what property to condemn for public purposes or how much to pay for it."

Subsequent to my veto, the Department of Transportation informed the property owner that it would still acquire the property, that it had sufficient funds available for the acquisition, and that it would be agreeable to a reinstatement of the condemnation action which had been dismissed on motion by counsel for the claimant. The claimant now demands that the Department file a new complaint with a 1975 date of valuation as opposed to the reinstatement of the 1972 complaint.

The claimant should not be allowed to take advantage of the present situation by obtaining compensation at 1975 prices. Moreover, the claimant has an adequate remedy in the courts in that, after the old complaint has been reinstated, the claimant can move pursuant to N. J. S. A. 20:3–5 for a determination by the court as to the proper date for valuation of the property. Claimant's attempt to utilize the supplemental appropriations process to set the date of valuation runs contrary to positions previously expressed by me that these matters should be determined by the courts and therefore I must veto this claim.

The Township of Warren seeks an award to cover the cost of a road overlay which was accomplished during 1963. This road was destroyed in 1964 by heavy construction equipment used in the building of Route 78.

The Township had sought and received funds for the preparation of a smaller section of the road prior to overlay from the Department of Transportation. However, the Department was not contacted prior to the overlay by the Township of the larger portion of the road. The overlay, as it was accomplished, was completely substandard; more specifically, it was substandard in width, quality of material, safety, and in the lack of drainage. It is quite apparent that the Township made no attempt to meet minimum Department standards for such construction as required by N. J. S. A. 27:13–10 to 17. Moreover, the Township made no attempt to follow the procedure for obtaining State funds for such reconstruction projects as outlined by the aforementioned statutes. These statutes provide the only authorization for departmental participation in such projects.

The Morris County claim for $7,491 would be paid from funds heretofore appropriated to the Judiciary for court operations. I vetoed this same claim last year and find no new justification which persuades me to alter that position. It is still my view that the expense of providing security through the Sheriff's Office in a particular county is not an appropriate expense for the Judiciary in the first instance. The mere fact that a case is transferred from one county to another is not justification for modifying this sound principle.

Respectfully,

[SEAL] BRENDAN T. BYRNE,
Attest: *Governor.*
JOHN J. DEGNAN,
Executive Secretary to the Governor.

CHAPTER 393

AN ACT concerning county assistance for the care of children afflicted with Cooley's anemia, and supplementing Title 9 of the Revised Statutes.

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

C. 40:23-8.21 Appropriations for children afflicted with Cooley's anemia; rules and regulations for eligibility; disbursements.

1. The board of chosen freeholders of a county which has no county home and hospital for children afflicted with Cooley's anemia may appropriate not more than $5,000.00 each year for the necessary expense incident to the diagnosis and treatment for such children resident in the county under the age of 21 years, including the cost of surgical appliances, support and maintenance of such children, investigation of cases, and necessary traveling expenses incidental to the investigation and transportation of patients to a suitable home or hospital within the State supported by public funds or private charity; provided, however, that the board of chosen freeholders in a county of the first class having a population in excess of 800,000 may appropriate not more than $10,000.00 each year.

Before spending money for such purposes the board shall adopt such rules and regulations as it deems desirable concerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the board for that purpose on verified bills presented and approved as in the case of other county expenditures.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 394

AN ACT concerning the payment of wages on public works and repealing sections 34:10–1, 34:10–2, 34:11–1 and 34:11–1.1 of the Revised Statutes.

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

R. S. 34:10-1.
R. S. 34:10-2.
R. S. 34:11-1.
R. S. 34:11-1.1.
Repealed.

1. Sections 34:10–1, 34:10–2, 34:11–1 and 34:11–1.1 of the Revised Statutes are repealed.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 395

AN ACT authorizing the appointment of additional magistrates of the municipal courts of certain municipalities and supplementing chapter 8 of Title 2A of the New Jersey Statutes.

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

C. 2A:8-6.3 Appointment of additional magistrates in second-class cities.

1. The governing body of every second-class city having a population of not less than 85,000 nor more than 103,000 inhabitants in a county of the second-class may provide for the appointment, as the need may appear, of two additional magistrates of the municipal court of such municipality; provided, however, that this provision shall not limit the appointment of additional magistrates in municipalities included within the provisions of any other law.

2. This act shall take effect immediately.

Approved March 3, 1976.

CHAPTER 396

A SUPPLEMENT to the "New Jersey Mortgage Finance Agency Law," approved May 4, 1970 (P. L. 1970, c. 38).

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

C. 17:1B-9.3 New residential mortgages; use of funds.

1. At least 20% of the funds made available for loans to mortgage lenders pursuant to the act this act supplements shall be used for new residential mortgages in municipalities which qualify for State aid under P. L. 1971, c. 64.

2. This act shall take effect 60 days after its enactment.

Approved March 5, 1976.

CHAPTER 397

AN ACT relating to the cost of drugs to patients and residents of nursing homes and convalescent homes.

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

C. 26:2H-29 "Nursing home" or "convalescent home" defined.

1. As used in this act "nursing home" or "convalescent home" means a health care facility licensed by the Department of Health

to provide professional nursing care on a daily basis and includes intermediate care facilities.

C. 26:2H-30 Charges for drugs.

2. No nursing home or convalescent home may charge a patient or resident for drugs more than the cost thereof to the home plus an amount not in excess of 5% to reimburse the home for the administrative costs of purchasing and dispensing such drugs.

C. 26:2H-31 Violation of act; penalty.

3. Any person who violates the provisions of this act shall be liable for a penalty of $100.00 to be collected by a summary proceeding instituted by the Attorney General at the request of the Commissioner of Health pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

4. This act shall take effect immediately.

Approved March 5, 1976.

CHAPTER 398

AN ACT to amend and supplement "An act concerning shellfish, regulating the taking of sea clams (mactra solidissima), providing for licenses, imposing penalties, and supplementing Title 50 of the Revised Statutes," approved July 6, 1950 (P. L. 1950, c. 310), and amending R. S. 52:2–11.

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

1. Section 1 of P. L. 1950, c. 310 (C. 50:2–6.1) is amended to read as follows:

C. 50:2-6.1 Taking, harvesting or dredging of sea clams; license; permit for research.

1. No person or vessel shall take, harvest or dredge for sea clams (mactra solidissima) also known as spisula solidissima from any waters of this State without first obtaining a license from the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection. The Division of Fish, Game and Shell Fisheries may license every vessel engaged in the harvesting of sea clams within the waters of this State. Such license shall be issued on an annual basis.

Such licenses shall grant the privilege of gathering sea clams by dredging, but only in the Atlantic ocean, but not in the Delaware bay northerly of a line from Cape May Point lighthouse tower to Brandywine lighthouse or in the Sandy Hook bay west of a line from the west point of Sandy Hook to Roamer Shoal lighthouse. No boat or vessel shall be licensed under this act unless its bona fide owner is a citizen and actual resident of this State and shall have been such for 12 months next preceding the issuance of such license.

The division may adopt regulations regarding the issuance procedures of such licenses.

The Division of Fish, Game and Shell Fisheries may issue permits for sea clam research, inventory and educational projects. Nothing in this section shall be construed to limit the activities of such projects.

2. Section 2 of P. L. 1950, c. 310 (C. 50:2–6.2) is amended to read as follows:

C. 50:2-6.2 Limitations on licensed dredging.

2. Any such licensed dredging operation shall be limited to the use of a single dredge at a time in any one boat, and such dredge shall not exceed 60 inches in length of cutting bar as measured from the inside of the upright frames. Notwithstanding any other provision of law, the commissioner may adopt regulations fixing the hours during which dredging will be permitted. No such dredging operation shall be permitted at any time between June 1 and September 30 in each year, within 1 mile of the ocean front mean low watermark, unless changed by emergency order or regulation. Unless otherwise provided by regulation, all surf clams harvested within the waters of New Jersey (3 nautical miles) shall not be taken into another state or the waters thereof until said clams have been first landed in New Jersey. It shall be prima facie evidence of a violation of this section if a harvest vessel is observed by radar or other means leaving the waters of New Jersey and entering the waters of another state any time prior to landing.

3. Section 3 of P. L. 1950, c. 310 (C. 50:2–6.3) is amended to read as follows:

C. 50:2-6.3 Regulations; license fees.

The Commissioner of the Department of Environmental Protection with the advice of the Shell Fisheries Councils shall adopt regulations and amend or repeal such regulations from time to time as required for the conservation, protection, management, and

improvement of the sea clam resource and industry. Emergency regulations may be adopted where immediate danger exists to the resource.

The license fee shall be $5.00 per gross ton of a harvesting vessel documented or registered by a bona fide New Jersey resident; minimum fee shall be $35.00 per boat.

4. Section 4 of P. L. 1950, c. 310 (C. 50:2–6.4) is amended to read as follows:

C. 50:2-6.4 Violation of act; penalty.

4. Any person violating any of the provisions of this act, or of said rules and regulations to be made and promulgated hereunder, shall be liable to a mandatory penalty of not less than $500.00 for the first offense, and of not less than $1,000.00 fo rany subsequent offense, and the license shall be revoked for a period of 1 year, for any such subsequent offense. Any penalty imposed by this act shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction, according to the procedure provided by "The Penalty Enforcement Law," being chapter 58 of Title 2A of the New Jersey Statutes.

The captain or owner of the harvesting vessel and the owner or manager of the processing plant shall be individually and jointly liable under this act.

5. R. S. 50:2–11 is amended to read as follows:

Dredging shell fish after sunset, before sunrise or on Sunday.

50:2–11. No person shall dredge upon, or throw, cast or drag an oyster dredge or any other instrument or appliance used for catching clams or oysters, or assist in so doing, or tread for clams, upon any of the lands lying under the tidal waters of this State before sunrise or after sunset, or at any time on Sunday.

C. 50:2-6.5 Construction of act.

6. This act and the regulations adopted or continued hereunder shall be construed liberally to permit the Division of Fish, Game and Shell Fisheries and the Department of Environmental Protection to adequately protect and enhance the sea clam resource.

7. All acts or parts of the acts inconsistent with this act are hereby repealed. Any and all regulations of the Department of Environmental Protection relating to sea clams adopted under prior acts shall remain with full force and effect until revised or repealed by the department pursuant to this act.

8. This act shall take effect immediately.

Approved March 5, 1976.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION commending the Most Reverend George W. Ahr on the occasion of the twenty-fifth anniversary of his installation as Bishop of the Diocese of Trenton.

WHEREAS, On March 20, 1950 the Most Reverend George W. Ahr was installed as the seventh Bishop of the Diocese of Trenton; and

WHEREAS, The Diocese of Trenton composed of the counties of Burlington, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Warren is commemorating this anniversary with a week of spiritual renewal involving all the members of the Diocese, beginning Sunday, March 16, 1975 through Saturday, March 22, 1975; an Anniversary Mass of Thanksgiving to be celebrated April 13, 1975; and an anniversary dinner to be held Sunday, April 13, 1975; and

WHEREAS, It is fitting and proper to publicly acknowledge the dedication, leadership and efforts of the Most Reverend George W. Ahr as Bishop of the Diocese of Trenton; now, therefore

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

1. In recognition of the quarter century of the labors and leadership of the Most Reverend George W. Ahr, Bishop of the Diocese of Trenton, the sincere congratulations of the New Jersey Legislature are hereby extended.

2. The Governor shall issue his proclamation commending the Most Reverend George W. Ahr, Bishop of Trenton, on the occasion of his twenty-fifth anniversary as Bishop of the Diocese of Trenton and urging the appropriate observance thereof by the people of the Diocese of Trenton.

3. Upon the passage and approval of this joint resolution, the Secretary of State shall cause the duly authenticated copy thereof to be transmitted to the Most Reverend George W. Ahr, S.T.D. Bishop, Diocese of Trenton.

4. This joint resolution shall take effect immediately.

Approved April 15, 1975.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION creating a commission to study methods of assisting and promoting the travel-resort industry in order to benefit the economy of the State.

WHEREAS, The resort, travel, tourist and vacation business is the largest single service industry in the State of New Jersey; and

WHEREAS, A pilot study made by Stockton State College indicates that the aggregate economic impact of the travel-resort industry in the State is in excess of $7,000,000,000.00; and

WHEREAS, The State directly benefits by receiving tax revenues of over $175,000,000.00 derived from tolls, gasoline, alcohol, tobacco and sales taxes generated by the travel-resort industry; and

WHEREAS, There is a need to know more about the New Jersey travel-resort market, the changing pattern of vacationist habits of spending, the attitudinal aspects of this highly competitive business, in order to protect and encourage the growth of a vital source of income to the State; now, therefore

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

1. There is hereby created a commission to consist of 12 members, four to be appointed from the membership of the Senate by the President thereof, no more than two of whom shall be of the same political party, four to be appointed from the membership of the General Assembly by the Speaker thereof, no more than two of whom shall be of the same political party, and four to be appointed

by the Governor from citizens of the State actively engaged in the travel-resort industry. Members of the commission shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said commission to conduct an in-depth study of travel-resort industry within the State to determine methods of assisting and promoting said industry for the benefit of the economy of the State. The study shall utilize the study conducted by Stockton State College and the college's research capabilities. It shall consider, among other matters, the travel-resort market, the changing pattern of vacationist habits of spending and the attitudinal aspects of the industry.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. This joint resolution shall take effect immediately.

Approved May 2, 1975.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION to endorse and support the establishment, development, and operation of the South Jersey Medical Complex and location of a Veterans' Administration Hospital in center city Camden.

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

1. That the Legislature finds and declares that it is of immediate urgency to expedite the completion of commitments and plans for the establishment, development, and operation of the South Jersey Medical Complex in center city Camden.

2. That the Legislature encourages and supports the Veterans' Administration of the United States in its desire to locate a new Veterans' Administration Hospital in the South Jersey area.

3. That the Legislature endorses and supports the city of Camden and its offer to donate approximately 10 acres of land in the center city urban renewal project area as the site of the Veterans' Administration Hospital.

4. That the Legislature encourages Governor Brendan T. Byrne, members of the New Jersey delegation to the United States Senate and House of Representatives, and the members of the Senate and General Assembly of the State of New Jersey to support the Veterans' Administration in their choice of a center city Camden site for the new VA Hospital in conjunction with the other components of the South Jersey Medical Complex.

5. That a certified copy of this resolution be forwarded by the Secretary of State, to the Vice President of the United States, the Speaker of the United States House of Representatives, each of the members of Congress elected from this State, and the Administrator of Veterans' Affairs in the Veterans' Administration.

6. This joint resolution shall take effect immediately.

Approved June 20, 1975.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION designating the week of August 10 through 16, 1975, as "Senior Citizens Week" and providing for the proclamation thereof by the Governor.

WHEREAS, Over one million citizens of this State, approximately one-seventh of the total population, can be classified as senior citizens; and

WHEREAS, The senior citizens of this State have made, and continue to make, valuable contributions to this State through their careers, their community service, their family lives; and

WHEREAS, The senior citizens of this State deserve recognition and appreciation for those contributions and concern and assistance for the problems they may confront in the years of their retirement; and

WHEREAS, The numerous and expanding State, county, and municipal programs to aid senior citizens, such as reducing fares on public transportation, furnishing "meals on wheels," creating recreational opportunities, providing health services, are a manifestation of this appreciation and of a desire to be of assistance; and

WHEREAS, The designation of a special week to honor the senior citizens of this State will call attention to their presence in this State and their significant role in the life of this State and will be a further manifestation of the respect that is their due; now, therefore

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

1. The week of August 10 through 16, 1975 is hereby formally designated "Senior Citizens Week" in the State of New Jersey in honor of the senior citizens of this State.

2. The Governor shall issue his proclamation proclaiming the aforesaid designation and urging the appropriate observance thereof by the people of this State.

3. This joint resolution shall take effect immediately.

Approved August 7, 1975.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION requesting the Hackensack Meadowlands Development Commission to name the park they propose to construct in the Hackensack Meadows, the Richard W. De Korte Park.

WHEREAS, Among the projects intended for the development of the Hackensack Meadowlands District is the creation of a 2,000-acre park for the use and enjoyment of the people of New Jersey and for the preservation of some of the unique environmental aspects of the meadowlands; and

WHEREAS, It is customary and fitting that facilities of this nature be appropriately named so as to commemorate outstanding citizens who have made significant contributions to the life of the State; and

WHEREAS, The late Richard W. De Korte, whose outstanding career of public service was recently cut short by his untimely death, was actively involved in the affairs of the area comprised within the meadowlands district; and

WHEREAS, A former member of the General Assembly, Mr. De Korte distinguished himself as floor leader of his party, earning the respect, admiration and trust of all members, and in his last public office rendered signal service to the State as administrator of the energy office created to deal with the fuel crisis in the winter of 1973-74; and

WHEREAS, In his tragically brief career of great brilliance and promise Mr. De Korte also discharged with fidelity, diligence and distinction the offices of councilman and mayor in the borough of Mountain Lakes, Bergen county, of assistant county counsel of Bergen county and of counsel to the Governor; now, therefore

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

1. The Hackensack Meadowlands Development Commission is hereby requested to name the park aforesaid after the late Richard W. De Korte, in recognition of his outstanding services to the State and its people.

2. A duly authenicated copy of this resolution shall be forthwith transmitted to the Hackensack Meadowlands Development Commission.

3. This joint resolution shall take effect immediately.

Approved January 5, 1976.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION establishing the U.S.S. New Jersey Battleship Commission to investigate the feasibility and practicability of obtaining the battleship from the Navy Department and operating it as a naval museum and memorial.

WHEREAS, Many citizens in New Jersey have expressed a strong interest in having the U.S.S. New Jersey Battleship returned to the State when it is released by the Navy Department; and

WHEREAS, It is desirable and appropriate to establish the U.S.S. New Jersey Battleship as a museum and memorial honoring those who served their country in time of need; now, therefore

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

1. There is hereby established a U.S.S. New Jersey Battleship Commission to consist of nine members to be appointed as follows: three members to be appointed by the President of the Senate, three to be appointed by the Speaker of the General Assembly and three to be appointed by the Governor, no more than five of whom shall be of the same political party. Members of the commission shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said commission to make a study of the feasibility and practicability of obtaining the U.S.S. New Jersey Battleship from the Navy Department and operating it as a naval museum and memorial.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature shall report its findings and recommendations to the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. This joint resolution shall take effect immediately.

Approved January 12, 1976.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION designating that portion of Interstate Highway Route 80 commencing in Bergen county and continuing through Warren county as the "Christopher Columbus Highway."

WHEREAS, The vision, courage, and daring of Christopher Columbus led to the discovery of a new continent; and

WHEREAS, The intrepid spirit and steadfast faith which sustained this explorer are a constant inspiration to us as we seek to achieve ever greater accomplishments in every field of human endeavor; and

WHEREAS, It is fitting that appropriate legislative recognition be given to the memory of this great navigator; now, therefore,

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

1. That portion of Interstate Highway Route No. 80 commencing in Bergen county and continuing through Warren county shall be designated as the "Christopher Columbus Highway."

2. The Commissoner of Transportation is authorized to erect appropriate route and directional signs bearing such name.

3. This joint resolution shall take effect immediately.

Approved March 2, 1976.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION requesting the Division of Motor Vehicles to provide space on New Jersey driver's licenses for the placing of information concerning donations pursuant to the "Uniform Anatomical Gift Act."

WHEREAS, The State of New Jersey and 42 other states, and the District of Columbia, have adopted the "Uniform Anatomical Gift Act," which establishes procedures whereby citizens may donate all or any part of their bodies, after death, for medical or dental education or research, the advancement of medical or dental science, therapy, or transplantation; and

WHEREAS, It is in the public interest that there be minimum delays in the disposition of such donations and their application to the purposes for which they were intended, so that maximum benefits may be derived therefrom; and

WHEREAS, The Division of Motor Vehicles has greatly facilitated the prompt and proper treatment of persons injured in motor vehicle accidents by providing space on driver's licenses issued in New Jersey, wherein any person holding such a license may indicate or note his blood type; and

WHEREAS, The Division of Motor Vehicles could also greatly facilitate the prompt and proper implementation of the "Uniform Anatomical Gift Act" if it provided similar space on driver's

licenses issued in New Jersey, wherein any person holding such a license, who intended to donate all or any part of his body after death might place a mark or sign to indicate that such person also carries among his personal effects a "Uniform Organ Donor Card," as provided by the "Uniform Anatomical Gift Act," which gives precise information concerning such person's intention; now, therefore

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

1. The Division of Motor Vehicles shall be authorized to provide space on all driver's licenses issued in the State of New Jersey, wherein any person holding such a license, who intends to act pursuant to the "Uniform Anatomical Gift Act," may place a mark or sign to indicate that such person also carries among his personal effects a "Uniform Organ Donor Card," which gives precise information concerning such person's intention.

2. The Director of the Division of Motor Vehicles may determine the nature and location of any such space provided, and may make any rules and regulations he deems necessary concerning any marks or signs placed in such space; provided, however, that nothing herein shall be interpreted as requiring or authorizing the Division of Motor Vehicles to place or make any such marks or signs on any driver's license, or as making the division in any way responsible for the implementation of the "Uniform Anatomical Gift Act" (P. L. 1969, c. 161).

3. This joint resolution shall take effect immediately.

Approved March 3, 1976.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION creating a commission to study the feasibility and advisability of providing open access to those beaches within the State bordering on the Atlantic ocean.

WHEREAS, There presently appears to exist a possible need to open greater areas of oceanfront beaches to the public for recreational

purposes in light of the overcrowding of such areas in many sections of the State bordering on the Atlantic ocean; and

WHEREAS, Many of the municipalities of the State which border on the Atlantic ocean have based their local tax and municipal services structures upon revenues generated by such beachfront resources; and

WHEREAS, Many of such municipalities of the State are unique in their control and operation of their beaches, with said control and operation differing in many respects from municipality to municipality; and

WHEREAS, There presently appears to be a trend in the law towards the opening of greater areas of oceanfront beaches for the use of the public; and

WHEREAS, It is advisable that any legislative program designed to afford greater access to such beaches be both comprehensive and equitable in nature; now, therefore

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

1. There is hereby created a commission to consist of seven members; two to be members of the Senate appointed by the President thereof, no more than one of whom shall be of the same political party; two to be 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; the Commissioner of the Department of Environmental Protection, or a representative thereof; and two members of the general public to be appointed by the Governor.

2. The commission shall organize as soon as possible after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of the commission to study all aspects of open access to the oceanfront beaches of the State and to determine the impact of such open access upon the tourism industry of the State, upon the character of the municipalities having such beaches within their borders, and upon the fiscal condition of such municipalities, taking into consideration all pertinent factors, including any benefits which may accrue to such municipalities and any demands for additional municipal services which may result. The

commission shall further determine how best to deal with any negative fiscal impact which may result. It shall further be the duty of the commission to determine the nature and scope of special problems which may arise from the presence of private beaches or beach clubs within the oceanfront municipalities of the State and how to best deal with such problems.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency in order to assist in the performance of its studies.

5. The commission shall be entitled to employ counsel and such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

6. The commission may meet and hold hearings at such place or places, within or without the State, as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and Legislature within 6 months from the date of the appointment of its members.

7. This joint resolution shall take effect immediately.

Approved March 3, 1976.

AMENDMENT TO THE 1947 CONSTITUTION ADOPTED IN 1975

Amendment to the 1947 Constitution

PROPOSED AMENDMENT ADOPTED

Amend Article VIII, Section I, paragraph 4 of the Constitution and add paragraphs 5 and 6 as follows:

4. The Legislature may, from time to time, enact laws granting an annual deduction from the amount of any tax bill for taxes on the real property of any citizen and resident of this State of the age of 65 or more years, or any citizen and resident of this State less than 65 years of age who is permanently and totally disabled according to the provisons of the Federal Social Security Act, residing in a dwelling house owned by him which is a constituent part of such real property but no such deduction shall be in excess of $160.00 and such deduction shall be restricted to owners having an income not in excess of $5,000.00 per year exclusive of benefits under any one of the following:

a. The Federal Social Security Act and all amendments and supplements thereto;

b. Any other program of the Federal Government or pursuant to any other Federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under, a. hereof including but not limited to the Federal Railroad Retirement Act and Federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under a. hereof;

provided, however, that the total amount of benefits to be allowed exclusion by any owner under b. or c. hereof shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under a. hereof.

The survivng spouse of a deceased citizen and resident of this State who during his or her life received a real property tax deduc-

tion pursuant to this paragraph shall be entitled, so long as he or she shall remain unmarried and a resident in the same dwelling house with respect to which said deduction was granted, to the same deduction, upon the same conditions, with respect to the same real property, notwithstanding that said surviving spouse is under the age of 65 and is not permanently and totally disabled, provided that said surviving spouse is 55 years of age or older.

Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption to which the said citizen and resident may be entitled, but said citizen and resident may receive in addition any homestead rebate or credit provided by law. The State shall annually reimburse each taxing district in an amount equal to one-half of the tax loss to the district resulting from the allowance of tax deductions pursuant to this paragraph.

5. The Legislature may adopt a homestead statute which entitles homeowners, residential tenants and net lease residential tenants to a rebate or a credit of a sum of money related to property taxes paid by or allocable to them at such rates, and subject to such limits, as may be provided by law.

6. The Legislature may enact general laws under which municipalities may adopt ordinances granting exemptions or abatements from taxation on buildings and structures in areas declared in need of rehabilitation in accordance with statutory criteria, within such municipalities and to the land comprising the premises upon which such buildings or structures are erected and which is necessary for the fair enjoyment thereof. Such exemptions shall be for limited periods of time as specified by law, but not in excess of 5 years.

Adopted November 4, 1975.

Effective December 4, 1975.

PROPOSED AMENDMENT TO THE 1947 CONSTITUTION THAT HAS BEEN REJECTED IN 1975

(1501)

Proposed Amendment to the 1947 Constitution that has been Rejected in 1975

PROPOSED AMENDMENT REJECTED

Amend Article 1 of the Constitution by the addition of the following paragraph:

20A. Equality of rights under the law shall not be denied or abridged on account of sex. The Legislature shall by law provide for the enforcement of the provisions of this paragraph.

Rejected November 4, 1975.

EXECUTIVE ORDERS

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 16

WHEREAS, The Supreme Court of New Jersey has this day decided *American Federation of State, County and Local Employees No. 73, and New Jersey Civil Service Association and New Jersey Employees Association et als.* v. *State*; and

WHEREAS, Dr. Martin Luther King, Jr., devoted himself to fighting prejudice and oppression of blacks in this Nation; and

WHEREAS, This selfless commitment rallied blacks to join in a historic movement to secure the rights guaranteed every American by the Constitution of the United States of America; and

WHEREAS, The dramatic and courageous leadership of Dr. King in the cause of equality and justice earned the sympathy and support of Americans of all races, creeds and nationalities; and

WHEREAS, The tireless efforts of Dr. King helped create a new awareness and appreciation of the valuable contribution by black Americans in building this great Nation; and

WHEREAS, Dr. King, a man of perseverance, dignity and confidence, who helped instill a new sense of pride and purpose in blacks, received not only national but world recognition and was awarded not only honorary degrees but the Nobel Peace Prize in 1964; and

WHEREAS, We should use this occasion to honor the memory of Dr. King;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution, do hereby ORDER and DIRECT that:

Wednesday, January 15, 1975 (the birthday of Martin Luther King, Jr.) be declared an extra holiday for all State employees.

Given, under my hand and seal, this 14th day
[SEAL] of January, in the year Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 17

WHEREAS, The economic situation in New Jersey and in the nation has given rise to fiscal crisis; and

WHEREAS, The State Treasurer has informed me that collections from major revenue sources have fallen below the sums needed to realize the amounts anticipated in the Annual Appropriations Act, P. L. 1974, c. 58; and

WHEREAS, Article VIII, Section 2 of the State Constitution requires the State of New Jersey to have a balanced budget; and

WHEREAS, Section 17 of P. L. 1944, c. 112 (C. 52:27B–26) authorizes the State Treasurer to set aside a reserve out of each appropriation so as to decrease State expenditures during any fiscal year;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, do hereby ORDER and DIRECT that:

1. The State Treasurer and the Division of Budget and Accounting shall take appropriate action pursuant to Section 17 of P. L. 1944, c. 112 (C. 52:27B–26) to set aside reserves out of appropriations made to the various State departments and agencies so as to ensure that State expenditures do not during fiscal year 1974-1975 exceed State revenues.

2. All officials in State departments and agencies shall cooperate with the Department of the Treasury and the Division of Budget

set aside in reserves, curtailed or eliminated.
and Accounting in identifying items of appropriation which may be

3. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal, this 15th day of January in the year of Our Lord, one thousand nine hundred and seventy-five, of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 18

WHEREAS, Closer coordination among various components of the criminal justice system will improve the effectiveness and efficiency of law enforcement; and

WHEREAS, A working relationship has developed among State law enforcement agencies, Federal law enforcement agencies and the Administrative Office of the Courts; and

WHEREAS, certain aspects of this relationship should be formalized and further defined;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, do hereby ORDER and DIRECT that:

1. A Governor's Law Enforcement Policy Council be and hereby is established. The Council shall be composed of the Attorney General, the United States Attorney, the Commissioner of Institutions and Agencies, the Administrative Director of the Courts, the Director of the Division of Criminal Justice, the Superintendent of State Police, the Director of the State Law Enforcement Planning Agency, the Public Defender, and the Special Counsel to the Governor, with the Governor as Chairman and the Attorney General as Vice-Chairman.

2. The Council meet regularly to establish broad law enforcement priorities, policies and directions to be pursued voluntarily by various agencies and components of the criminal justice system, including policies and directions relating to the detection, apprehension, processing and rehabilitation of offenders.

3. The Council review and evaluate legislation affecting the criminal justice system and advise the Governor as to new initiatives and directions that should be pursued in order to improve law enforcement.

4. The Council assist in coordinating the activities of the various agencies and components of the criminal justice system consistent with their individual jurisdictional responsibilities, so as to improve their effectiveness and efficiency.

5. This Executive Order take effect immediately.

Given, under my hand and seal, this 6th day of
[SEAL] February, in the year of Our Lord, one thousand nine hundred and seventy-five, of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 19

WHEREAS, The State of New Jersey desires to continue participation in the Federal-State program of vocational rehabilitation; and

WHEREAS, A state can receive Federal funds therefor if its vocational rehabilitation program plan of operations conforms to the Federal "Rehabilitation Act of 1973" (USPL 93–112; 29 U.S.C. 701 et seq.), and the regulations promulgated thereunder; and

WHEREAS, The Federal "Rehabilitation Act of 1973" and the regulations promulgated thereunder require a state participating in a Federal-State program for vocational rehabilitation to designate a sole state agency to administer its vocational rehabilitation program and to constitute the organizational unit therein primarily concerned with the program of vocational rehabilitation;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. That the Department of Labor and Industry is hereby designated as the sole State agency of this State to administer and supervise Vocational Rehabilitation Programs in this State for disabled persons (except the blind and visually impaired) and that the Division of Vocational Rehabilitation Services in the Department of Labor and Industry is hereby constituted as the organizational unit primarily concerned with the program of vocational rehabilitation of such disabled persons.

2. This Order shall take effect immediately.

Given, under my hand and seal, this 2nd day of
[SEAL] April, in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 20

WHEREAS, The State Commission of Investigation has been in operation for six years; and

WHEREAS, There has been considerable public debate and controversy over the effectiveness of the State Commission of Investigation;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. That Joseph Weintraub, Nathan Jacobs and Edward Broderick are hereby appointed to serve as members of a "Governor's Committee to Evaluate the State Commission of Investigation", and that Joseph Weintraub shall serve as chairman.

2. That the Committee shall study and evaluate the statutory responsibilities and the performance of the State Commission of Investigation, and shall report its findings to the Attorney General and the Governor, together with any recommendations concerning statutory amendment or administrative modification.

3. That all departments and agencies of this State shall cooperate fully with the Committee, and shall make available to it upon request and in confidence any books, documents and records.

4. This Order shall take effect immediately.

Given, under my hand and seal, this 11th day of
[SEAL] April, in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 21

WHEREAS, The Waterfront Commission of New York Harbor was created by the State of New Jersey (P. L. 1953, c. 202) and New York (L. 1953, c. 882, c. 883) with the consent of Congress (67 Stat. 541, Act August 12, 1953, c. 407) to improve the conditions under which waterfront labor is employed within the Port of New York district, and

WHEREAS, That Commission consists of two members, one chosen by each State, each of whom shall receive compensation to be fixed by the Governor of each State, and

WHEREAS, The scope and the nature of the responsibilities assumed by each said commissioner require that his full time be devoted to that undertaking, and

WHEREAS, The Commission's annual budget is submitted to the Governor of each State who then has thirty days to disapprove or reduce any item thereof;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. That every commissioner of the said Waterfront Commission of New York Harbor, heretofore or hereafter chosen by the State of New Jersey, shall devote his entire time to the duties of the Commission and shall not engage in any gainful employment other than his official duties or responsibilities as a commissioner.

[SEAL] Given, under my hand and seal, this 8th day of May, in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 22

WHEREAS, On March 11, 1971, the Governor's State Committee on Children and Youth was created, composed of delegates to the decennial White House Conference on Children (1970) and Youth (1971), youth representatives, and concerned citizens, to implement the recommendations of those national conferences and

otherwise study and recommend what changes need to be made to improve the quality of services for the children and youth of the State, and

WHEREAS, On September 29, 1972, the Governor's State Committee on Children and Youth was continued until June 30, 1975;

WHEREAS, The coming together of these talented people has presented an excellent opportunity for focusing attention on the problems of children and youth in New Jersey; and

WHEREAS, Better communication and coordination of activities among public and private organizations serving children and youth has been established by this Committee;

NOW, THEREFORE, I Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's State Committee on Children and Youth, with a membership of not more than 50 persons, composed of delegates to the decennial White House Conferences, representatives of the Legislature, members of the various State agencies, organizations which have an ongoing concern for the problems of children and youth, and other concerned citizens, shall continue in existence until June 30, 1978.

2. The Office of Youth Services within the Department of Community Affairs, which has served as staff to the Committee shall continue to serve as staff to the State Committee in consultation with the Division of Youth and Family Services in the Department of Institutions and Agencies. The Director of the Office of Youth Services shall serve as secretary to the State Committee and as an ex-officio member thereof.

3. The current members of the Committee shall continue to serve in their capacity. Additional appointments shall be made by the Office of Youth Services, subject to my approval.

4. The Committee shall maintain contact with the White House Conference staff in Washington within the Office of Child Development, Department of Health, Education and Welfare, the National Council of State Committees on Children and Youth, the regional committees established at the decennial Conferences; and should be considered by all other public and private agencies in this State as an official body appointed by the Governor for evaluating and

recommending to my office and to others any programs, legislation, and administrative changes through which the life of the State's children and youth can be enhanced.

5. The Committee shall issue an annual report to the Governor on the progress that has been made by public and private agencies over the past year, and the State Committee shall make reports and recommendations to the Governor, other State agencies, and private organizations for the improvement of current programs or the initiation of new programs for the children and youth of the State.

6. The month of May shall be designated annually as a month for recognizing the children and youth of our State, and the second week of May shall be designated as "A Week for Children and Youth," sponsored by the State Committee on Children and Youth, and I urge that it be set aside by all agencies in the State, both public and private, for activities focusing on the problems, concerns, and accomplishments of our children and youth.

7. This order shall take effect immediately.

[SEAL] Given, under my hand and seal this 18th day of June in the year of Our Lord, one thousand nine hundred and seventy-five, of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 23

WHEREAS, There remain only eight days before the end of this fiscal year; and

WHEREAS, An Appropriations Act must be adopted prior to July 1, 1975;

Now, THEREFORE, I Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The interests of the State of New Jersey require that the General Assembly convene on Sunday, June 22, 1975 because of the necessity to address the fiscal problems confronting this State.

Given, under my hand and seal this 22nd day of June
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 24

WHEREAS, There exists today severe shortages of energy in the State of New Jersey; and

WHEREAS, There is an urgent need for information with respect to the energy shortage of vital and essential fuel products within the State of New Jersey; and

WHEREAS, Information with respect to the availability of specific energy sources is needed to provide for a fair and equitable distribution of energy sources; and

WHEREAS, The development of an informed and comprehensive energy policy to deal with both the present and the future is dependent upon a detailed information base; and

WHEREAS, An office with centralized responsibility is needed to implement the aforementioned duties;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. A State Energy Office is hereby created in the Department of Public Utilities. This office shall report to the Board of Public Utility Commissioners.

2. The State Energy Office shall be headed by an Administrator designated by the Governor.

3. The Administrator shall have the following duties and responsibilities:

a. To advise the Governor on all energy issues and policies.

b. To carry out all energy related responsibilities assigned to the State Energy Office by the Cabinet Energy Committee created pursuant to Executive Order No. 9, dated October 2, 1974.

c. To consult with the Legislature on all energy related issues and policies.

d. To coordinate the State's energy policies with Federal, State and local governmental units.

e. To develop and monitor a State energy conservation program.

f. To encourage and assist positive fuel conservation action by government, business, industry and citizens of the State of New Jersey.

4. The State Office of Petroleum Allocation is hereby created within the Department of Defense, Division of Civil Defense—Disaster Control and is to function under the direction and control of the Administrator of the State Energy Office. The State Office of Petroleum Allocation is authorized to administer the State set-aside program, to provide assistance to all concerned parties in obtaining adjustments specified at 10 CFR 211.13 of the rules promulgated by the Federal Energy Office, and to exercise all other authorities given to a state office of petroleum allocation under rules or other orders issued by the Federal Energy Administration.

5. The Administrator, through the Board of Public Utility Commissioners, shall be entitled to call to his assistance and avail himself of the services of any federal, State, county or municipal department, board, bureau, commission, or agency for purposes of assuring the fair and equitable distribution of available energy supplies.

6. This Order shall take effect immediately. All prior Executive Orders, or parts thereof, inconsistent herewith are repealed.

Given, under my hand and seal this 30th day of June
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy-five, of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 25

WHEREAS, Many counties of this State have been severely struck by floods and storms resulting in substantial damage to property, both public and private, and with weather conditions continuing to pose grave risks of additional flood and storm damage;

WHEREAS, The prevention of additional damage and the rehabilitation of damaged areas require the full cooperation of government at all levels and of private agencies and citizens;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Acting Director of the Division of Civil Defense and Disaster Control is hereby designated as the State coordinating officer for prevention of damage and rehabilitation efforts in damaged areas and shall be empowered to take such lawful action as may be necessary to assist public officials and private persons in such areas and to maximize the extent of federal participation and assistance in such efforts.

2. All State officials and agencies shall cooperate fully with the Acting Director of the Division of Civil Defense and Disaster Control.

3. To the extent that the full cooperation of any State agency is dependent upon a declaration of emergency by the Governor, this Executive Order shall be construed to constitute such a declaration of emergency.

Given, under my hand and seal this 15th day of July,
[SEAL] in the year of our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 26

WHEREAS, The water-filtration plant serving the City of Trenton and nearby communities has been substantially damaged, and water supplies in the area served by such plant have been severely restricted;

WHEREAS, The full cooperation of government at all levels and of private agencies and citizens is required to conserve water until normal water supplies are restored;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. A state of emergency exists in the City of Trenton and those adjacent communities served by the City's water filtration plant.

2. The Acting Director of Civil Defense and Disaster Control is hereby designated as the State coordinating officer to take such lawful action as may be necessary to assist public officials and private persons in the affected areas and to act as liaison with other Federal and State officials in providing appropriate relief;

3. All State agencies located within the affected area are directed to conserve water supplies, and to cooperate fully with directives of the Acting Director of Division of Civil Defense and Disaster Control.

[SEAL] Given, under my hand and seal this 2nd day of September in the year of our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 27

WHEREAS, The water filtration plant serving the City of Trenton and nearby communities has been substantially damaged, and water supplies in the area served by such plant have been severely restricted;

WHEREAS, The full cooperation of government at all levels and of private agencies and citizens is required to conserve water until normal water supplies are restored;

WHEREAS, Additional efforts besides those directed by Executive Order No. 26 are necessary to alleviate the aforementioned emergency;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Commissioner of Labor and Industry shall coordinate all efforts between government and the private sector to make available supplemental water supply and water transportation equipment that could be utilized to meet emergencies in the subject area;

2. The Board of Public Utility Commissioners and the Commissioner of Environmental Protection exercise their statutory authority to provide any available water supply that is required and could be utilized in the subject area; and

3. The Commissioner of Health exercise all her statutory responsibilities to protect the health of the subject area's residents during this time of emergency.

4. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 2nd day of September in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 28

I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby ORDER and DIRECT that:

1. November 28, 1975, the day following Thanksgiving, shall be granted as a day off to employees who work in the executive departments of State Government and who are paid from State funds, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 28, 1975.

[SEAL] Given, under my hand and seal this 18th day of November in the year of our Lord, one thousand nine

New Jersey State Library

hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 29

WHEREAS, Dr. Martin Luther King, Jr., led a historic movement to secure the rights guaranteed every American by the Constitution of the United States of America; and

WHEREAS, The dramatic and courageous leadership of Dr. King in the cause of equality and justice has been an inspiration for Americans of all races, creeds, and nationalities; and

WHEREAS, I have continuously requested the Legislature of this State to recognize the accomplishments of this great American by declaring his birthday as a State holiday; and

WHEREAS, Notwithstanding the failure of the Legislature to do so, the Supreme Court of New Jersey, in *American Federation of State, County and Local Employees No. 73, and New Jersey Civil Service Association and New Jersey Employees Association, et als.* v. *State,* has recognized this State's collective negotiations commitment to certain State employees for recognizing the birthday of Dr. King as a holiday;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and because of the mandate of the Supreme Court in *American Federation of State, County and Local Employees No. 73, and New Jersey Civil Service Association and New Jersey Employees Association, et als.* v. *State,* do hereby Order and Direct that:

Thursday, January 15, 1976 (the birthday of Martin Luther King, Jr.) be declared an extra holiday for all employees who work

in the executive departments of State Government and who are paid from State funds.

[SEAL] Given, under my hand and seal this 9th day of January in the year of our Lord, one thousand nine hundred and seventy-six, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

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Campaign contributions, demand by public officials, prohibited, amends R. S. 19:34–42 et al., Ch. 70.
County Commissioner of Registration, certain counties, employees, civil service coverage applicable, amends R. S. 19:32–2, Ch. 204.
County, provides for nominating from county election districts, amends R. S. 19:23–6 et al., Ch. 43.
Electronic voting systems, procedural and technical changes in use, amends R. S. 19:4–5 et al., Ch. 316.
Evening and out-of-office voter registration required, certain elections, amends R. S. 19:31–2 et al., Ch. 204.
"Fair Campaign Practices Act," C. 19:34–64 et seq., Ch. 190.
Primaries, declaration of party affiliation, amends R. S. 19:23–45, Ch. 260.
Primary absentee ballot, eliminates certification requirement concerning party affiliation, amends C. 19:57–15 et al., Ch. 90.
Prohibition against endorsement of candidates by party committee before a primary election, suspends R. S. 19:34–52 until 2/1/77, Ch. 67.
Public notices of all elections, content prescribed, amends R. S. 19:12–7, Ch. 289.
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ELECTIONS (Continued)
School elections, method of voting for write-in candidates, amends N. J. S. 18A:14–35 et al., Ch. 86.
School elections, poll lists, available for public inspection, amends N. J. S. 18A:14–62, Ch. 298.
Voter registration, amends R. S. 19:31–2 et al., Ch. 15.
Voter registration lists, prohibits use as commercial mailing list, amends C. 19:31–18.1, Ch. 115.

ENVIRONMENT
Joint municipal environmental commissions, creation by 2 or more municipalities, authorized, C. 40:56A–8 et al., Ch. 334.
Meadowlands, title studies and surveys, complete December 31, 1977, amends C. 13:1B–13.6, Ch. 288.
"Natural Areas System Act," C. 13:1B–15.12a et seq., Ch. 363.
New Jersey Trails Council, authorized, study and devise plan for coordinated system of trails, Ch. 367.
Pollution control facilities, financing by Economic Development Authority, amends C. 34:1B–2 et al., Ch. 32.
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"Soil Erosion and Sediment Control Act," C. 4:24–39 et seq., Ch. 251.
"Solid Waste Management Act," revised, each county and Hackensack Meadowlands district, established as solid waste management district, amends C. 13:1E–1 et al., Ch. 326.

ESTATES
"Prudent Investment Law," C. 3A:15–35 et seq., Ch. 337.

EXECUTIVE ORDERS:
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EXPLOSIVES AND FIREWORKS
Propane gas equipment installations, certain, authorizes inspection by municipal plumbing inspector, amends C. 21:1B–3, Ch. 165.

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Investment in bank holding company stock, C. 3A:15–17.5 et seq., Ch. 25.
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Interlocking relationships, in same, contiguous or adjacent municipalities, prohibited, C. 17:16E–1 et seq., Ch. 265.

FIREMEN
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Municipal, legal fees paid, amends N. J. S. 40A:14–28, Ch. 264.
Pensions, certain members, additional year, purchase prior service credit, amends C. 43:16A–4, Ch. 388.

FISH AND GAME
Fishing and hunting licenses, increases fees and penalties, amends R. S. 23:3–1 et seq., Ch. 116.
Permits certain taking of oysters from Delaware Bay during July and August, amends R. S. 50:3–11, Ch. 134.
Pheasant and quail hunting stamps, required, C. 23:3–61.1 et seq., Ch. 117.
Prohibits the payment of bounty for the killing of any woodchuck or fox, C. 23:4–62.2 et al., Ch. 164.

FOOD AND DRUGS
Hypodermic needles etc., sale or possession prohibited, amends C. 2A:170–77.3 et seq., Ch. 98.
Minor's consent to treatment, amends C. 9:17A–4, Ch. 89.
N. J. Controlled Dangerous Substance Act, amends re forfeiture of property subject to a security interest, C. 24:21–35, Ch. 42.
N. J. Controlled Dangerous Substance Act, provides additional penalties, amends C. 24:21–19 et seq., Ch. 31.

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HEALTH
"Alcoholism Treatment and Rehabilitation Act," Division of Alcoholism established, C. 26:2B–7 et seq., Ch. 305.
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Controlled dangerous substance, prescribing and dispensing in indiscriminate manner, valid ground for suspension or revocation of license, C. 45:1–13, Ch. 382.
Drug abuse treatment consent by minor, confidential information, amends C. 9:17A–4, Ch. 89.
Hospital records, X-ray reproductions, retained 5 years, amends R. S. 26:8–5, Ch. 282.
"Local Health Services Act," C. 26:3A2–1 et seq., Ch. 329.
Medical assistance payments for abortion prohibited, C. 30:4D–6.1, Ch. 261.

HEALTH (Continued)
Nursing homes, limits cost of drugs to patients, C. 26:2H–29 et seq., Ch. 397.
"Pharmaceutical Assistance to the Aged," C. 30:4D–20 et seq., Ch. 194, 312.
Sickle cell anemia, increases maximum amount of appropriations by county to afflicted children, amends C. 9:14B–1, Ch. 241.
Volunteer first aid, rescue and ambulance squads, certain certificate of need not required, amends C. 26:2H–2, Ch. 199.

HIGHWAYS
"Christopher Columbus Highway," portion of Route 80 in Bergen and Warren counties, J. R. 7.
New Jersey Expressway Authority, forbids county freeholder to serve on authority, amends C. 27:12C–9, Ch. 27.
New Jersey Highway Authority Act, increases membership from 5 to 7, amends C. 27:12B–4, Ch. 5.
Reallocates $4.3 million from State Transportation Fund, certain highway projects, Ch. 324.
Roadside advertising, certain areas beyond 660 ft. of Interstate or Primary Systems regulated, amends C. 27:7A–12 et al., Ch. 325.

HOLIDAYS
"Grandparents' Day", designated, last Sunday in May, C. 36:1–7, Ch. 161.

HORSE RACING
Advance time for parimutuel wagering to 8:00 A.M., amends C. 5:5–85, Ch. 247.

HOSPITALS
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Hospital service corporation contracts, extends coverage to newly-born children, amends C. 17:48–6 et seq., Ch. 109.
Legislature endorses the establishment of South Jersey Medical Complex and Veterans' Administration Hospital in Camden, J. R. 3.

HOUSING
"Maintenance of Viable Neighborhoods Act," C. 52:27–142 et seq., Ch. 248.
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N. J. Housing Finance Agency, projects, financing, amends C. 55:14J–34, Ch. 290.

INSTITUTIONS AND AGENCIES
Mentally ill, civil rights of inmates, amends C. 30:4–24.1 et seq., Ch. 85.
"N. J. Medical Assistance and Health Services Act," payments for abortion prohibited, C. 30:4D–6.1, Ch. 261.
Nursing Home Administrator's Licensing Board, increases membership, amends 30:11–20, Ch. 8.
"Pharmaceutical Assistance to the Aged," C. 30:4D–20 et seq., Ch. 194, 312.
Promulgation of rules concerning rights and duties of inmates, required, C. 30:4–8.4 et seq., Ch. 95.
Relieves grandparents of support responsibility, amends R. S. 30:4–66, Ch. 1.

INSURANCE
Authorizes certain insurers to assume any type insurance risk through reinsurance, amends N. J. S. 17B:18–65 et al., Ch. 80.
Broker's, agents' and solicitors' licenses, fees increased, amends C. 17:22–6.6 et al., Ch. 295.

INSURANCE (Continued)
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Financial institutions, certain, prohibited from transacting insurance business, C. 17:3C–1 and C. 17:22–6.6a et al., Ch. 346.
Group health insurance policies, requires payment for certain chiropractor services, C. 17B:27–51.1, Ch. 125.
Group life insurance premiums, auxiliary police volunteers, payment authorized, C. 40A:14–146.5, Ch. 238.
Group life policies, insurability of group determined by commissioner, C. 17B:27–1.1, Ch. 197.
Health, extends policy coverage to include newly-born children, amends N. J. S. 17B:26–2 et al., Ch. 111.
Health policy, requires payment for certain chiropractor services, amends N. J. S. 17B:26–2, Ch. 119.
Hospital service corporation contracts, extends coverage to newly-born children, amends C. 17:48–6 et seq., Ch. 109.
Life and health, unfair settlement practices, prohibited, C. 17B:30–13.1 et seq., Ch. 101.
"Medical Malpractice Liability Insurance Act," C. 17:30D–1 et seq., Ch. 301.
Medical Service Corporations, benefits provided for services rendered by physical therapists, C. 17:48A–31, Ch. 273.
Medical service corporation contracts, extends coverage to include newly-born children, amends C. 17:48A–5 et al., Ch. 110.
Rehabilitation and liquidation of insurers, C. 17:30C–1 et seq., Ch. 113.
Rules of Commissioner re insurers' loss reports, C. 17:29A–5.1, Ch. 9.
School accident insurance, extension to extra-curricular programs, amends N. J. S. 18A:43–1, Ch. 233.
Special Joint Underwriting Associations, increases maximum surcharge to ½ of 1% of policy premium, amends C. 17:30B–10, Ch. 76.
"The Title Insurance Act of 1974," C. 17:46B–1 et seq., Ch. 106.
Unfair settlement practices, prohibited, amends C. 17:29B–4, Ch. 100.

INTEREST
Maximum rate limitation on certain government obligations, suspension extended to June 30, 1978, amends C. 31:1–7, Ch. 130.
Redemption of real property sold to enforce municipal liens, maximum interest upon redemption increased from 8% to 12% per annum, amends R. S. 54:5–32 et al., Ch. 210.

INTERSTATE RELATIONS
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Commission to Study Open Access to Beaches, J. R. 9, p. 1494.
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JOINT RESOLUTIONS (Continued)
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JUDGES
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Recall from retirement for temporary service, amends C. 43:6A–13, Ch. 14.

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Division of Workers' Compensation, name change, C. 34:1A–5.1, Ch. 352.
Employers prohibited from taking disciplinary action against an employee because his earnings were garnished, C. 2A:170–90.3, Ch. 182.
Farm labor crew leaders, regulates, amends C. 34:8A–7 et al., Ch. 49.
Public works, payment of wages, obsolete, superseded by "N. J. Prevailing Wage Act," repeals R. S. 34:10–1 et al., Ch. 394.
Temporary Disability Benefits, extended, amends C. 43:21–41, Ch. 355.
Wages, permits employer to deposit consenting employee's wages in a financial institution, C. 34:11–4.2a, Ch. 143.

LABOR AND INDUSTRY
"N. J. Economic Development Authority," broadens definition of project and expands authority's financing capabilities, amends C. 34:1B–2 et al., Ch. 253.

LANDLORD AND TENANT
Commissioner of Community Affairs required to notify mortgagees of certain building code violations, C. 55:13A–20.1 et seq., Ch. 191.
Eviction, grounds and notices; tenants rights on conversion of multiple dwelling into condominium or cooperative, amends C. 2A:18–61.6 et seq., Ch. 311.
Judgment for possession, notice to quit required, certain tenancies, amends N. J. S. 2A:18–56, Ch. 136.
Reprisal action for re-entry, includes mobile homes as rental premises, amends C. 2A:42–10.13, Ch. 124.
"Truth-in-Renting Act," prescribes rights of landlords and tenants, C. 46:8–43 et seq., Ch. 310.

LEGISLATURE
Authorizes survey to determine Legislature's need for additional space in State House, Ch. 17.
Endorses the establishment of South Jersey Medical Complex and Veterans' Administration Hospital in Camden, J. R. 3.
Joint Committee on the Public Schools, created, C. 52:9R–1 et seq., Ch. 16.

LICENSES AND PERMITS
Alcoholic beverage, amends R. S. 33:1–25 to provide for general notice of license renewal applications, Ch. 99.
Carnival and amusement rides, safety inspection, licensing and regulation, C. 5:3–31 et seq., Ch. 105.
Distribution of liming materials, license required, amends C. 4:9–21.3 et al., Ch. 140.
Fishing and hunting, increases fees and penalties, amends R. S. 23:3–1 et seq., Ch. 116.
Fishing licenses, requires display on outer clothing, amends R. S. 23:3–1, Ch. 81.
Pheasant and quail hunting stamps, required, C. 23:3–61.1 et seq., Ch. 117.

MORTGAGES
Funds received pursuant to "N. J. Mortgage Finance Agency Law," certain percentage exempt from limitation, amends C. 17:9A–69, Ch. 259.
"Mortgages Guaranty Insurance Act," expands coverage, amends C. 17:46A–2, Ch. 122.
New Jersey Mortgage Finance Agency, mortgage purchase program authorized, amends and supplements C. 17:1B–5.1 et seq., Ch. 160.
New residential mortgages, 20% of loans made by Mortgage Finance Agency, certain municipalities qualifying for State aid, C. 17:1B–9.3, Ch. 396.
Prohibits banking institutions from requiring borrower to employ lender's counsel, C. 46:10A–6, Ch. 145.
Requires mortgagees to apply for cancellation of paid mortgages, C. 46:18–11.2 et seq., Ch. 137.
Savings banks, funds received pursuant to "N. J. Mortgage Finance Agency Law," certain percentage exempt from limitation, amends C. 17:9A–69, Ch. 258.

MOTOR VEHICLES
Angle parking ordinance, exempts certain municipalities from securing commissioner's approval, C. 39:4–197.4, Ch. 152.
Bicentennial commemorative license plates authorized, Ch. 102.
Bicycles, certain safety equipment required, C. 39:4–14.4 et seq., Ch. 328.
Commercial motor vehicles, weight and size requirements, amends C. 39:3–84.3 et al., Ch. 92.
Division of Motor Vehicles, empowered to continue requirement for posting of security by uninsured drivers, amends C. 39:6–25, Ch. 252.
Driver's licenses, space provided, indicate, carrier of "Uniform Organ Donor Card," J. R. 8.
Fines, use for general county expenses under certain circumstances permitted, amends R. S. 39:5–41, Ch. 309.
Inspections, revises standards and procedures, amends R. S. 39:8–2 et al., Ch. 156.
Licenses and registrations, falsification and forgery, penalty, amends C. 39:3–38.1 et seq., Ch. 268.
Licensing and registration fees, increases, amends R. S. 39:2–10 et al., Ch. 180.
Littering, fines, amends R. S. 39:4–64 et seq., Ch. 154.
Motorized bicycles, defines and regulates, amends R. S. 39:1–1 et al., Ch. 250.
M. V. driver license and improvement study commission, extends reporting date to September 15, 1975, Ch. 114.
M. V. Liability Security Fund, authorizes transfer of funds to the General State Fund in certain cases, Ch. 175.
Parking spaces for handicapped persons, required in certain parking facilities, C. 52:32–11 et seq., Ch. 221.
School bus drivers, medical exam required, reduces from 21 to 18 years eligibility, C. 39:3–10.1a, Ch. 284.
Snowmobiles, registration year, amends C. 39:3C–3, Ch. 28.
Special learner's permit, permits summer training programs, amends C. 39:3–13.1, Ch. 128.
Special license plates, amputees, national wheelchair symbol, amends C. 39:4–206, Ch. 330.
Study commission, extended to December 31, 1976, Ch. 318.

MOTOR VEHICLES (Continued)
Unsatisfied Claim and Judgment Fund, authorizes the transfer of certain funds to the General State Fund, amends C. 39:6–88, Ch. 174.
Unsatisfied Claim and Judgment Fund, increases maximum amounts payable, C. 39:6–84.1, Ch. 6.
Vehicle combined gross weight limitation increased to 34,000 pounds, amends R. S. 39:3–84, Ch. 91.

MUNICIPALITIES
Amends "Local Lands and Building's Law," as to sales of public lands, C. 40A:12–13, Ch. 73, Ch. 339.
Angle parking ordinance, exempts certain municipalities from securing commissioner's approval, C. 39:4–197.4, Ch. 152.
Appropriations authorized, care and treatment of certain emotionally maladjusted or physically undernourished children, C. 40:23–8.17, Ch. 278.
Authorizes municipalities to make appropriations for benefit of certain mentally and physically handicapped persons, C. 40:48–9.4a et seq., Ch. 141.
Authorizes the issuance of an additional club liquor license by certain municipalities, C. 33:1–45.4, Ch. 19.
Blighted areas, redevelopment plan, adoption by planning board, required, amends C. 40:55–21.10, Ch. 276.
Boundary line, township of Dover and borough of Lavallette, relocated, Ch. 322.
Boundary reestablished, township of Colts Neck and township of Marlboro, Ch. 373.
Certain city commissioners, maximum salary, C. 40:72–24.16, Ch. 45.
Charter study commission, number signatures required for nomination, amends C. 40:69A–3, Ch. 372.
Commission Form of Government, Mayors and Commissioners, salaries, C. 40:72–26 et al., Ch. 292.
Commission form of government, commission, candidates, file petitions of nomination 30 days prior to election, amends 40:75–3, Ch. 315.
Community action programs, appropriations authorized, C. 40:23–8.18 et seq., Ch. 342.
Elected tax assessor, exempt from residence requirements, amends N. J. S. 40A:9–1, Ch. 88.
Elective officials, petition for referendum re salary increases, amends N. J. S. 40A:9–165, Ch. 215.
Extends Passaic Valley Sewerage District to include North Haledon, amends R. S. 58:14–25, Ch. 18.
Finance officer, qualifications, certain job experience acceptable, amends C. 40A:9–140.1, Ch. 198.
Firemen, paid legal fees, amends N. J. S. 40A:14–28, Ch. 264.
Fire prevention subcode officials, appointment, supplements Uniform construction code, C. 52:27D–126.1 et al, Ch. 317.
First class, certain, members of retirement system to continue employment from age 65 to 70 under certain circumstances, amends C. 43:13–22.53, Ch. 307.
Group life insurance premiums, auxiliary police volunteers, payment authorized, C. 40A:14–146.5, Ch. 238.
Housing police officer, certain appointments authorized, C. 40A:14–146.2 et seq., Ch. 189.

MUNICIPALITIES (Continued)
Increases size of Local Housing Authorities by one member to be appointed by the mayor or freeholder director, as the case may be, amends R. S. 55:14A–4, Ch. 239.
Joint environmental commission, creation by 2 or more municipalities, authorized, C. 40:56A–8 et al., Ch. 334.
Judges, additional in certain municipalities, amends N. J. S. 2A:8–6, Ch. 120.
Judges, two additional, Camden, C. 2A:8–6.3, Ch. 395.
"Local Health Services Act," C. 26:3A2–1 et seq., Ch. 329.
Local housing authorities, increases powers concerning redevelopment projects, amends C. 55:14A–3.4 et al., Ch. 193.
Local Public Contracts Law, extended to certain municipal authorities, amends C. 40:11A–6 et al., Ch. 96.
"Local Public Contracts Law," revised, C. 40A:11–2 et al., Ch. 353.
"Local Tax Authorization Act of 1970," extended to 1977, amends C. 40:48C–5 et al., Ch. 262.
Municipal employee pensions, increases maximum benefits, decreases retirement age, amends C. 43:13–22.3 et al., Ch. 108.
Municipal engineers, prohibits compensation based on percentage of contract, amends N. J. S. 40A:9–140 et al., Ch. 285.
"Municipal Governing Body Vacancy Law," provides for the filling of vacancies in governing bodies, C. 40:45B–1 et al., Ch. 213.
"Municipal Land Use Law," C. 40:55D–1 et al., Ch. 291.
Municipal utility authority employees, civil service, Ch. 236.
North Brunswick township—Milltown borough, boundary relocation, Ch. 93.
Office of consumer affairs, authorized, limited to municipalities in which no county office established, C. 40:23–6.47 et seq., Ch. 376.
Parking spaces for handicapped persons, required in certain parking facilities, C. 52:32–11, et seq., Ch. 221.
Payroll tax authorized, certain municipalities, C. 40:48D–1 et seq., Ch. 20.
Police departments, disposition of unclaimed money or tangible personal property found, amends N. J. S. 40A:14–157, Ch. 306.
Police officers, certain, 2nd class cities, population of more than 42,000 less than 50,000, permanent civil service status, Ch. 377.
Prohibits the payment of bounty for the killing of any woodchuck or fox, C. 23:4–62.2 et al., Ch. 164.
Property on which a municipality holds a tax sale certificate, provides for the use of income therefrom, amends C. 54:5–53.1, Ch. 195.
Purchase of real property, authorizes conditional private sale from counties, C. 40A:12–13.3, Ch. 75.
Real property tax assessment, certain home improvement exemption, C. 54:4–3.72 et seq., Ch. 104, 283.
Redevelopment agencies and regional development agencies, increases membership, amends C. 40:55C–6, Ch. 192.
Redevelopment agencies authorized to make loans to redevelopers, amends C. 40:55C–12 et al., Ch. 206.
Riparian lands, lease or use by municipalities authorized for park and recreational purposes only, C. 12:3–37.1, Ch. 354.
Roads not dedicated as public highways, authorizes governing body to provide services therefor, C. 40:67–23.1, Ch. 243.

MUNICIPALITIES (Continued)
Sewerage authorities, credit, certain connection charges, amends C. 40:14A–8, Ch. 320.
Sewerage authorities, participation by municipalities in 2 or more permitted, amends C. 40:14A–4, Ch. 381.
Sewerage plant facilities, loss of real estate taxes to one municipality to be apportioned among all participating municipalities, amends R. S. 58:14–15, Ch. 254.
Solid waste management authorities, authorizes the dissolution of authorities in certain cases, amends C. 40:66A–35 et al., Ch. 216.
State aid, maintain and upgrade municipal services, $36,000,000.00, Ch. 68.
Supplements "Safe and Clean Neighborhoods Act of 1973" re budget anticipation, Ch. 229.
Township police, certain appointment and status validated, Ch. 347.
Validates joint purchasing agreement by public authority created by one or more counties or municipalities, Ch. 333.
Wildwood, parking authority, additional facilities authorized, Ch. 201.
Waterworks, municipally owned, sale of water outside municipality subject to regulation by Board of Public Utility Commissioners, C. 40:62–85.2, Ch. 184.

PARKS
County, provides tenure of office for certain employees, C. 40:37–95.4a, Ch. 121.
Free admission to State parks, disabled persons, amends C. 13:2–11, Ch. 7.

PENSIONS
Alternate retirement benefits program, tax shelter contributions, faculty, certain colleges, amends C. 18A:66–174, Ch. 364.
Amends and supplements county pension act for counties 300,000-325,000, C. 43:10–18.50 et al., Ch. 230.
City physician and health officer of Summit, Ch. 38.
County correction officers, members of police and firemen's retirement system, amends C. 43:16A–1 et al., Ch. 302.
Municipal employee pensions, increases maximum benefits, decreases retirement age, amends C. 43:13–22.3 et al., Ch. 108.
Municipalities, certain 1st class, members to continue employment from age 65 to 70 under certain circumstances, amends C. 43:13–22.53, Ch. 307.
Pension increase, certain retired public employees, adjusted, amends C. 43:3B–1 et al., Ch. 375.
Police and Firemen's System, certain members, additional year, purchase prior service credit, amends C. 43:16A–4, Ch. 388.
Police officers, certain, transfer to Police and Firemen's Retirement System, amends C. 43:16A–63 et seq., Ch. 303.
Retired judges, recall for temporary service, amends C. 43:6A–13, Ch. 14.
Savings and Loan Associations, method of determining payments, inclusion in pension plan, amends C. 17:12B–53 et al., Ch. 29.
School crossing guards, part-time, membership in PERS optional, amends C. 43:15A–7, Ch. 344.

PLANNING AND ZONING
"Municipal Land Use Law", C. 40:55D–1 et al., Ch. 291.

POLICE
Appointments: Beachwood, Ch. 60; Brick, Ch. 61; Bridgeton, Chs. 50, 52; Dover, Ch. 40; Gloucester, Ch. 62; Hardyston, Ch. 384; Hazlet, Ch. 64; Hi-Nella, Ch. 55; Long Branch, Ch. 368; Manalapan, Ch. 58; Middlesex, Ch. 63; Milltown, Chs. 56, 57; Paterson, Ch. 59; Summit, Ch. 380; Tenafly, Ch. 386; Tuckerton, Ch. 54; Union, Ch. 65; Willingboro, Ch. 51, Ch. 374.
Authorizes the sale by mail of tickets to social functions, amends N. J. S. 2A:170–20, Ch. 30.
Delaware River Port Authority police, authorized to make arrests and issue summonses, amends C. 32:4–6, Ch. 348.
Group life insurance premiums, auxiliary police volunteers, payment authorized, C. 40A:14–146.5, Ch. 238.
Housing police officer, certain municipal appointments authorized, C. 40A:14–146.2 et seq., Ch. 189.
Municipal departments, disposition of unclaimed money or tangible personal property found, amends N. J. S. 40A:14–157, Ch. 306.
Municipal officers, certain, 2nd class cities, population more than 42,000 less than 50,000, permanent civil service status, Ch. 377.
"New Jersey Wiretapping and Electronic Surveillance Control Act," amended and extended to July 1, 1978, C. 2A:156A–4 et al., Ch. 131.
Pensions, certain members, additional year, purchase prior service credit, amends C. 43:16A–4, Ch. 388.
Police Training Commission, increases membership to include the Chancellor of Higher Education, amends C. 52:17B–70 et al., Ch. 163.
State Police eligible to receive certain higher education scholarships, amends C. 52:17B–71.3 et al., Ch. 163.
"State Police Retirement System Act," amends the definition of widow, C. 53:5A–3, Ch. 211.
Township, Certain, appointment and status validated, Ch. 347.

PROFESSIONS AND OCCUPATIONS
Acupuncture research programs, established, licensing required, C. 45:9B–1 et seq., Ch. 358.
Charitable organizations, definition, amends Charitable Fund Raising Act, C. 45:17A–3, Ch. 279.
Clinical Laboratories, licensing and regulation, C. 45:9–42.26 et seq., Ch. 166.
Health care, prescribing and dispensing certain drugs in indiscriminate manner, valid ground for suspension or revocation of license, C. 45:1–13, Ch. 382.
Health insurance claim forms, dentists prohibited from charging extra fee for completion, C. 45:9–22.1, Ch. 299.
Health insurance claim forms, physicians prohibited from charging extra fee for completion, C. 45:9–22.1, Ch. 297.
Health insurance claim forms, podiatrists, optometrists or psychologists, prohibited from charging extra fee for completion, C. 45:9–22.1, Ch. 300.
Optometrists, requires continual education, C. 45:12–9.1 et seq., Ch. 24.
Orthoptics, repeals P. L. 1968, c. 114, s. 11, C. 45:12A–11, limiting performance in certain hospitals, Ch. 277.
Physical therapists, registration requirements amended and supplemented, C. 45:9–37.1 et seq., Ch. 185.
Physicians and surgeons, regulates billing practices in workmen's compensation and negligence cases, C. 45:9–27.5 et seq., Ch. 240.

PUBLIC EMPLOYEES
Commission Form of Government Municipalities, salaries of mayors and commissioners, C. 40:72–26 et al., Ch. 292.
Counties, population 900,000 or more, deputy sheriffs, appointment authorized, C. 40A:9–117.2 et seq., Ch. 272.
County Commissioner of Registration appointees, certain, subject to civil service, amends R. S. 19:32–2, Ch. 204.
County road supervisors, certain, tenure of office, C. 27:14–24.2, Ch. 214.
Immunity from criminal prosecution, granted, certain cases, amends C. 2A:81–17.2a1 and C. 2A:81–17.2a2, Ch. 246.
Leave of absence, certain firemen's conventions, amends R. S. 38:23–2, Ch. 263.
Leave of absence with pay, attend Disabled American Veterans' Auxiliary Convention, amends R. S. 38:23–2, Ch. 332.
Municipal employee pensions, increases maximum benefits, decreases retirement age, amends C. 43:13–22.3 et al., Ch. 108.
Municipal engineers, prohibits compensation based on percentage of contract, amends N. J. S. 40A:9–140 et al., Ch. 285.
Nontenure teaching staff, evaluation required, C. 18A:27–3.1 et seq., Ch. 132.
Payroll deductions for group insurance authorized, amends C. 52:14–15.9a, Ch. 10.
PERS, permits certain State troopers to receive credit for time spent in active military service, C. 43:15A–12.1, Ch. 44.
PERS, supplementary retirement allowance, authorized, certain members, Ch. 188.
Retired, certain, pension increase, adjusted, amends C. 43:3B–1 et al., Ch. 375.
Senior elections clerk, certain counties, permanently appointed, Ch. 205.
Tenure, certain municipal court clerks, C. 2A:8–13.3, Ch. 39.

PUBLIC MEETINGS
"Open Public Meetings Act," C. 10:4–6 et seq., Ch. 231.

PUBLIC SAFETY
"Ski Lift Safety Act," C. 34:4A–1 et seq., Ch. 226.

PUBLIC UTILITIES
Assessment of utilities and movers by Board of Public Utility Commissioners, increases maximum amount, amends C. 48:2–60, Ch. 37.
Jitney operators, limits reimbursements for student fares, amends C. 48:3–39, Ch. 146.
Municipally owned water works, out of municipality water sales regulated, C. 40:62–85.2, Ch. 184.

RACING
Horse races, regulates purses, allows additional 100 days racing, amends C. 5:5–44 et al., Ch. 327.

RAILROADS
Handicapped and senior citizens, half fare, motorbus and rail transportation, amends C. 27:1A–64 et al., Ch. 271.
Public subsidy continued to 7/1/76, amends C. 27:1A–28.1 et al., Ch. 22.

REAL ESTATE
Assessment of condominiums, amends C. 46:8B–19, Ch. 2.
Deceptive advertising, prohibited, amends C. 56:8–2, Ch. 294.
Farmland, certain, assessment for local improvements, payment deferred, C. 40:56–41.1 et seq., Ch. 341.

REAL ESTATE (Continued)
"Land Sales Full Disclosure Act," regulates promotion and sales in out of state subdivisions, C. 45:15–16.3 et seq., Ch. 235.
"Natural Areas System Act," C. 13:1B–15.12a et seq., Ch. 363.
Prepayment of mortgage loan, decreases maximum fee, amends C. 46:10B–2, Ch. 87.
Prohibits certain types of discrimination in real estate transactions, amends C. 10:5–12, Ch. 35.
Real property tax assessment, certain home improvement exemption, C. 54:4–3.72 et seq., Ch. 104.
Realty transfer fee, increased by .35 of 1%, amends C. 46:15–5 et al., Ch. 176.
Requires mortgagees to apply for cancellation of paid mortgages, C. 46:18–11.2 et seq., Ch. 137.
"Retirement Community Full Disclosure Act," term "unit" redefined, amends C. 45:22A–2, Ch. 335.
Sale of real property to enforce municipal liens, maximum interest rate upon redemption increased from 8% to 12% per annum, amends R. S. 54:5–32 et al., Ch. 210.

RECREATION
Counties, certain, authorized to provide recreational activities in addition to golf course, amends C. 40:32–7.9 et seq., Ch. 343.
N. J. Green Acres Land Acquisition and Recreation Opportunities Act, C. 13:8A–35 et seq., Ch. 155.
"Ski Lift Safety Act," C. 34:4A–1 et seq., Ch. 226.

RELIGION
Commends Most Reverend George W. Ahr on his 25th anniversary as Bishop of the Diocese of Trenton, J. R. 1.

RIPARIAN LANDS
Municipal lease or use authorized for park and recreational purposes only, C. 12:3–37.1, Ch. 354.

SALES
Tents and sleeping bags, prohibits sale of nonflame-resistant, C. 2A:123–16 et seq., Ch. 286.

SCHOOLS
Bd. Higher Education, authorized, contract with Dental School of Fairleigh Dickinson, acceptance of students, appropriate funds, C. 18A:64G–32 et seq., Ch. 345.
Bus drivers, medical exam required, C. 39:3–10.1a, Ch. 284.
County vocational schools, certain supplementary state aid authorized, Ch. 200.
1976 Elections, budgets, extends time, Ch. 267.
Election poll lists, available for public inspection, amends N. J. S. 18A:14–62, Ch. 298
Employees, charges against, procedure, amends 18A:6–11, Ch. 304.
Facilities and programs for handicapped children, certain out-of-state facilities and programs acceptable, amends N. J. S. 18A:46–14, Ch. 222.
Facilities for the physically handicapped, required in certain buildings, amends C. 18A:18–2.2 et al., Ch. 219.
Joint Committee on the Public Schools, created, C. 52:9R–1 et seq., Ch. 16.

SCHOOLS (Continued)
Marie H. Katzenbach School for the Deaf, expansion and renovation, appropriates $1,500,000.00, Ch. 308.
Medical and Dental Education Act of 1970, supplements, Ch. 66.
Nontenure teaching staff, evaluation required, C. 18A:27–3.1 et seq., Ch. 132.
Provides organizational structure for school districts in certain cities of the first class, C. 18A:17A–1 et seq., Ch. 169.
"Public School Education Act of 1975," provides for a thorough and efficient system of free public schools, C. 18A:7A–1 et seq., Ch. 212.
State aid, provides definition of "school district guaranteed valuation" for nonoperating districts, amends N. J. S. 18A:58–2, Ch. 244.

SEWERAGE
Municipal plant facilities, loss of real estate taxes to one municipality to be apportioned among all participating municipalities, amends R. S. 58:14–15, Ch. 254.

SHELLFISH
Sea clams, licensing and regulation, amends C. 50:2–6.1 et al., Ch. 398.

SKIING
"Ski Lift Safety Act," C. 34:4A–1 et seq., Ch. 226.

SOLID WASTE
"Solid Waste Management Act," revised, each county and Hackensack Meadowlands district, established as solid waste management district, amends C. 13:1E–1 et al., Ch. 326.

STATE
Aid to education, provides definition of "school district guaranteed valuation" for nonoperating districts, amends N. J. S. 18A:58–2, Ch. 244.
Authorizes payment of certain State aid to Hudson county board of chosen freeholders, Ch. 135.
Authorizes the purchase of prescription drug and other health care benefits for State employees by Health Benefits Commission, amends C. 52:14–17.29, Ch. 12.
Dept. of Community Affairs, "Maintenance of Viable Neighborhoods Act," C. 52:27–142 et seq., Ch. 248.
Department of Education, appropriation, $5,000,000.00, Ch. 118.
Department of Environmental Protection, appropriates $20,294,116.00 thereto, Ch. 158.
Department of Health, appropriates $300,000.00 for Hemophilia, Ch. 41.
Department of Higher Education, appropriation, $20,805,000.00, Ch. 138.
Department of State, $15,000.00, appropriation, Ch. 218.
Dept. of Transportation, study for the improvement of the intersection of U.S. 9 and Ernston road, Ch. 245.
Director of the Division of Motor Vehicle, to serve at the pleasure of the Governor, amends R. S. 39:2–2, Ch. 97.
Disaster relief, authorizes state participation in the federal advance payment program, amends C. App. A:9–35, Ch. 181.
Division of Aging transferred to Department of Community Affairs, amends C. 52:27D–28.1 et al., Ch. 36.
Division of Workers' Compensation, name change, C. 34:1A–5.1, Ch. 352.

STATE (Continued)
Facilities for the physically handicapped, required in certain public buildings, amends C. 52:32–4 et al., Ch. 220.
Joint Committee on the Public Schools, created, C. 52:9R–1 et seq., Ch. 16.
Parking spaces for handicapped persons, required in certain parking facilities, C. 52:32–11 et seq., Ch. 221.
Provides for escheat of money orders and travelers checks, amends N. J. S. 2A:37–13 et al., Ch. 168.
Public contracts, affirmative action program required, C. 10:5–31, Ch. 127.
Senior citizens week, designated 8/10/75 through 8/16/75, J. R. 4.
Sidewalks constructed to facilitate use by physically handicapped persons, required, C. 52:32–14 et seq., Ch. 224.
"The Neighborhood Preservation Housing Rehabilitation Loan and Grant Act of 1975," C. 52:27D–152 et seq., Ch. 249.
Uniform construction code, established, C. 52:27D–119, Ch. 217, 317.

SUNSHINE LAW
"Open Public Meetings Act," C. 10:4–6 et seq., Ch. 231.

TAXATION
Assessing omitted property, any tax year or next succeeding tax year, amends C. 54:4–63.31, Ch. 365.
Assessment for local improvements, certain farmlands, payment deferred, C. 40:56–41.1 et seq., Ch. 341.
Bank Stock Tax, date for filing assessment statement extended from January 10 to January 24, amends R. S. 54:9–5, Ch. 103.
Business Personal Property Tax Act, banking corporations subject to, amends C. 54:10A–3 et al., Ch. 170.
Capital Gains and Other Unearned Income, C. 54:8B–1 et seq., Ch. 172.
Capital gains and unearned income, income threshold raised, exemption on gain on sale of home extended, amends C. 54:8B–3 et al., Ch. 378.
Certain agricultural taxes, authorizes councils to alter the rate and manner of assessment, amends C. 4:10–74, Ch. 142.
Condominiums, assessment for taxation, amends C. 46:8B–19, Ch. 2.
Corporation Business Tax Act, amends C. 54:10A–15, Ch. 21.
Corporation Business Tax Act, banking corporations subject to, amends C. 54:10A–3 et al., Ch. 170.
Corporation Business Tax Act, certain financial business corporations subject to, amends C. 54:10A–4 et al., Ch. 171.
Corporation Business Tax, increases tax rate from 5½% to 7½%, amends C. 54:10A–5 et al., Ch. 162.
Director of Taxation authorized, enter into closing agreements and compromises, C. 54:53–1 et seq., Ch. 387.
Division of Tax Appeals, increases certain fees, amends C. 54:2–45, Ch. 150.
Farmland assessment applications for 1974, extends time for filing, Ch. 281.
"Local Tax Authorization Act of 1970," extended to 1977, amends C. 40:48C–5 et al., Ch. 262.
Motor fuels, exempts State and political subdivisions, amends R. S. 54:39–65 et seq., Ch. 314.
Municipal plant facilities, loss of real estate taxes to one municipality to be apportioned among all participating municipalities, amends R. S. 58:14–15, Ch. 254.

TAXATION (Continued)
Payroll tax authorized, certain municipalities, C. 40:48D–1 et seq., Ch. 20.
Penalties and interest re delinquent tax returns, increased, amends R. S. 54:49–3 et al., Ch. 177.
Property on which a municipality holds a tax sale certificate, provides for the use of income therefrom, amends C. 54:5–53.1, Ch. 195.
Real property tax, assessment exemption for home improvements in blighted areas, C. 54:4–3.72 et seq., Ch. 104, 283.
Sale of real property to enforce municipal liens, maximum interest rate upon redemption increased from 8% to 12% per annum, amends R. S. 54:5–32 et al., Ch. 210.
Tax appeals, payment of tax pending appeal, amends R. S. 54:3–27 et al., Ch. 361.
Unincorporated Business Tax, provides a temporary additional tax of ⅛ of 1% of gross receipts, C. 54:11B–24, Ch. 178.
Unincorporated Business Tax, retail motor fuel dealers, deduction of 100% taxes paid, amends C. 54:11B–25, Ch. 391.

TEACHERS
Alternate retirement benefits program, tax shelter contributions, certain colleges, amends C. 18A:66–174, Ch. 364.

TRANSPORTATION
Bus and railroad subsidies continued to 7/1/76, watchdog committee restructured, C. 27:1A–28.1 et al., Ch. 22.
Counties of the fifth class authorized to establish public transportation system, C. 40:35A–1 et seq., Ch. 83.
Handicapped and senior citizens, half fare, motorbus and rail transportation, amends C. 27:1A–64 et al., Ch. 271.
Park-and-ride lots certain, railroad stations charges for use, regulated, C. 27:1A–18.1 et al., Ch. 371.
Reallocates $4.3 million from State Transportation Fund, certain highway projects, Ch. 324.
Reduced student fares, limits reimbursements to jitney operators, C. 48:3–39, Ch. 146.

UNEMPLOYMENT COMPENSATION
Benefits, certain employees, determination of benefits, amends R. S. 43:21–6, Ch. 385.

VETERANS
Tuition credit, reimbursement to educational institutions, C. 18A:71–64 et seq., Ch. 356.

VETERANS AFFAIRS
Education of war orphans, amends R. S. 38:20–1, Ch. 225.

VALIDATING ACTS
School bond proceedings, Ch. 4 and 133.

VOLUNTEER SERVICE ORGANIZATIONS
First aid, rescue and ambulance squads, certain certificate of need not required, amends C. 26:2H–2, Ch. 199.
Volunteer fire companies, first aid, rescue and emergency squads, and civil defense units, provides immunity in certain cases, C. 2A:53A–13.1, Ch. 196.

WELFARE
Grandparents relieved of responsibility to support grandchildren, amends R. S. 44:1–140 et al., Ch. 1.

WETLANDS AND COASTAL AREAS
Prescribes procedure for State Construction permits under Wetlands and Coastal Area Facility Review Acts, C. 13:1D–29 et al., Ch. 232.

WORKMEN'S COMPENSATION
Statute of limitations for review of case tolled during period of insanity, amends R. S. 34:15–27, Ch. 319.